

Ordinance No. 168

An Ordinance concerning sidewalks. Be it ordained by the board of Trustees of the Incorporated Town of Las Animas.

Section 1

Whenever the owner of one half of the frontage upon the sidewalk of any street, or any specified portion thereof, within the incorporated town of Las Animas, shall petition of the Board of Trustees for the construction of such sidewalks, or whenever a two-thirds majority of the numbers of the Board of Trustees, shall decide that such improvements are necessary, they shall immediately order that such walks be constructed. Power is hereby conferred upon the Board of Trustees to cause the construction and repair of such sidewalk according to the provisions of this ordinance at any point in the incorporated town of Las Animas whenever a two thirds majority of the Board of Trustees shall, by resolution, duly passed and spread upon the minutes of any regular meeting of said board decide that said improvement are necessary; said resolution shall specify accurately the Location of said Sidewalk, and shall specify the time within which the same shall be constructed and kind of material to be used. The provisions of this ordinance shall be deemed and construed to be for the purpose of carrying into effect the police powers of the town of Las Animas as to the construction and repairs of sidewalks, and shall not be construed as imposing a special tax under the taxing power.

Section 2

All sidewalks except as hereinafter otherwise provided shall be five feet in width and shall be constructed of either well dressed and jointed sand stone flagging, cement, asphaltum, vitrified tile or vitrified brick, and the same shall be laid in a firm and permanent foundation of suitable material, according to the specifications prepared by and under the supervision of the town Engineer said sidewalk shall be located, the inside line thereof, two feet from the property line, and shall be laid strictly and accurately upon and in accordance with grades and levels filed by the ordinance or ordinances of Las Animas now in force, or hereinafter adopted, sidewalks shall be repaired with the same kind of material as that used in the construction of same.

Section 3

Whenever the board of trustees shall order the construction or repairs of any sidewalks, the street commissioner shall forthwith serve a written or printed notice upon the owner or agent of each lot or parcel of land fronting

said sidewalk, requiring him to construct or repair as much, thereof as abutts the lot owned by him or for which he is agent, within Thirty days from date of service of such notice incase of the construction and within ten days in case of repair of said walk. According to the plans and specifications provided by the town Engineer and to the satisfaction and approval of such Engineer. In case the owner of any such parcel of land ar lot be non-resident and have no resident agent upon whom said notice can be served, the street commissioners shall publish a notice of like tenor and effect, for a period of four weeks in the official paper of the Town of Las Animas.

Section 4

In case the owner or agent facts to construct or repair such sidewalk with- in the time specified in such notice, the street commissioner may cause the same to be done, and upon the completion of such works, make out and deliver to the Clerk and Recorder of said Town, a certificate showing the cost thereof and the description of the property in front of which said work was performed and the name of the party or parties who performed the work ar furnished the materials there for, and the amounts owing to each and the Board of Trustees shall, at their next Regular meeting cause warrants to be drawn upon the Trea- surer for such labor and material and shall thereupon assess the cost of such construction or repair of such sidewalks against the land or parcels of land fronting upon such sidewalk, specifying the exact amount so assessed and the expense of the construction or repair of such walks is here by assessed against said property and is hereby made and declared to be a lein against some until paid.

Section 5

Upon fiting with Clerk and Recorder of any such certificate, and the assessment by the Board of Trustees as provided in the foregoing sections, shall the Board of Trustees designate and set a time and place when and where s such land or lot owner may appear before the Board of Trustees and be heard as to the justness and correctness of the amount so certified and assessed a gainst his lot, lots or parcel of land; and thereupon the Clerk and Recorder shall cause to be published in the official town paper of said town, for a period of ten days a notice to such lot or land owner setting forth the time and place so fixed, when and where he or they may appear before the Board of Trustees for the purpose aforesaid. At the time and place mentioned and fixed by the Board of Trustees said Board shall meet and hear and consider any and all complaints of any lot or land owner effected by such assessments and correct any aind all errors and remedy any injustice to complained of in any such certificate and assessment.

Section 6

In case the owner of any lot, lots or parcel of land shall fail to pay any assessments to the Clerk and Recorder within thirty days after the meeting of the board of Trustees mentioned in the preceeding section, the sahl be by the clerk and recorder of said town of Las Animas certified to the Clerk And Recorder of Bent County or to the officer then having the custody of the tax list at the time such certification be made, to be by him placed upon such tax list for the current year to be collected in the same manner as other taxes an collected with ten per cent in penalty thereon to defray the cost of collection, such assessment shall be and remain a lein upon such lot, lots or parcels of land until paid by the owner thereof.

Section 7

Immediately after the passage of this ordinance the Board of Trustees shall appoint a competent civil engineer to be town Engineer for the town of Las Animas, Who shall receive such reasonable compensation as shall be decided upon by the Board of Trustees for pæparing the plans hereinafter mentioned, and not to exceed \$2.50 to be paid by the property owner in case he constructs his own walk, and not to exceed \$2.50 to be taxed against the property and the owner thereof if constructed by the town of Las Animas, for the superintending the c nstruction of each fifty feet of walk laid under his direction and supervision, Said town Engineer shall prepare a set of plans and specifications for the construction and repair of all sidewalks cross walks and alley crossings

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in the said town of Las Animas covering the various materials specified in this ordinance of which sidewalks may be constructed which said plans and specifications shall be kept on file in the office of the Clerk and Recorder of said Town who shall permit copies thereof to be made by the contractors and others desiring the same.

Section 8

Whenever any store building opera house Hotel or business house of any kind fronts on any street in said town or whenever the Board of Trustees shall by a two thirds vote determine it to be necessary the sidewalk abutting said property shall be made 12 feet in width and in case of walks now constructed the same shall be made 12 feet in width according to the plans and specifications of the town engineer, whenever said Board of Trustees shall be a two thirds vote determine such twelve foot walk to be necessary, and the inside line of said walk shall be coincident with the property line, said walk to be constructed according to the plans and specifications prepared by the Town Engineer and in accordance with the provisions of this Ordinance and whenever in said town any new building shall be constructed which under the terms of this section requires a 12 foot sidewalk, the old sidewalk shall be removed and a new one constructed, complying strictly with this said plan and specifications and this Ordinance unless the sidewalk already constructed complies therewith all cross walks and alley crossings shall be constructed from walk to walk by the Town of Las Animas and said cross walk and crossings shall be six feet wide in the business portion of the Town and 4 feet wide in the residence portion of the Town and shall consist of two parallel curbs made of good sand stone or cement reinforced from the outside by concrete or cracked stone the body of said crosswalks and alley crossings shall be constructed of cement or first quality vitrified brick, all of said cross walks and alley crossings shall be constructed according to plans and specifications prepared by the town engineers, It shall be the duty of the Board of Trustees to enforce this section and the construction and repairs of such sidewalks by any or all the means herein provided.

Section 9

All openings in the sidewalk for the admission of fuel or light shall be securely covered with iron or iron and glass covers, said openings and covers to be constructed according to plans and specifications prepared by the town engineer. The owner agent or acceptant of any building used for business purposes in said town of Las Animas may construct and maintain so long as said building shall be used for such purposes upon the front of said building, or upon any public alley at the side of thereof an opening not projecting more than three and one half feet from the outer edge of the building for the purpose of affording ingress and egress from the basement or cellar of such building for business purposes; provided that every such opening shall be provided with a substantial cover or grating of Iron, or in case a stairway shall be maintained in said opening from the street or alley to the basement or cellar of the said building, by a suitable and safe railing of iron to be approved by the town Engineer, and in case any opening shall be constructed, maintained or permitted to exist in any sidewalk except in strict compliance with this and the foregoing sections the owner or agent of the premises adjoining the same shall be liable to a fine not exceeding one Hundred Dollars a day for each day he neglects or refuses to properly enclose or protect said opening after notice from the street commissioner so to do.

Section 10

It shall be lawful for the Board of trustees, should said Board deem it the best interests of the Town, to enter into contract with some person association or corporation to build all sidewalks to be constructed by the town of Las Animas, said walks to be constructed according to plans and specifications prepared by the Town Engineer and subject to his approval or such sidewalks may be constructed by the street commissioner as hereinto provided, and in all cases it shall be the duty of the street commissioners to certify the cost thereof to the Board of Trustees as provided in Section Four hereof.

Section 11

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect five days after its publication in the Bent County Democrat the official paper of the Town of Las Animas.

Passed at a regular meeting of the Town Council held June 6, 1906,
Ayes: H.N.Carman, H.W.Vigar, J.R.Sullivan, Wm.North, J.O.Hardy and J. M. Marshall. Nays: None.

Date of publication June 14, 1906.

ATTEST:

Ben Dumbauld

Approved
H.L.Lubers
Mayor

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