

ORDINANCE NO. 840

AN ORDINANCE ADOPTING NEW REGULATIONS GOVERNING THE USE OF PUBLIC RIGHTS-OF-WAY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. The Lecompton City Code is hereby amended by adding Chapter XII, Article 3, which reads as follows:

**ARTICLE 3. PUBLIC RIGHTS-OF-WAY**

- 12-301        **PERMIT REQUIRED.** Except as otherwise provided, it shall be unlawful for any person to excavate, bore, trench, or tunnel in any right-of-way or conduct any construction, installation, reconstruction, repair, modification, or replacement of facilities or improvements located within the right-of-way without first obtaining an approved right-of-way permit from the City.
- 12-302        **EXEMPTIONS.** The permit requirements of this Article shall not apply to:
- (a) City employees and City contractors working on public facilities and improvements in the right-of-way.
  - (b) Persons performing minor and routine service operations that do not require excavation, boring, trenching, or tunneling in the right-of-way.
- 12-303        **APPLICATION.** Each application for a right-of-way permit shall be made to the City Clerk on forms provided by the City Clerk for that purpose. In addition, the applicant must remit payment of the nonrefundable permit fee to the City in connection with the application. The amount of the permit fee shall be established from time to time by the governing body. Applications which are incomplete, lack the requested documentation, or do not include payment of the permit fee will be denied. Moreover, the City may deny an application if the City has previously revoked the applicant's right-of-way permit within the past two (2) years, or if the applicant failed to comply with a material condition imposed on a prior right-of-way permit.
- 12-304        **PERMITTED WORK.** (a) Prior to the commencement of any work under the permit, the permittee shall arrange for the location of all relevant utilities within the right-of-way through the "Kansas One Call" system. In addition, the permittee must contact the City to request the marking of City water and sewer lines within the right-of-way.
- (b) The permittee shall perform all work under the permit in a safe manner and in accordance with applicable federal, state, and local laws, orders, rules, and regulations.

(c) The permittee shall be liable for any damages to underground facilities due to work performed prior to obtaining location of such facilities, or for any damage to underground facilities that have been properly marked or identified prior to the work.

(d) Following completion of the work under the permit, the permittee shall repair and restore all portions of the right-of-way to its condition immediately prior to the work, as determined by the City. The permittee shall be liable for any damages caused by its failure to repair and restore the right-of-way following completion of its work.

12-305 PERMIT REVOCATION. The City may, in the exercise of its discretion, revoke a right-of-way permit if the permittee's use of the right-of-way creates a traffic or safety hazard, the permittee violates any provision of this Code or other applicable law, order, rule, or regulation, or the permittee fails to comply with a condition imposed on the right-of-way permit.

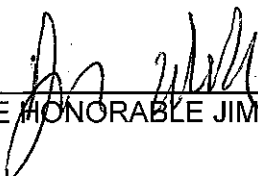
12-306 APPEAL. Any person aggrieved by a decision denying a right-of-way permit application or revoking a right-of-way permit may appeal the decision to the governing body. The appeal must be made in writing and within 14 days of the date of the denial or revocation. The governing body shall, as soon as practicable, hear the appeal at a public meeting.

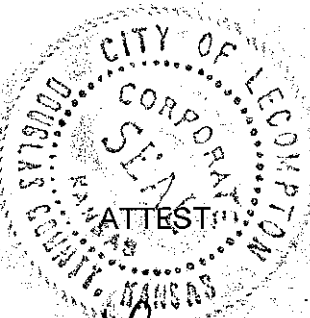
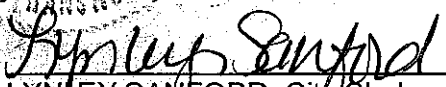
SECTION 2. All ordinances or parts or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall take effect and be in full force and effect following its adoption and publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 17th day of November, 2025.

  
\_\_\_\_\_  
THE HONORABLE JIMMY WILKINS, Mayor

  
  
\_\_\_\_\_  
LYNLEY SANFORD, City Clerk