

CITY OF UNION, KENTUCKY  
ORDINANCE NO. 2022-04

AN ORDINANCE AMENDING CHAPTER 91A.02 AND 91A.09 AND DELETING SECTION  
91A.07 OF THE CITY OF UNION CODE OF ORDINANCES

*BE IT ORDAINED* by the City of Union, Boone County, Kentucky that Chapter 91A titled

"UNION SIDEWALK MAINTENANCE POLICY" be amended as follows:

**CHAPTER 91A**

**§ 91A.02      DEFINITIONS**

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY AUTHORITY.** Any government authority that is in charge of any department or branch of the government of the city relating to safety, health, building regulations or construction of concrete or asphalt surfaces in the city.

**CITY OFFICER.** The officer or officers who are authorized by ordinances and resolutions adopted by the City Commission to exercise the powers prescribed herein.

**GOVERNING BODY.** The City of Union Commission

**HAZARDOUS SIDEWALKS.** A concrete sidewalk or sections of sidewalk, having been originally constructed in accordance with the city's minimum standards of construction within the limits of a public right-of-way, shall be deemed to be unsafe when the surface of the sidewalk has deteriorated significantly due to excessive cracking and separations, and more specifically, a vertical settlement, deviation or deflection of at least one (1)-inch measured at a separation or at a construction joint.

**NON-HAZARDOUS SIDEWALKS.** A concrete sidewalk or section of sidewalk which does not fully fall under the definition of a Hazardous Sidewalk, but is aesthetically unacceptable and has serious defects, which warrant improved pedestrian safety, repairs or replacements.

**OWNER.** The holder of title in fee simple of the land over which the sidewalk is constructed and every mortgagee of record unless the sidewalk is located within the city and/or county right-of-way in which case **OWNER** means the holder of title in fee simple and every mortgagee of record of the land adjoining the right-of-way.

**PARTIES IN INTEREST.** All individuals, associations, corporations, or other entities who have an interest of record in the land over which the sidewalk is constructed unless the sidewalk is located within the city right-of-way in which case **PARTIES OF INTEREST** means the individuals associations, corporations or other entities who have an interest of record in the land adjoining the right-of-way.

**SIDEWALK.** Any permanent walkway or footpath constructed of a hard surface such as concrete or asphalt and located near or on the edge of a lot or in any location that the walkway appears to be for the convenience of the general public.

~~§ 91A.07 ANNUAL INSPECTION PROGRAM SIDEWALK CONDITIONS~~

~~As a part of the city's Annual Street Repairs Program, the city shall observe; and, in general, due to large number of sidewalks within the City boundaries document the location and conditions of~~

sidewalks, having defects which infringe upon pedestrian safety as follows:

~~Hazardous Sidewalks: A concrete sidewalk or sections of sidewalk, having been originally constructed in accordance with the city's minimum standards of construction within the limits of a public right-of-way, shall be deemed to be unsafe when the surface of the sidewalk has deteriorated significantly due to excessive cracking and separations, and more specifically, a vertical settlement, deviation or deflection of at least one (1) inch measured at a separation or at a construction joint.~~

~~Non-Hazardous Sidewalks: A concrete sidewalk or section of sidewalk which does not fully fall under the definition of a Hazardous Sidewalk, but is aesthetically unacceptable and has serious defects, which warrant improved pedestrian safety, repairs or replacements.~~

~~Any defects or conditions of Hazardous or Non-Hazardous Sidewalks shall not include any incidental, minimal and/or generally normal cracking over the life cycle of a sidewalk and/or occasional seasonal conditions including slippages caused by snow, ice and/or upheaving during freezing weather.]~~

**§91A.09 POWER OF THE CITY TO HAVE PROPERTY OWNERS REPAIR SIDEWALKS**

**4.** If the property owners fail to comply, the city may repair and place a lien for the costs of the repair on the adjacent property owner or owners fronting the subject sidewalk

**5.** The city shall send the abutting property owner a notice of the defects and the necessary repairs the property owner needs to have done and a timeline for the repairs.

Effective Date of Ordinance: This Ordinance shall be effective when read, passed and published according to Law.

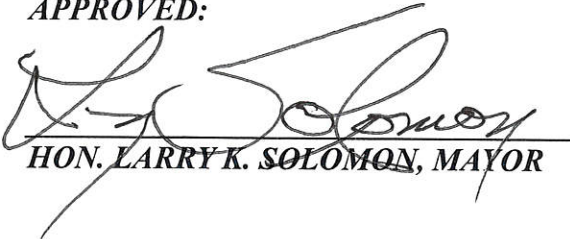
This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

Enacted this the 21<sup>st</sup> day of March, 2022.

**FIRST READING: MARCH 7, 2022**

**SECOND READING: MARCH 21, 2022**

**APPROVED:**

  
**HON. LARRY K. SOLOMON, MAYOR**

**ATTEST:**

  
**TAMMY WILHOITE, CITY CLERK**

**Published: \_\_\_\_\_**