

(Summary Published in the Times-Sentinel  
on the \_\_\_\_ day of \_\_\_\_\_, 2015.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 886

AN ORDINANCE REGULATING THE USE OF THE  
PUBLIC LANDS SURROUNDING AND CONTAINING  
THE EXISTING WATER TOWER OF THE CITY OF  
CHENEY, KANSAS BY ESTABLISHING POLICY AND  
PROCEDURES.

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

Section 1. Authorized Acts

Pursuant to the terms and conditions of a valid written agreement with the City of Cheney, Kansas and, in compliance with the provisions of this Ordinance and all applicable local, state and federal laws, rules and regulations, an individual, proprietorship, partnership, company, corporation, municipal corporation or other entity is hereby authorized to construct, erect, lay or otherwise place a pipeline, transmission line, main, pole, tower, sign or other structure adjacent to, upon and/or within the existing water tower adjacent to the intersection of Sunset and Sixth within the corporate limits of the City of Cheney, Kansas and/or above, within, along, across, under or over any public land adjacent to said water tower.

Section 2. Policy and Procedures

The following policies and procedures are hereby established for the purpose of regulating use of said water tower and adjacent public lands within the corporate limits of the City of Cheney, Kansas.

- A. The authority to use and occupy said water tower and adjacent public lands shall always be subject and subordinate to the safe and efficient operation of the water tower, the ongoing ability of the City of Cheney, Kansas to obtain public financing for the operation of and/or improvements to said water tower, and all applicable public health, safety, and welfare requirements and regulations.

- B. Every use/occupancy shall comply with all applicable laws, rules, and regulations.
- C. All structures and/or facilities using and/or occupying said water tower and/or adjacent public lands shall be maintained free of damage or defect and totally and properly removed when no longer in use.
- D. The construction, operation, maintenance, and repair of structures and/or facilities using and/or occupying said water tower and/or adjacent public lands shall be in accordance with applicable health, safety and construction codes and standards. All contractors, agents, affiliates, employees, or subcontractors used for such work shall be properly licensed under all applicable laws.
- E. Any and all damage or disturbance to said water tower and/or adjacent public lands during construction, operation, maintenance, and repair of structures and/or facilities using and/or occupying said water tower and/or adjacent public lands shall be promptly repaired or replaced to its functional equivalence prior to being damaged or disturbed.
- F. Each contractor, agent, affiliate, employee, or subcontractor shall be accountable for the obligations herein to the same extent as the principal.

Section 3. Penalty.


Any person, proprietorship, partnership, company, corporation, municipal corporation or other entity violating any of the provisions of this Ordinance shall, upon conviction thereof by the Municipal Court of the City of Cheney, Kansas, be fined in an amount not to exceed five hundred dollars plus court costs. Each day constitutes a separate violation.

Section 4. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Adopted by the City Council this 24th day of August, 2015.

Approved by the Mayor this 24th day of August, 2015.

  
MAYOR, LINDA BALL

SEAL

ATTEST:

  
CITY CLERK, DANIELLE YOUNG