

CITY OF AUDUBON PARK, KENTUCKY

MUNICIPAL ORDER

Series 2021, Number 5

An Order designating an official Sidewalk Safety Program

WHEREAS, The Sidewalk Safety Program shall cover the construction of new sidewalks and the repair of existing sidewalks that are located in the public right-of-way and that have been dedicated and accepted by the City of Audubon Park for public use. It is the goal of the Policy to address sidewalk issues that are non-compliant with current ADA regulations.

WHEREAS, the City of Audubon Park's Sidewalk ordinance in combination with the attached Sidewalk Safety Program will together, make up the City of Audubon Park's sidewalk safety policy;

NOW, THEREFORE, be it ordered by the City of Audubon Park that the attached Sidewalk Safety Program be adopted.

Action by the Council:

	Motion	Second	Aye	Nay	Abstain	Absent
Bozeman			✓			
Hartman		✓	✓			
Klump	✓		✓			
Schwenker			✓			
Shackleton			✓			
Stephen			✓			


TONY WILLIAMS, Mayor

ATTEST:

To be a true Municipal Order accepted by the City Council of the City of Audubon Park,

Kentucky, and accepted by the Mayor, on this 29th day of March, 2021.


JANETTE MERCER, City Clerk/Treasurer

SIDEWALK SAFETY PROGRAM

1) **Introduction:**

This Sidewalk Safety Plan ("Policy") shall cover the construction of new sidewalks and the repair of existing sidewalks that are located in the public right-of-way and that have been dedicated and accepted by the City of Audubon Park for public use.

It is the goal of the Policy to address the following sidewalk issues, listed in descending order of importance:

- First:** Repairing severely damaged (hazardous) sidewalks that are non-compliant with the current ADA regulations.
- Second:** Installation of ADA-compliant ramps throughout the City.
- Third:** Filling in missing short sections between sidewalks.
- Fourth:** Filling in rough surfaces.
- Fifth:** Aesthetic considerations.

2) **Sidewalk Fund:**

The City Council of Audubon Park has approved a yearly budget that contains a line item for the maintenance and construction of sidewalks in the public right-of-way. This fund may be used to purchase materials, equipment, labor, and professional services necessary to implement the Policy.

3) **Sidewalk Committee:**

A Sidewalk Committee is established under this Policy in order to oversee the Program. The Sidewalk Committee is comprised of the Public Works Director, the Code Enforcement Officer, and the Director of Buildings. The Sidewalk Committee shall meet periodically, but at least annually, to review the work schedule and to make recommendations for changes and adjustments whenever necessary. The Sidewalk Committee may also rely on the services of a civil engineer.

4) **Implementation Plan:**

In order to provide for the efficient and orderly implementation of the Policy, the City will prioritize the project based upon the potentially most problematic areas, by streets, budgetary constraints, and proximity to right of way trees. The city shall alert the homeowners that are out of compliance that they are as such and whether they are in the current prioritization plan.

5) Sidewalk Inventory & Condition Assessment:

The Code Enforcement Officer shall periodically inventory as many sidewalks as allowed by time and budget, for the purpose of creating a sidewalk condition index ("Index"). This information shall be used to prioritize and update the sidewalk maintenance prioritization plan ("Plan").

When inventorying the sidewalks, the Code Enforcement Officer shall use the following rating system to compile data to form the Index:

- a) "Slight Cracking" denotes a crack that is superficial, up to $\frac{1}{8}$ " in width and/or with a vertical displacement less than $\frac{1}{8}$ ". (1 point)
- b) "Moderate Cracking" denotes a crack that is between $\frac{1}{8}$ " and $\frac{1}{4}$ " in width and/or has a slight vertical displacement, up to $\frac{1}{2}$ ". (2 points)
- c) "Severe Cracking" denotes a crack that is over $\frac{1}{4}$ " in width and/or has a vertical displacement of $\frac{1}{2}$ " to 1". (3 points)
- d) "Vertical Separation" denotes a section of sidewalk in which the vertical separation is greater than 1". (5 points)

6) Prioritization Plan:

Priority will be based on a combination of worst problem areas and budgetary constraints. The Sidewalk Committee may consider other factors in determining whether an exception to the general policy is warranted, on a case-by-case basis. These factors include, but are not limited to: natural disasters, pandemics, emergencies, or other extraordinary circumstances, and the volume of pedestrian traffic.

7) Criteria for Sidewalk Repair and Replacement:

Any sidewalk to be repaired and/or replaced must meet any of the following conditions:

- A) Vertical offset at joints larger than 1 inch.
- b) Intersecting cracks in one panel subject to displacement.
- c) Settlement in sidewalk larger than 4 inches in an 8-foot span.
- d) Rough surface due to deterioration of concrete that is deemed hazardous.
- e) Any sidewalk listed in the index.

8) **Handicap Ramps:**

Handicap ramp or ramps on sidewalk corners shall be made compliant with ADA and City standards.

9) **Trees and Tree Roots in the Vicinity of Sidewalks:**

In certain locations trees have been planted in close proximity to sidewalks. Roots of such trees may have caused severe damage to sidewalks, the repair of which may require the cutting of these roots. In this case, the City Arborist shall be consulted prior to cutting any roots or commencing any sidewalk repair.

11) **Damage to Sidewalks Due to Private Construction Activity or Individual Acts:**

If a private construction activity or individual acts cause damage to a public sidewalk, the party causing the damage shall be responsible for repairing and/or replacing the damaged sidewalk, as provided in 90.022 and 90.999.

12) **Utilities:**

Utility companies shall also comply with the provisions of their individual Franchise Agreement with the City of Audubon Park.

13) **Sidewalk Program Management and Construction:**

The Sidewalk Program shall be managed by the Code Enforcement Officer. The City Council, Mayor, and the Sidewalk Committee shall provide guidance in the planning and implementation of the sidewalk plan.

In order to obtain the most efficient use of the sidewalk fund, the City of Audubon Park may perform sidewalk repairs, replacement and construction of new sidewalk in missing sections.

14) **Requests for Exceptions and Appeals:**

Any citizen may request an exception to the Policy. In assessing the citizen's request, the Sidewalk Committee shall consider the stated reasons for such exceptions. The Sidewalk Committee will return a decision for an exception or appeal within six (6) weeks.

Should the Sidewalk Committee reject the citizen's request for an exception, the citizen may appeal such decision, in writing, to the Code Enforcement Board. The Code Enforcement Board will review the request and will return a decision within two (2) weeks after the first decision of the Sidewalk Committee or refer to the City Council for a variance hearing.