

OWNER'S RESPONSIBILITY FOR REPAIR

- A. Every person owning real property in the city is charged with the responsibility of maintaining and shall maintain and keep in proper repair that portion of the sidewalk which parallels or abuts the street immediately in front of, along side of, or in the rear of said person's real property. The following sidewalk conditions are determined to be contrary to general welfare and require the sidewalk blocks, including bricks and paving stones, in such condition to be repaired or the condition to be alleviated:
- 1) Any block having a crack or cracks in it more than five-eighths ($5/8$) inch wide.
 - 2) Adjoining blocks or portions thereof whose edges differ vertically more than five-eighths ($5/8$) inch,
 - 3) Blocks that have holes in them five-eighths ($5/8$) inch or more in diameter or are cracked and broken so that pieces are missing or lost.
 - 4) Blocks having depressions, reverse cross-slope (sloping away from the street) below curb grade so as to impound mud or water.
 - 5) Blocks having a cross slope in excess of one-half ($1/2$) inch vertical per one (1) foot horizontal.
 - 6) Blocks that cause an abrupt change in the longitudinal grade of the sidewalk.
 - 7) Blocks that are raveled, i.e., the surface has spalled or severely cracked.
 - 8) Blocks containing stumps, private sign posts or other unauthorized obstructions in the sidewalks space.
 - 9) Blocks containing water stop boxes, gas stop boxes or similar items that are not at grade level.
- B. Sidewalks located:
- 1) So that the sod area between the sidewalk and the street protrudes above the sidewalk thereby impounding water or causing water to drain along the sidewalk;
or
 - 2) So that the sod areas on either side of the sidewalk is below the grade of the sidewalk.
- C. Any owner who shall fail to repair defective sidewalks shall be personally liable in a civil action for any personal injury or property damage proximately resulting therefrom.

ARTICLE 4 NOTICE TO OWNER TO UNDERTAKE REPAIRS

When any block of sidewalk or sidewalk area requires repair in accordance with Article 3, the Superintendent of Public Works or his designee shall notify in writing the persons owning the real estate who are responsible for repairing the blocks of the sidewalk or sidewalk area under the provisions of Article 3 to effect such repairs commencing within thirty (30) days and completing repairs within sixty (60) days of the date of mailing of notice to the last known address of the owner of the real estate. Records maintained by the Shelby County Property Valuation Administrator may be relied upon to determine the identity and address of the owner of the real estate. Receipt of the notice shall be presumed conclusively unless and until notification of a change of address of such owners is received by the city.

ARTICLE 5 PROPERTY OWNER RESPONSIBLE FOR WORK

Within the time set forth in Article 4, any person thereby affected shall commence and complete the sidewalk repairs in an orderly and workmanlike manner in accordance with design standards for new sidewalks under applicable subdivision regulations. The costs of repairs shall be born by the persons responsible under the provisions of Article 3.

ARTICLE 6 INSPECTION OF WORK BY CITY

If, in the judgment of the Superintendent of Public Works, the work performed by the persons responsible under Article 3 is unsatisfactory, or has not been performed in accordance with the applicable design specifications, the Superintendent of Public Works or his designee shall give written notice to the persons responsible and shall proceed under the provisions of Article 7.

ARTICLE 7 WORK DONE BY CITY; INTEREST, LIEN

Upon failure of the persons responsible under Article 3 to complete repair of the blocks of sidewalk or the sidewalk area within the time specified, the city may undertake, without further notification to the owner to make such repairs at the expense of the persons responsible. Upon completion of the work by the city, the city shall notify and bill the responsible persons for the costs therein incurred, plus an administration charge equal to twenty percent (20%) of the costs. This total charge together with interest at six percent (6%) per annum on the unpaid balance commencing from the date of the bill until paid shall be due and owing to the city by the responsible persons and shall constitute and be a lien on the real estate to secure payment in full. If payment is made in full within thirty (30) days after the date of the bill, interest will be waived and a discount equal to ten percent (10%) of the total charges shall be credited against the bill.

If any sum due hereunder is not paid within thirty (30) days after the date of the bill, the sum shall then become subject to interest and penalty the same as for ad valorem real estate taxes and shall be collected in the same manner and by the same methods and remedies as ad valorem city taxes.

ARTICLE 8

STREETSCAPE PLAN

A streetscape plan will be established for the physical improvement of the downtown area, which consists of an area along US 60, Shelbyville Road, in the city limits of Simpsonville, Kentucky.

ARTICLE 9

DESIGN SPECIFICATIONS OF SIDEWALKS IN STREETSCAPE AREA

Due to the potential variations in sidewalks from block to block, the design specifications for the new sidewalks, curbs and paver strips shall vary from block to block. The design specifications for each block shall be determined by the city engineer. No property owner shall alter the city engineer's design specifications.

This Ordinance may be published in summary.


This ordinance shall be effective upon adoption by the Simpsonville City Commission and publication in accordance with Chapter 424 of the Kentucky Revised Statutes.

First Reading: March 18, 2009

Second Reading: April 7, 2009

Published: _____

APPROVED:



STEVE EDEN, MAYOR

ATTEST:



DEBBIE BATLINER, CITY CLERK