

ORDINANCE NO. 3320

AN ORDINANCE AMENDING SECTIONS 6-512 AND 6-513 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS CONCERNING ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY, AND REPEALING EXISTING SECTIONS 6-512 AND 6-513.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. That Section 6-512 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

6-512. Overhang encroachment removal; exceptions.

Any overhang encroachment shall be removed by the owner or persons permitting the erection, construction, installation, placing or maintenance of the same, provided that overhang encroachments are permitted in the "C-4, Central Business District" under the following conditions:

- (a) Awnings, canopies, marquees and similar installations supported wholly from the face of the building shall be permitted, provided that the edge of such encroachment be not less than three feet back of the face of the curb and in conformance with all other provisions of this article.
- (b) Advertising or other similar signs supported wholly from the front of the building shall be permitted to remain in place until such time that they become functionally or structurally obsolete.
- (c) Replacement of obsolete or installation of new advertising or other similar signs attached to the building will be permitted provided that such signs are parallel to the building and the overhang does not exceed one foot.
- (d) In the event the encroachments referred to in (a), (b) and (c) above, by reason of color or placement, obscure or in any way detract from the effectiveness of the highway signs or traffic signals, the city may cause the removal of such encroachments in the manner hereinafter provided for the removal of encroachments in violation of this article.
- (e) The city reserves the right to remove or have removed any encroachment authorized under this section if such removal is deemed necessary to facilitate the movement of traffic; to provide the city or other public utilities with access to public infrastructure; or provide for the public safety, convenience, or necessity in use of public ways and places. The cost of such removal shall be at the sole expense of the property owner.

SECTION TWO. That Section 6-513 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

6-513. Ground-supported encroachment removal; exceptions.

Any ground-supported encroachment shall be removed by the owner or persons permitting the erection, construction, installation, placing or maintenance of the same, provided that ground-supported encroachments are permitted in the "C-4, Central Business District" under the following conditions:

- (a) Ground-supported installations shall be permitted in the alleys to provide access to rear building entrances after obtaining a building permit from the city.
- (b) The city reserves the right to remove or have removed any encroachment authorized under this section if such removal is deemed necessary to facilitate the movement of traffic; to provide the city or other public utilities with access to public infrastructure; or provide for the public safety, convenience, or necessity in use of public ways and places. The cost of such removal shall be at the sole expense of the property owner.

SECTION THREE. Repealer. Existing Sections 6-512 and 6-513 of the City Code of the City of Abilene, Kansas are hereby repealed.

SECTION FOUR. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication by summary in the official City newspaper.

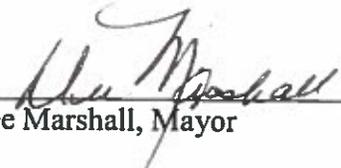
PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 13th day of February, 2017.



ATTEST:


Penny Soukup, CMC
City Clerk

CITY OF ABILENE, KANSAS

By: 
Dee Marshall, Mayor

APPROVED AS TO FORM:


Aaron O. Martin, City Attorney