

CITY OF BELLEVUE
ORDINANCE 2022-02-02

**AN ORDINANCE AMENDING CITY OF BELLEVUE CODE OF
ORDINANCE § 97.35 TITLED SIDEWALK AND PAVEMENT
CONSTRUCTION, RECONSTRUCTION AND REPAIR TO EXPAND
OPTIONS FOR PROPERTY OWNERS WHEN REPAIRS TO SIDEWALKS
ARE NECESSARY.**

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WHEREAS, the current City of Bellevue ordinance regulating sidewalk repairs calls for a process as follows: City notifies the owner of a defect in a sidewalk; owner has 30 days to repair; if no repair is undertaken, then the City can correct the defect and place a lien on the owner's property; the owner is subject to a criminal misdemeanor; and

WHEREAS, the Mayor and City of Bellevue Board of Council desire to modify the approach to sidewalk enforcement, and enhance the probability of necessary sidewalk repairs by providing options to property owners when a sidewalk needs to be repaired, to underwrite some of the costs to incentivize repairs, and to make violations subject to a civil process, not a criminal action.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF BELLEVUE, KENTUCKY:

Section 1

That Ordinance Nos. Am. Ord. 84-51, Am. Ord. 89-12-4 and Am. Ord 91-6-7 as codified in Bellevue's Codes of Ordinances § 97.35, et seq. and any amendments thereto are amended as indicated herein.

Section 2

**SIDEWALK AND PAVEMENT CONSTRUCTION, RECONSTRUCTION,
AND REPAIR**

**~~§ 97.35 OWNER TO BE NOTIFIED WHEN TO CONSTRUCT AND MAINTAIN
SIDEWALK OR PAVEMENT ALONG PROPERTY.~~**

~~—(A) Within a specific time frame which must be a minimum of 30 days after written notice is given by the Building Inspector or City Administrator to any person owning an improved or unimproved real estate fronting or abutting on a public street or thoroughfare of the city, the owner of the real estate shall construct and maintain a sidewalk or pavement along his property where a hazard to pedestrians exists or where there is excessive cracking or breaking of the pavement in the opinion of the Building Inspector or the City Administrator.~~

~~—(B) Any owner or agent of the owner of property who shall fail to make repairs, reconstruction, or replacement of defective sidewalks as provided for in division (A) above within the time specified in the notice shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as set forth in § 97.99. Every day the work remains undone after the specified period shall be deemed a separate offense.~~

~~—(C) If, after appropriate notification, any property owner does not make sidewalk repairs as specified and within the time period stated, the city may use its personnel or may contract with a private firm to reform the needed repairs. In such instances the cost of the repairs will be determined on an amount per square foot, and this cost will be placed on the tax bill of the property owner along with an interest charge of 7.5%. Interest will accrue from the time the city pays for the repairs to the time the property owner compensates the city in full. The city will file a tax lien on any property where the bill is not paid in full.~~

§ 97.35 PERMIT REQUIRED FOR OPENING SIDEWALK OR CURB.

(A) No person shall, directly or indirectly, as principal, agent or employee, construct or attempt to construct any sidewalk or driveway or cut any curb without filing an application with the City and having obtained a permit to do so from the Code Enforcement Department or other designated City representative.

(B) The application shall contain:

(1) A statement or plan showing the location of the proposed sidewalk, driveway or curb cut, and a time-frame for the repairs to be completed;

(2) The exact number of linear feet and dimensions of sidewalk, driveway or curb involved;

(3) The name, address, email address and phone number of the owner of the property and the person or contractor who is to do the work; and

(4) Any other pertinent information which the Code Enforcement Director or other designated City representative may reasonably require.

(C) Separate applications and permits shall be required for each lot or parcel of real estate abutting upon the proposed improvement.

(D) All applicants for permits under the provisions of this subchapter shall pay a fee in the amount of \$50.

(E) It shall be the duty of every person owning lots or real estate fronting and abutting on any sidewalk in the City to maintain, at his or her own expense and in a suitable state of repair, the sidewalk, so far as it fronts or abuts upon his or her lots or real estate.

(1) The City shall pay for ADA required components on City-owned sidewalks as determined by the City Engineer.

(2) While the sidewalks are the responsibility of the abutting property owner, the City is responsible for curbs and gutters not connected to sidewalks.

(F) Every property owner shall repair all holes, uneven surfaces and other defects in the sidewalk, and he or she shall reconstruct or replace all or any part of the sidewalk that is not

capable of ordinary restoration or repair. The material used for the repair, replacement or reconstruction shall be of similar grade and texture as that used in the construction of the sidewalk.

(G) The grade of any sidewalk or driveway constructed in accordance with the specifications for the construction and repair of sidewalks and driveways shall conform to the curb grades of the street and slope regularly from the top of the curb to the property line at a rate of from one-fourth to one-half of an inch to each foot, as the Code Enforcement Department or other designated City staff may direct. At street intersections, the slope of the sidewalk or driveway shall be worked out under the direction of the City Administrator's designee. If, in any particular case, the provisions of this section shall be found to be impracticable, the City Administrator's designee is authorized to modify their strict application. Where the owner is dissatisfied with the modification proposed by the City Administrator's designee, he or she may appeal to the City Administrator or designee, whose decision shall be final.

(H) If a City Code Enforcement Officer issues a notice of violation to a person or business entity or someone responsible for maintaining real property (hereafter "person") for violating the City's codes related to sidewalk maintenance and repair, that person shall have the following options:

(1) Repair the sidewalk using the person's own resources or own contractor; or

(2) Repair the sidewalk with the use of a City-approved contractor at rates established by the City and the person paying the contractor directly; or

(3) Repair the sidewalk and apply for a City match-grant in accordance with the following guidelines:

(a) The applicant must comply with the provisions of this ordinance and all City ordinances and regulations.

(b) The applicant must be in good standing with the City pursuant to applicable City ordinances and regulations including but not limited to having paid taxes, liens, permit fees and any other obligations owed to the City.

(c) The applicant must pay the costs of repairs/replacement, and submit invoices and billing statements and proof that these costs have been paid.

(d) No in-kind costs will be eligible for re-imbursement by the City.

(e) The applicant is eligible for an up to 50 percent reimbursement of costs up to a maximum of \$500.00 to be paid by the City.

(f) In consideration of accepting the reimbursement of costs, the applicant must indemnify and hold the City harmless from any claims or actions related to any claims of damages or injuries arising from the use of the sidewalk before, during and after construction.

(I) The Code Enforcement Director may issue written Notices of Violations and/or citations to owners of real property abutting defective sidewalks. After a Notice of Violation and/or a citation is issued, the owner shall have 30 days to repair the sidewalk. If the owner does not make the repairs, then the City may make the repairs and file a lien for the cost of repairs against the

property owner. The owner of the property shall be subject to the jurisdiction of the Code Enforcement Board for actions, appeals, fines and enforcement.

§ 97.37 MATERIAL SPECIFICATIONS.

All sidewalks made within the city, whether original or reconstructed, shall be constructed of concrete. These walks shall be four inches thick and must be constructed in accordance with the Kentucky Building Code and the American Concrete Institute's publications.

§ 97.38 CONCRETE WALKS.

This section shall govern the construction of portland cement concrete walks. These walks shall be four inches thick and must be constructed in accordance with the Kentucky Building Code and the American Concrete Institute's publications.

§ 97.39 REQUIRED TRIMMING OF TREES OR SHRUBS.

(A) Tree limbs from trees on private property shall be trimmed to a least ten (10) feet above the sidewalk, street, alley, or drainage way. Bushes or shrubs shall be trimmed so as not to overhang the sidewalk, street, alley, or drainage way even after a rain.

(B) It is the responsibility of the property owner to remove trees found to be in violation of this section.

(C) Owners of realty where trees have been planted in the public right-of-way by the City are exempt from the enforcement of this section as it pertains to trees planted by the City in the public right-of-way.

Section 2

Any ordinances or parts thereof in conflict herewith are to the extent of such conflict, hereby repealed.

Section 3

That this ordinance shall take effect and be in full force when passed, published and recorded according to law.

NOW, THEREFORE, BE IT ORDAINED by the Board of Council of the City of Bellevue, Campbell County, Kentucky, that:

Charlie Cleves, Mayor

ATTEST:

Mary H. Scott, City Clerk

First Reading:

Second Reading:

Publication: