

(Published in the *Garden City Telegram* the 18<sup>th</sup> day of June, 2022)

ORDINANCE NO. 461

AN ORDINANCE ADDING ARTICLE 7 OF CHAPTER XIV TO THE CITY CODE FOR THE CITY OF SUBLETTE, KANSAS PERTAINING TO RAILROAD CROSSINGS WITHIN THE CITY OF SUBLETTE, HASKELL COUNTY KANSAS.

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

Section 1.

The following shall be added as a new article under Chapter XIV to the City of Sublette, Kansas City Code:

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Article 7. Railroad Crossings

**14-901. Stopping at intersections.**

The engineer or conductor or other persons responsible for the operation of railroad trains shall not allow such train, engine or cars thereof to block or impede traffic on any street crossing said railroad tracks for a period longer than ten (10) minutes.

**14-902. Maintenance of crossings, culverts, water ways.**

Every person or corporation owning or operating any railroad within the corporate limits of the City of Sublette, Kansas, is hereby required to keep the streets and alleys over which it runs properly drained, to construct and keep in repair to their full width in a safe and smooth condition, all crossings over all streets and alleys, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets and alleys over which their tracks run, and to conform their tracks to the grade of the street and alleys over which they run, so as to make the top of the rails level with the grade of the street or alley established by the said City.

When the street or alley over which the tracks of any such railway company shall cross is improved by the construction of a hard surfaced road, the said railroad company shall pave the space between the rails and for a distance of two feet (2') on each side thereof with a pavement of the same or a better type for the full width of the pavement of said improved street or alley, and in the event of the removal of a rail or track, shall fill, repair and repave the excavation or other damage caused thereby with the same quality of materials and same manner of construction as the street or alley from which the removal is made.

All work described and required in this Section shall be performed in a workman like manner and shall generally conform to the laws of this State and generally conform to the standards established by the American Railway Engineering Association, AAA, entitled "Specifications for Highway Grade Crossings Over Railroad Tracks" and all such work shall be accomplished at the expense of said railway company.

In the event any street or alley crossing within the corporate limits of the City of Sublette shall become defective so that it is dangerous or hazardous to the traveling public or so impedes vehicular traffic as to cause obstruction or slowing of such traffic to the detriment of public welfare and safety, the railroad company whose tracks cross said street or alley shall be notified in writing by the City, of such defect or dangerous or hazardous condition and shall be directed to correct such condition within ninety (90) days after receipt of said notice. In the event said railway company so notified shall fail and neglect or refuse to lay, re-lay, construct or reconstruct or repair its railroad track or tracks or crossings to correct such defect or dangerous or hazardous condition within said ninety (90) day period, the City, or its delegate, may make the necessary construction and repair of said track, tracks or crossing and the cost and expense of the same shall be a lien upon the property of such railway company in the same manner as other taxes are assessed, levied and collected. Said notice of repairs or reconstruction shall be ordered by the governing body, signed by the Mayor, attested by the City Clerk and the City's official seal affixed thereto, and served by any police officer of the City, or by certified mail, with return receipt requested, upon any agent of such railway company.

**14-903. Compliance required**

Any railroad company conductor, engineer or other person who violates or fails to observe any of the provisions of this article shall upon conviction be guilty of a misdemeanor.

Upon any complaint made against any railroad company or corporation for a violation of this article, a warrant shall be issued as in other cases and be served by delivering a certified copy thereof to any station keeper, ticket agent, local superintendent of repairs, or freight agent of such railroad company or corporation in said City, and upon return of such warrant with the certificate of such service, the Municipal Judge shall proceed to hear and try said complaint and render judgment thereon, as in other cases.

**14-904. Failure to comply.**

The failure to comply with the provisions of this article shall, in addition to any other remedy herein provided be deemed a misdemeanor and upon conviction the offending railroad company may be fined in a sum not to exceed one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense. In addition to such criminal prosecution, the City of Sublette may, at its option, move to enforce the provisions of this article by injunction, execute the self help remedy as contained herein and/or pursue other appropriate civil remedies."

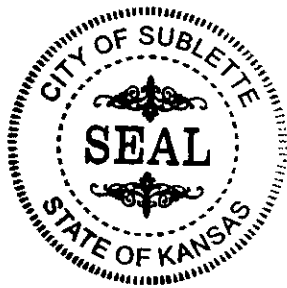
Section 2.

Publication and Effective Date. The Ordinance shall become effective upon its publication one time in the Garden City Telegram, the official City Newspaper of Sublette, Kansas

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS, THIS 6<sup>th</sup> DAY OF JUNE, 2022.

  
LAWRENCE HOERMAN-MAYOR

(SEAL)



ATTEST:

  
SHAYLA MAKINGS-CITY CLERK