

**CITY OF AUDUBON PARK, KENTUCKY
ORDINANCE 1, SERIES 2021**

**AN ORDINANCE REPEALING AND REPLACING
“§ 90.020 REPAIR OF SIDEWALKS” OF THE CODE OF ORDINANCES
OF THE CITY OF AUDUBON PARK, KENTUCKY**

SPONSORED BY COUNCILMEMBERS
ANDREW J. KLUMP AND DANIEL STEPHEN

WHEREAS, the City of Audubon Park, Kentucky previously enacted an Ordinance in 1996 at 1996 Code, § 11-6.01, which is numbered in the City’s Code of Ordinances as § 90.020, the title of which is “Repair of Sidewalks”;

WHEREAS, the City Council (the “Council”) deems it be in the best interests of the health, safety, and welfare of the citizens of the city to repeal and replace this Ordinance with an updated Ordinance and Sidewalk Safety Program to allow for more periodic and systemic review of the condition of city sidewalks; and to codify guidelines for appropriating the funds available for repairs and/or replacement of sidewalks within the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF AUDUBON PARK, KENTUCKY:

I. Section 90.020 Repealed and Replaced. Section 90.020 of the City’s Code of Ordinances Published September 8, 2020, which was enacted in 1996 at 1996 Code, § 11-6.01, the title of which is “Repair of Sidewalks” is repealed in its entirety and replaced with the following:

§ 90.020 ABUTTING OWNERS TO KEEP SIDEWALKS IN GOOD REPAIR.

(A) All real property owners, or agents of owners with business or commercial property, within the corporate limits of the city, are required to keep public sidewalks immediately abutting and/or fronting their property in good order and repair. Each such owner or agent shall be liable to the city for all losses to or recovery from the city, and shall hold the city harmless from the losses or recoveries from the city, for damages to persons or property of others caused by his or her failure or that of his or her agents to repair and keep such sidewalks in good order and in reasonably safe condition.

(B) Notwithstanding subparagraph (D)(6) of this Section 90.020, the city may, at its discretion, through the Mayor, notify such owner or agent that repairs are necessary to put such sidewalk in good order. This notice shall not relieve the owner, or agent of the owner, from the obligation herein required to keep the sidewalks in good order and repair, without notice, or to be liable to the city for all losses to the city or recovery from the city, or to hold the city harmless from such losses or recoveries from the city. Such owner or agent shall, within fourteen (14) days after such notification from the Mayor, apply for a permit to make the necessary repairs. If the owner fails to make the required repairs within a reasonable time as determined by the Mayor, not to exceed 90 days, the city may repair same and the owner shall be liable to the city for the cost of the repairs.

(C) A permit shall be required to make repairs required by this section. However, there will be no charge for such a permit.

(D) **City Sidewalk Safety Program.** The Mayor shall establish a written City Sidewalk Safety Program to be approved by the Council by municipal order. The Sidewalk Safety Program shall provide the following provisions:

1. It shall establish a City Sidewalk Safety Committee to assist the Mayor in implementing the Sidewalk Safety Program.
2. The Mayor shall appoint the members to the City Sidewalk Safety Committee.
3. The City Sidewalk Safety Committee shall meet periodically, but at least annually, to review the schedule of sidewalk repairs. The Committee and Mayor shall also periodically, but at least once every two (2) years, prepare Implementation and Prioritization Plans that implement and prioritize sidewalk repair projects based upon the conditions of the sidewalks and the city's budgetary constraints.
4. Upon completion of the Implementation and Prioritization Plans, said Plans shall be submitted to the Council, which shall make budgetary decisions to appropriate the funds available for repairs and/or replacement sidewalks.
5. The city may make repairs based on available funds.
6. Prior to making any repairs, whether recommended by the City Sidewalk Safety Committee or otherwise, the Mayor shall send the abutting property owner a letter advising of the required repairs, the schedule for repairs, and estimated cost. If the abutting property owner wishes to add to or change the scope of repairs he or she should notify the Mayor prior to the scheduled repair date.
7. The Mayor shall submit to the owner the full amount of the cost of repair, or a lesser amount to be determined by the city.

8. Should the abutting property owner fail to pay the bill submitted for these repairs, or the lesser amount determined by the Mayor, by the scheduled date, the city may take a lien on the property of the abutting property owner to collect the amount owed to the city.

II. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

III. Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

IV. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS § 83A.060.

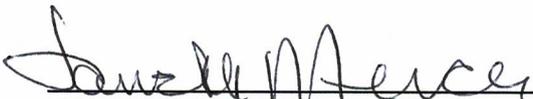
This Ordinance shall take effect upon its publication as required by law.

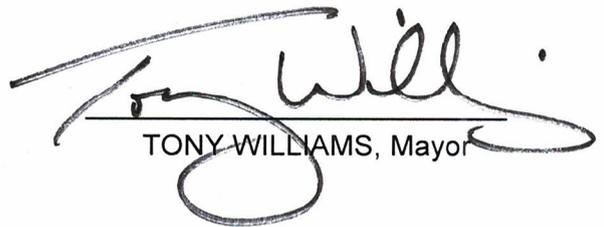
This Ordinance was adopted at a meeting of the City Council of Audubon Park, Kentucky, held on the 29th day of March, 2021, having first been read at a meeting held on the 23rd day of March, 2021; and shall take effect after its publication as required by law.

Action by the Council:

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

Attest:


 JANETTE MERCOER, City Clerk


 TONY WILLIAMS, Mayor