

## CHAPTER 91: STREETS AND SIDEWALKS

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## GENERAL PROVISIONS

#### § 91.12 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the City Commission or other authorized city official, and in accordance with rules, regulations, and specifications approved by the City Commission.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make such fill and restoration. The City Clerk or other proper administrative officer shall proceed to collect the cost of the work performed by the City due from the permittee.

#### § 91.13 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 91.99

#### § 91.14 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, shall install warning lighting in accordance with the most current edition of the Federal

Highway Administration's Manual for Uniform Traffic Control Devices (MUTCD)

Penalty, see § 91.99

#### § 91.15 SIDEWALK CONSTRUCTION; REPAIR.

(A) Purpose. The purpose of this section is to provide the city and its residents the opportunity to repair, maintain and construct the sidewalks located within the corporate boundaries of the city in such a manner as to safeguard life, health, property and public welfare within the city.

(B) Scope. The provisions of this section shall apply to the removal, repair, construction and maintenance of any sidewalk located within the corporate boundaries of the city. In the event there is an apparent discrepancy in the requirements specified in different

sections of this code, or between the requirements of this chapter and of any other applicable law the more restrictive shall govern.

(C) Repair of sidewalks.

(1) The owners of property abutting on public ways within the city in which a sidewalk is located are required to maintain that part of the sidewalk adjoining the property respectively belonging to them at their own expense by repairing any holes, uneven surfaces and other defective places therein by using the materials as nearly similar as possible to that of which the sidewalk is constructed.

(2) As soon as it ascertains the existence of defects of a sidewalk in the city, the City Commission shall notify, in writing, the owner of the property abutting the public way in which the sidewalk is located, to repair same at his own expense within a period of 60 days after delivery of the notice.

(3) In the event the owner fails to make such repairs, the City Commission is authorized to have the necessary repairs made and to assess the cost of same to the owner and notify the owner of the assessment in writing.

(4) In the event said owner fails to remit the costs as assessed within 30 days of the notice as given in division (C) above, the City Clerk shall take the necessary steps to place a lien against the abutting property owner in the office of the Jefferson County Clerk in the amount of the unpaid assessment.

(D) City participation.

(1) At the time the City Commission notifies the owner of the property abutting the public way in which the sidewalks is located as to the existence of defects in the sidewalk pursuant to division (C) above, it shall also advise the property owner that the city will participate in the repair or maintenance and upon approval of the contractor hired to do repair or maintenance.

(2) In no event will the city reimburse the property owner to the extent as outlined in division (D)(1) above if the repair or maintenance is done by the property owner without the consent of the city.

(3) In the event that the property owner participates with the city in the repair or maintenance of the sidewalk abutting to the owner's property as outlined under division (D)(1), the City Commission may develop a plan of payment with each property owner.

(Ord. 92-03, passed 10-26-92) Penalty, see § 91.99

## ROAD AND BRIDGE PROJECTS

### § 91.25 PUBLIC HEARING REQUIRED.

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall hold a hearing in accordance with the provisions of this subchapter to

determine the interest of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes.

(KRS 174.100)

#### § 91.26 NOTICE REQUIREMENTS.

Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of determining the interest of the public with regard to road and bridge matters within the city. Notice of the hearing shall be given not less than seven days nor more than 21 days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.

(KRS 174.100(1))

#### § 91.27 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.

(KRS 174.100(2),(3))

#### § 91.28 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held.

(KRS 174.100(4))

#### § 91.29 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

(KRS 174.100(5))

### § 91.30 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project.

(KRS 174.100(6),(7))

### OBSTRUCTIONS

#### § 91.40 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 91.99

#### § 91.41 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 91.99

#### § 91.42 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

#### § 91.43 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 24 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see § 91.99

§ 91.99 PENALTY.

The person or entity causing damage or obstruction to the sidewalk pavement or street pavement shall be responsible for the repair or replacement of same within 15 weekdays. The time period may be extended or shortened upon mutual agreement by and between the Mayor and the person or entity responsible for the repair or replacement. Said agreement must be reduced to writing and signed by both the Mayor and the responsible party.

Any person or entity obstructing or encumbering any street or sidewalk within the city limits shall be subject to a \$100 per occurrence fine, with each 24 hour period, or part thereof, constituting a separate occurrence.

Any homeowner not clearing their sidewalk of snow within 48 hours may be subject to a \$25 / day fine from the point the violation is identified. Each day of a continuing violation shall count as a separate violation.

PASSED AND ADOPTED by the City Legislative Body of the City of Seneca Gardens this 17th day of July, 2023.

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Robert Kaufman, Mayor

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Second Reading: July 17, 2023

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ATTEST: \_\_\_\_\_  
Margaret Jones, City Clerk