

CITY OF BELLEVUE

ORDINANCE 2023-10-01

AN ORDINANCE AMENDING CITY OF BELLEVUE CODE OF ORDINANCE § 97.35 TITLED SIDEWALK AND PAVEMENT CONSTRUCTION, RECONSTRUCTION AND REPAIR TO CLARIFY THAT OWNERS OF REAL PROPERTY ADJOINING SIDEWALKS AND ROAD VERGES ARE RESPONSIBLE FOR MAINTAINING THE ROAD VERGES.

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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; and

WHEREAS, the ordinance does not address the issue of the responsibility to maintain road verges, the areas between roads and sidewalks; and

WHEREAS, the City of Bellevue Board of Council desire to modify the ordinance to clarify and make it clear that real property owners are responsible to maintain road verges adjacent to their real property.

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

§ 97.35 PERMIT REQUIRED FOR OPENING SIDEWALK OR CURB.

(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 and road verge, 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 and road verges 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. Every property owner shall be responsible for maintaining, mowing and repairing any hole, and removing any obstacles that may be a trip hazard in road verges.

Section 3

§ 97.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to a civil penalty of not more than \$1,000 for each offense. Each day the continued violation shall constitute a separate offense.

(B) Whoever violates § 97.35 shall be fined not less than \$5 nor more than \$100 for each offense.

(C) Violations of this chapter shall be subject to the jurisdiction, terms, conditions and due process proceedings of the Code Enforcement Board.

Any ordinances or parts thereof in conflict herewith are to the extent of such conflict, hereby repealed.

Section 4

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:

Lindy Jenkins, City Clerk/Treasurer

First Reading:

Second Reading:

Publication: