

ORDINANCE NO. 13 SERIES 2015
CITY OF LA GRANGE, KENTUCKY

MODIFYING §§ 91.06, 91.34 & 91.75 CONCERNING SIDEWALKS

Whereas, the City Council of the City of La Grange, Kentucky, has the authority pursuant to statute to enact Ordinances relating to the City, and

Whereas, it is desirable that modifications be made to certain sections of the code of ordinances, and

Whereas, it is therefore necessary that appropriate terms concerning sidewalks be changed or eliminated and this requires modification of §§ 91.06, 91.34 & 91.75 of the code of ordinances.

BE IT ORDAINED THAT §§ 91.06, 91.34 & 91.75 CONCERNING SIDEWALKS BE MODIFIED AS FOLLOWS:

Section 1:

§ 91.06 SIDEWALK CONSTRUCTION.

(A) ~~It shall be the duty of the an~~ authorized city official ~~to~~ may supervise construction or repair of sidewalks within the city. He ~~shall~~ may cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall authorize the Mayor to contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The Mayor, if authorized by City Council, may make separate contracts for the different kinds of work with different parties.

(B) The construction and reconstruction of the sidewalks and curbs shall may be made at the exclusive cost of the owner of the lots, parts of lots, or land fronting, abutting, or bordering upon the area to be improved, if the City Council determines that is desirable. ~~The~~ costs of construction or reconstruction shall be assessed upon the lots, parts of lots, or land fronting, abutting, or bordering upon the area to be improved in proportion to the frontage owned along the area to be improved and in accordance with the procedures set forth in §§ 33.10 through 33.18 of this code.

See prior Ord. 86, passed 4-10-08.

~~**§ 91.34 SALES ON STREETS AND SIDEWALKS PROHIBITED.**~~

~~—It shall be unlawful for any person, firm, or corporation to conduct a sale by auction or otherwise of any merchandise, goods, wares, or produce on the streets and sidewalks of the city.
(Ord. 424, passed 3-2-53) Penalty, see § 91.99~~

§ 91.75 STANDARDS OF SIDEWALK MAINTENANCE.

(A) Responsibility. Unless otherwise specified herein, all owners, occupants, and persons having the care and custody of buildings and lots in the city shall be responsible for performing the duties set out herein and shall be separately and equally punishable by fine or other penalty for all violations of this section, provided that failure of civil

authorities to charge any one of these responsible persons for violation of this section shall not preclude enforcement hereof against another such responsible person. Third parties causing damage to sidewalks shall likewise be responsible for repair and shall be punishable for failure to repair to the same extent as are owners, occupants, and custodians.

(B) Enforcement. The ~~Street Superintendent~~ Director of Public Works shall be responsible for making all inspections and issuing all notices required hereby.

(C) Removal of litter. It shall be the duty of the owner, occupant, or any person having the care of any real estate abutting on any sidewalk to keep the sidewalk free of dirt, litter, and trash at all times. Any such person who permits such conditions to continue after reasonable notice to clean the sidewalk from the ~~Street Superintendent~~ Director of Public Works shall be deemed in violation of this section.

(D) Damage to sidewalk. It shall be unlawful for any person to dig, break, displace, or damage in any manner any sidewalk or curb, except in making improvements to adjoining lots. Whoever shall so dig, break, displace, or damage any sidewalk or curb while making adjoining improvements shall restore the sidewalk or curb to its proper condition within forty-eight (48) hours after completion of such work or damage unless such time should be extended by the ~~Street Superintendent~~ Director of Public Works. All repairs shall be in conformity with the requirements of the ~~Street Superintendent~~ Director of Public Works. Persons causing sidewalk damage unrelated to adjoining improvements shall be jointly responsible with property owners, occupants, and custodians for repair.

(E) Specifications of sidewalk construction. It shall be the duty of the ~~Street Superintendent~~ Director of Public Works or other authorized person to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of the various types of pavement and shall transmit specifications to the legislative body for approval. Any homeowner or property owner installing new or repairing existing sidewalks pursuant to the provisions of this section shall obstruct the sidewalks to conform to the specifications prepared by the ~~Street Superintendent~~ Director of Public Works.

(F) Notice and time for sidewalk repair.

(1) Whenever the ~~Street Superintendent~~ Director of Public Works discovers in the city the existence of holes, cracks, or other sidewalk defects causing depressions or uneven surfaces of more than $\frac{3}{4}$ -inch, it shall be his duty to notify the owner of the abutting property in writing to repair the sidewalk at his own expense within a period of thirty (30) days after delivery of such notice or be subject to fine. Such notice directed to the owner of the abutting property shall describe the property location and shall identify the area (in square feet) of the sidewalk to be repaired by reference to pavement markings or in such other manner as to make the defective pavement ascertainable. If such owner by a nonresident of the city, or cannot be found, the notice will be delivered to his agent having charge of the property, and if there be no such agent, it may be delivered to the occupant of the property.

(2) It shall be the duty of each owner of property in the city within thirty (30) days after receipt of the above-required notice to repair, at his own expense, all holes, uneven surfaces, cracks, breaks, deterioration, and other defects in the sidewalk upon which the property abuts, as specified in the notice and in accordance with the provisions of this section; provided, however, that concrete sidewalks

shall not be poured with the temperature is below 40°F though the thirty (30) days may have expired, but shall be poured as soon as possible after that temperature has been reached.

(3) Nothing in this section shall be construed to waive or affect the right of the city to order the reconstruction of any sidewalk at any time upon less than thirty (30) days' notice when determined by the ~~Street Superintendent~~ Director of Public Works that an especially hazardous condition exists.

(4) Any owner or any agent of the owner or occupant of such property who shall fail to repair defective sidewalks as required in this section shall be personally liable in the civil action for any personal injury or property damage resulting therefrom.

(G) Maintenance by city. Notwithstanding any provision herein to the contrary, the city may, at its election, and without notice other than provided above, effect the cleaning or sidewalk repairs required herein and charge the responsible person for the actual cost of labor or materials, or for the contract price.

~~(H) Penalty.~~

~~—(1) Should the property owner fail to repair the sidewalks pursuant to the above notice within thirty (30) days from the date of the notice, or begin the repair of the sidewalks within thirty (30) days, the city may issue a citation for the property owner to appear in the County District Court and be subject to a fine for violation of this section, said fine being between ten dollars (\$10.00) and five hundred dollars (\$500.00) as set by the County District Court in its discretion. Each day that the sidewalks are not repaired after the thirty (30) day notice shall constitute a separate offense.~~

~~—(2) In the alternative, and solely at the discretion of the city, if the city should elect to repair the sidewalks as provided by division (G) above, the city shall forward to the property owner the bill for the materials for the repair of the sidewalk. The property owner shall have thirty (30) days from the date of the receipt of the bills for the materials to pay same to the city. If the bill for the materials shall remain unpaid for a period of thirty (30) days, the city, at its discretion, may place a lien against the property for the cost of the materials as well as the interest at the legal rate, plus all costs of filing.~~

See prior Ord. 10-88C, passed 9-6-88.

Section 2:

This Ordinance shall become effective upon its passage and publication.

First Reading: October 5, 2015

Second Reading: November 2, 2015

JOE DAVENPORT, MAYOR
CITY OF LA GRANGE, KENTUCKY

ATTEST:

STEPHANIE COOPER, CITY CLERK
CITY OF LA GRANGE, KENTUCKY

VOTE:

FOR: 7
AGAINST: 0
ABSTAINED: 0
PRESENT: 7