

CHAPTER 96: STREETS, CURBS AND SIDEWALKS

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§ 96.01 UNLAWFUL TO PLACE OR ERECT OBSTRUCTIONS ON CITY PROPERTY.

(A) It shall be unlawful for any person to place or cause to be erected or placed on any city street, alley, sidewalk, right-of-way or any other real property owned or occupied by the city any sign, obstruction, or encroachment of any nature including, without limitation, large rocks or boulders, junk, fences, posts, stakes, and the like, except as otherwise provided in this section.

(B) The owner/operator of a properly licensed business located within the Historic Zoning District may display merchandise or offer services, or display temporary signs approved by the Historical Review Board and/or by city ordinance, on city sidewalks adjoining the business location, except said business shall:

(1) Maintain a minimum of forty-eight (48") inches of continuous pedestrian right-of-way between the building and any curb, bench, or sidewalk cut for landscaping, and

(2) Keep all temporary signs, merchandise, or services offered, including tables, chairs, displays, etc., within thirty-six (36") inches of the face of the building regardless of the amount of sidewalk space available and

(3) Remove all temporary signs, merchandise, or services offered, including tables, chairs, displays, etc., at the close of business each day, and

(4) Keep all temporary signs, merchandise, or services offered, including tables, chairs, displays, etc., within the outer boundaries of the business location property boundary lines so as not to obstruct or encroach upon the sidewalk of an adjoining business/property owner, and

(5) Offer for sale or advertise only those products or services that the business is licensed to provide or sell, and

(6) Be subject to penalties listed in § 96.99(B) for violation of any of the listed conditions of this subsection.

(Ord. 459, passed 1-8-91; Am. Ord. 724, passed 6-26-01)

§ 96.02 DUTY TO REMOVE OBSTRUCTIONS; AUTHORIZATION OF TEMPORARY OBSTRUCTIONS.

Every person owning or acting as agent for person occupying any building or lot in the city, shall keep or cause the sidewalk adjacent to such building to be kept open and free from ice, snow and all other obstructions, barriers, and impediments of every description: provided the City Engineer, Mayor or Police Chief may permit temporary obstruction to persons in receiving, selling or removing fuel, lumber, boxes or merchandise and all articles of trade if such obstruction be removed within twenty-four (24) hours.

§ 96.03 STANDING, SITTING ON SIDEWALKS, STREET OR RAILWAYS.

It shall be unlawful for any person to occupy or encumber any sidewalk, street or railway in the city by standing, sitting or remaining on same so as to obstruct the free and easy passage of persons along and across any of such sidewalks, streets or railways.

(Ord. 459, passed 1-8-91)

§ 96.04 HANDBILLS, PLATFORMS.

(A) It shall be unlawful for any person to distribute handbills of any kind to pedestrians or place same along the side of automobiles so that they will pass into any street or gutter of the city, or to erect or place any platform or frame in, or across any gutter in such manner as to obstruct the full and free flow of water along such gutter.

(B) Any person violating any of the provisions of this subsection shall for each offense be fined in any sum not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00).

(Ord. 459, passed 1-8-91)

§ 96.05 OPEN CELLAR DOORS, GRATINGS UNLAWFUL.

It shall be unlawful for any person to leave open any cellar door, grating, cistern or vault on any highway, thoroughfare, or sidewalk, or to allow any such door, grating, cistern or vault belonging to premises occupied by him to be in an insecure or unprotected condition so as to endanger the safety of passersby.

(Ord. 459, passed 1-8-91)

§ 96.06 LOADING, UNLOADING FERTILIZER OVER SIDEWALKS.

It shall be unlawful to load or unload fertilizer or other noisome merchandise or property on the public sidewalks of the city, or through entrances to storerooms or buildings abutting such sidewalks, unless the same are kept clean and free from the fertilizer or other noisome property in loading or unloading same.

(Ord. 459, passed 1-8-91)

§ 96.07 WATERING OF STOCK PROHIBITED; EXCEPTIONS.

It shall be unlawful for any person to water any horses, mules or other stock at any hydrant, cistern, spring or well, or to feed horses, cattle, mules or other stock in any of the streets, lanes or alleys of the city, except at places provided therefor.

(Ord. 459, passed 1-8-91)

§ 96.08 AWNINGS EXTENDING OVER SIDEWALKS.

No awning or similar shed shall be erected over the sidewalk in front of business or other houses unless the framework of same shall be constructed of iron or other suitable metal, and all such awnings or sheds shall be at all points at least eight feet above the sidewalk.

(Ord. 459, passed 1-8-91)

§ 96.09 INSTALLATION OF GAS, OIL PUMPS A NUISANCE.

No person shall install or operate or cause to be installed or operated any gasoline or oil pump upon the streets or sidewalks of the city, and any such pumps so located are hereby declared to be nuisances and unlawful.

(Ord. 459, passed 1-8-91)

§ 96.10 HEIGHT OF HEDGES, SHRUBBERY RESTRICTED.

(A) All shade trees on or near the streets of the city shall be kept trimmed to the minimum height of eight feet above the level of the sidewalk or street and so that the limbs shall not interfere with ordinary pedestrian or vehicular travel, or obstruct the light from street lamps.

(B) No property owner shall permit any hedge or shrubbery on any corner lot to attain a condition of growth and to remain in a condition of growth higher than three feet above the street grade level for a distance of 30 feet from the point of the intersecting curb lines or

intersecting pavement lines where there is no gutter, of any corner lot.
(Ord. 459, passed 1-8-91)

§ 96.11 DAMAGING CURBING, PAVEMENT OR SIDEWALK UNLAWFUL.

It shall be unlawful for any person wantonly, carelessly or maliciously to drive over, trespass upon, or in any way injure or damage any curbing, pavement or sidewalk in the streets of the city.
(Ord. 459, passed 1-8-91)

§ 96.12 MUTILATING SHADE TREES OR PROTECTIVE BOXES UNLAWFUL.

It shall be unlawful to injure or mutilate shade trees or boxes around same in the city.
(Ord. 459, passed 1-8-91)

§ 96.13 STREET DAMAGE RESULTING FROM FIRE; REPAIR; LIEN.

Where the streets or any other improvements are damaged by fires made and kindled by the owners of real property, the city may repair the damage, keeping an accurate account of the actual expense of such repair, and the city is given a lien on the real property fronting on the street and public improvements for the cost of repairs. These liens shall be collected and enforced as other real property liens under the laws of the state.
(Ord. 459, passed 1-8-91)

§ 96.14 NO CONSTRUCTION DEBRIS ON STREET; COMPLIANCE WITH UNIFORM TRAFFIC MANUAL.

It shall be unlawful to track or leave upon any city street, alley or sidewalk any dirt, mud, gravel, rocks or other construction debris so as to obstruct or impede traffic or cause property damage or personal injury. Additionally, any person performing work at a construction site or near any street, alley or sidewalk shall comply with the standards of the Uniform Traffic Manual.
(Ord. 459, passed 1-8-91)

§ 96.15 CONTROL OF EROSION AND FILLING OR OBSTRUCTION OF NATURAL DRAINAGE CREVICES, SINKHOLES, DITCHES AND KNOWN SUBTERRANEAN WATER CHANNELS.

(A) The filling, plugging, clogging or in any way interfering with the natural drainage capability of a crevice, sinkhole, ditch, known subterranean water channel systems, catch basins, dry wells or any other drainage facilities whether natural or constructed is prohibited.

(B) The introduction of any foreign matter, whether liquid or solid, other than normal surface or storm water, into any natural drainage crevice, sinkhole, ditch, known subterranean water channel, closed systems, catch basins, dry walls or any other drainage facilities whether natural or constructed is prohibited.

(C) Any person proposing alterations, improvements or other disturbance of any natural drainage crevice, sinkhole, ditch, known subterranean water channel, closed systems, catch basins, dry wells or any other drainage facilities whether natural or constructed shall submit plans prepared by a Licensed Professional Engineer registered in the state. Plans must be approved by the Office of the City Engineer prior to the commencement of any alterations, improvements or other disturbance of any crevice, sinkhole, ditch, known subterranean water channel, closed systems, catch basins, dry wells or any other drainage facilities whether natural or constructed.

(D) Any person proposing any construction or other activity which would change the contour of the land, removing of trees, removing of shrubs or the removing of vegetation which allow erosion and sedimentation of drainage ditches, crevices, sinkhole, closed systems, catch basins, dry well or any other drainage facilities whether natural or constructed must submit plans showing proposed temporary and permanent erosion control methods to be used. Plans must be approved by the Office of the City Engineer prior to the commencement of any construction or any other activity, including those set out above.

(E) (1) In addition, plans must state whether intention to dispose of said vegetation by burning is proposed. Such request to burn will be considered and permission or denial specifically stated along with authorization to clear construction site. No burning shall be permitted without or prior to receipt of plan approval.

(2) Any person aggrieved by any decision or order of the Office of the City Engineer under division (C) or (D) of this section may appeal the decision or order to the City Council provided that he shall file a written notice of the appeal with the City Clerk on or before ten days after the date of the decision or order.

(Ord. 459, passed 1-8-91)

§ 96.16 ACCEPTANCE OF STREETS AND UTILITIES FOR MAINTENANCE.

(A) Requirements. After City Council approval of extension of city streets and/or utilities and upon the request of the developer or owner, and recommendation of acceptance by the Office of the City Engineer, the city shall accept for maintenance only those streets, roadways, storm facilities, sewer lines and water lines, constructed and developed in conformity with the applicable standards of the Public Works and Bardstown Municipal Utilities Departments and the City-County Planning Commission.

(B) Applicability. This subsection shall apply to all platted lots fronting on streets not yet accepted by the city for maintenance; provided however, it shall not apply to residential or commercial lots or developments fronting on public streets in areas incorporated into the city after the effective date of this ordinance which have been constructed and approved according to the rules and regulations of the City-County Planning Commission or Nelson Fiscal Court.

(Ord. 459, passed 1-8-91)

CONSTRUCTION AND REPAIR

§ 96.30 ENGINEER TO PREPARE COST ESTIMATES; RECOMMENDATION, WORK ORDER REQUIRED PRIOR TO NEW CONSTRUCTION; RECORDING OF COSTS.

(A) It shall be the duty of the Office of the City Engineer to prepare cost estimates with a complete description of the area in which the construction resurfacing work is to be performed.

(B) No new construction of any nature of any streets, curbs or sidewalks shall be done without the recommendation of the Office of the City Engineer, subject to the approval of the City Council, and each project or job shall have an individual work order by the Office of the City Engineer, after approval thereof by the City Council, before the work shall proceed. Excepted from the above is the repair of sidewalks hereinafter described.

(C) The exact cost of materials and labor of any job authorized by the Office of the City Engineer, shall be recorded on such forms as may be prescribed by the Office of the City Engineer. (Ord. 459, passed 1-8-91)

(D) Road and Bridge Construction:

(1) Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes. (KRS 174.100)

(2) Before the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall give notice in the manner required by KRS Chapter 424 of a public hearing to take the sense of the public with regard to road and bridge matters within the city. The hearing shall be held not less than seven (7) nor more than twenty-one (21) days after the first publication of the notice and before beginning work on any project covered by this subchapter. (KRS 174.100(1))

§ 96.31 COST OF IMPROVEMENT BORNE BY ABUTTING OWNERS; PAYMENT; PENALTY; LIEN.

The repair of sidewalks, curb and gutters of the city, shall be done at the costs of the owners of real estate abutting on such improvements, and shall be apportioned among and assessed against the lots or parcels of real estate abutting on such improvements according to the number of front or abutting feet. The assessment shall be due to the City Clerk upon completion of the work and acceptance thereof by the property owners as herein provided. Any assessment which is not paid within 30 days after same becomes due shall have added thereto a penalty of 6%. The assessment shall bear interest at the rate of 6% per annum from time of assessment until paid, if not paid in 30 days as above provided. After the 30-day period as provided for above, the assessment

and penalties shall become a lien on such lots or parcels of real estate.
(Ord. 459, passed 1-8-91)

§ 96.32 SIDEWALK AND CURB AND GUTTER REPLACEMENT POLICY.

(A) The city will pay for part of the cost of replacing existing deteriorated concrete sidewalks within the city limits. The city encourages property owners to replace concrete sidewalks with brick or other historic decorative surfaces in the downtown and other appropriate areas. All city participation in sidewalk replacement must be specifically approved by the Office of the City Engineer.

(B) Concrete. The City Street Department will remove the existing deteriorated sidewalk as it can be worked into the schedule. The property owner will hire a contractor to install and finish the new sidewalk, and backfill, dress, and seed the area. The city will reimburse the property owner \$1.00 per sq. ft. of installed four-inch

concrete sidewalks, and \$1.40 per sq. ft. for six inch thick walk in areas where vehicular traffic is anticipated, and \$1.15 per sq. ft. of four inch exposed aggregate concrete sidewalk, and \$1.55 per sq. ft. for six inch thick walk in areas where vehicular traffic is anticipated. The property owner will purchase and install material needed to bring the ground to the proper grade to install the walk.

(C) Brick, in the National Register Historic District. The city will reimburse the property owner \$2.50 per square foot of brick on sand and three per square foot of brick on a four inch concrete slab, installed per the city specifications.

(D) Brick, in the Central Business District (Both sides of the street in the 100 block of East and West Stephen Foster Avenue and East and West Flaget, around the Court Square, and the one and two hundred block of North Third Street). The city will reimburse the property owner one half the actual cost of brick sidewalk installed per the city specifications. In the Central Business District all sidewalk replacements will be brick and/or other surface material which has been approved by the Historic Review Board.

(E) The owner may do the work and receive reimbursement if the finished job is done in accordance to specifications and is approved by the Office of the City Engineer.

(F) The city reserves the right to determine the type of brick or other approved surface material used in this program and to approve the cost estimate for brick work to be reimbursed at one half cost.

(Ord. 459, passed 1-8-91; Am. Ord. 482, passed 9-10-91; Am. Ord. 482, passed 9-10-91; Am. Ord. 492, passed 11-12-91; Am. Ord. 640, passed 2-10-98)

§ 96.33 CITY, COUNTY TO BEAR IMPROVEMENT COSTS.

The city shall pay the cost of improvement included in Section 96.31 of public ways, and that portion of any street abutting upon property belonging to the city; if any property abutting on the improvement be owned by the county, the county shall pay such portion of the tax as may be assessed against it; subject to the city's right to collect same, as provided in the Kentucky Revised Statutes.

§ 96.34 NEW STREETS BY PRIVATE CONTRACTOR; APPROVAL OF EXTENSION BY CITY COUNCIL.

(A) Property owners and developers may contract for the construction of proposed public street improvements with a private contractor and the cost of such construction shall be paid for by the property owners or developers.

(B) Street improvements as described above shall be constructed in accordance with specifications approved by the Office of the City Engineer and designed by a licensed Registered Professional Engineer of the State after approval of the City Council for said street extension

to be included into the street system of the city for public use and maintenance.

CUTS AND EXCAVATIONS

§ 96.45 PERMIT REQUIRED; FEE.

No person shall make any cut or excavation in any city street, driveway, alley, or sidewalk without first having obtained a written permit from the Office of the City Engineer. Application for such a permit shall be made at least one week in advance of the expected date of commencement of the work. Each permit issued shall cover only one specified piece of work.

(Ord. 459, passed 1-8-91)

§ 96.46 BOND REQUIRED.

No person shall make any cut or excavation in any city street, alley or sidewalk and no permit shall be issued to any person to do same under Section 96.45 until that person shall submit a cash bond or performance bond with the Office of the City Engineer of at least \$50 or such larger amount up to no more than \$10,000 dollars as may be determined by the Office of the City Engineer to be reasonable security for compliance herewith. This bond is to insure that the repair of any cuts or excavations is made in accordance with the standards adopted by the Office of the City Engineer.

(Ord. 459, passed 1-8-91)

§ 96.47 ENGINEERING DIVISION TO MAKE INSPECTIONS, SUPERVISE REPAIRS.

(A) The Office of the City Engineer shall be responsible for inspecting all cuts and excavations and repair of such cuts and excavations.

(B) The Office of the City Engineer shall supervise all repairs and determine that all repairs are made in accordance with standards adopted by the Office of the City Engineer.

(Ord. 459, passed 1-8-91)

§ 96.48 PERMITTEE TO NOTIFY OFFICE OF THE CITY ENGINEER OF REPAIR WORK.

The permittee shall notify the Office of the City Engineer as to the exact time he will begin to make any cut or excavation and also the exact time that he will begin to repair any such cut or excavation with the notice, in each case, being at least one day in advance except in cases of emergency; provided however, in no event shall the permittee actually begin to make any cut or excavation without first receiving the expressed approval of the Office of the City Engineer.

(Ord. 459, passed 1-8-91)

§ 96.49 RETURN OF BOND SUBSEQUENT TO INSPECTION, APPROVAL.

The cash bond posted as required by Section 96.46 shall not be returned to the permittee until after inspection and approval of the repair of any such cut or excavation has been made by the Office of the City Engineer and after the Clerk has received written approval thereof from the Office of the City Engineer.

(Ord. 459, passed 1-8-91)

§ 96.50 TIME LIMIT FOR TEMPORARY AND PERMANENT REPAIRS.

Each permit issued by the Office of the City Engineer under Section 96.45 shall specifically state the exact time limit in hours after the

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making of any such cut or excavation by which the permittee shall be required to either complete all permanent required repairs or at least make such temporary covering or repairs as may be approved by the Office of the City Engineer. In any event, all cuts and excavations shall be completely and permanently repaired to the satisfaction of the Office of the City Engineer within 48 hours after the work requiring the cut or excavation is initiated by the permittee, unless specifically excepted in writing on the permit.

(Ord. 459, passed 1-8-91)

§ 96.51 REPAIRS MADE BY CITY; REIMBURSEMENT AUTHORIZED; FEE SCHEDULE; USE OF BOND TO COVER COSTS.

If a permittee should fail to properly repair any cut or excavation in compliance with the standards and requirements of the Office of the City Engineer, the Public Works Department shall then be authorized to make all necessary repairs, in which event the city shall be reimbursed for all repairs by the permittee based upon time and materials costs plus 25% for overhead expenses. Collection for repairs performed by the Public Works Department shall be provided for as stated in Section 96.31.

(Ord. 459, passed 1-8-91)

§ 96.52 APPLICABILITY TO ALL PUBLIC UTILITIES.

All of the provisions of Sections 96.45 through 96.51 shall apply to all public utilities.

STREET AND HOUSE NUMBERS

§ 96.60 DESIGNATION OF STREET NAMES AND HOUSE NUMBERS.

The County Code Enforcement Department shall be responsible for assigning official street names and numbers for each address located within the city.

(Ord. 459, passed 1-8-91; Am. Ord. B2005-4, passed 2-15-05; Am. Ord. B2005-9, passed 3-22-05)

§ 96.61 NUMBERS REQUIRED ON BUILDINGS; SPECIFICATIONS, LOCATION.

Numbers shall be placed on existing buildings on or before April 1, 2005, and within 20 days after the assigning of the proper number in the case of numbers assigned after the date. The cost of the numbers shall be paid for by the property owner and the numbers used shall not be less than four inches in height and shall be made of a durable and reflective, or clearly visible material. Building numbers existing as of April 1, 2005, of at least three inches in height, shall be allowed as long as those numbers remain reflective or clearly visible. Numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be

seen plainly from the street line. Whenever any building is situated more than 50 feet from the street line, the number of such building shall be placed, near the walk, driveway or common entrance to such building and upon a mailbox, fence, tree, post or other appropriate place so as to be easily discernible from the street.

(Ord. B2005-4, passed 2-15-05)

ACCESS CONTROL PLAN

§ 96.70 PURPOSE.

In order to promote the safety of the motorist and pedestrian, to minimize traffic congestion by limiting points of conflict and to promote the general welfare by preserving the traffic-carrying capacity of public streets it is necessary to set forth an Access Control Plan and provisions which shall include the designation of the location of required frontage roads and circulation drives, in addition to access and circulation regulations.

(Ord. 459, passed 1-8-91)

§ 96.71 DEVELOPER’S REQUIREMENTS; ALTERNATIVES.

All applicable state requirements must be met by the developer when seeking access approval to a state or federal highway and any proposed alternatives to the city’s plan for frontage roads and circulation drives must be reviewed and approved by the City-County Planning Commission.

(Ord. 459, passed 1-8-91)

§ 96.72 GENERAL REQUIREMENTS FOR ACCESS CONTROL.

(A) Access to lots fronting on more than one street - Whenever a lot abuts more than one street, access to that lot shall be from the lowest classified street, unless an alternate access plan which maintains the intent of these regulations is approved by the Office of the City Engineer

(B) Driveway curb cuts - No one shall cut, build or maintain a driveway across a curb, sidewalk or public street right-of-way without first obtaining a permit from the Office of the City Engineer. Driveway curb cuts shall meet the design and construction specifications described below:

(1) Allowable number of driveway curb cuts - The number of permitted driveway curb cuts shall be dependent upon the classification of the street of access and the amount of lot frontage:

Access to Lots Served by Local Street

<u>Lot Frontage</u>	<u>Maximum Number</u>
Less than 100 feet	1
More than 100 feet	2

Access to Lots Served by Arterial Streets-State or Federal Highways

Lot Frontage Maximum Number

Less than 100 feet	1
More than 100 feet	2

(2) Interval between permitted driveway curb cuts – the interval between permitted driveways on the same lot shall be dependent upon the classification of the street providing access to the lot.

Interval Between Permitted Driveways

Street Classification Interval

Local	45 feet
Arterial – State or Federal	75 feet

Permitted driveway curb cuts measured from the nearest line of the driveway curb cut to the property line or street right-of-way line shall be located no closer to a property line than one-fifteenth of the permitted interval above, and no closer to an intersecting street right-of-way line than one-third of the permitted interval above.

(3) Miscellaneous Standards for Driveway Curb Cuts.

(a) Driveway curb cuts to single-family residential lots of record on local and arterial streets shall be limited with a maximum width of twenty-four (24) feet. Driveway curb cuts to multifamily residential structures shall meet the general standards outlined in division (B) of this section.

(b) Gasoline service stations which would otherwise be restricted to one driveway curb cut under the provisions of division (B)(1) of this section may have two (2) driveway curb cuts if the proposed design is approved by the office of the City Engineer.

(c) Those parcels of land in a business district which cannot meet the general standards for driveway curb cuts may be afforded access as proposed on an alternative plan approved by the Office of the City Engineer.

(d) It shall be the responsibility of the property owner to install adequate curbing for all driveway entrances into commercial properties.

(e) The maximum width of driveway curb cuts shall be twenty-four (24) feet for residential lots and thirty (30) feet for business lots unless otherwise approved by the Office of the City Engineer.

(f) Proposals for one-way driveway entrances and exits shall be reviewed by the Office of the City Engineer on a case by case

basis but shall meet all applicable property line and intersection setbacks, as well as the following width requirements:

(4) Frontage Roads. Frontage roads shall be required in areas designated by the City-County Planning Commission. In areas not designated for frontage roads, they may be installed at the option of the developer. These roads shall be constructed to the following standards by the developer and dedicated to the city for future maintenance. The Office of the City Engineer shall approve all plans for frontage roads prior to the commencement of construction, and he shall inspect the roads during their construction.

(a) Design Standards for Frontage Roads.

1. The right-of-way for frontage roads shall be a minimum of forty (40) feet in width.
2. The pavement width for frontage roads shall be a minimum of twenty (20) feet.
3. The minimum interval between permanent driveway curb cuts for required frontage roads shall be determined by the city's access control plan. Under conditions of staged development, the Office of the City Engineer may approve temporary frontage road facilities which do not fully meet the permanent standards set forth in this subsection.
4. The width of driveway curb cuts for frontage roads shall be as set forth in (B)(3)(e) and (B)(3)(f) unless an alternative design is approved by the Office of the City Engineer.
5. Access to lots from the frontage road shall meet the standards for driveways curb cuts.

(b) Construction Standards for Frontage Roads

1. All frontage roads shall comply with subdivision regulations.
2. Other traffic control measures (lane channelization, striping, arrows, and the like), may be required by the Kentucky Bureau of Transportation or the Office of the City Engineer when deemed necessary.

(5) The owner or tenant of lands fronting on public road shall construct and keep in repair all approaches or driveways to and from the public road under the supervision of the Office of the City Engineer. No owner or tenant shall fill up any ditch or place anything in any ditch so as to interfere with the purposes for which it was made.

(Ord. 459, passed 1-8-91)

§ 96.99 PENALTY.

(A) Except as otherwise specifically provided herein, any person, firm, or corporation violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and each day the person, firm, or corporation continues the violation shall constitute a separate offense.

(B) (1) A business found to be in violation of provision set forth in § 96.01(B) as a first offense shall be subject to a warning letter delivered by registered mail to the address listed on the license application of said business. The letter shall contain the factual circumstances giving rise to the violation.

(2) Upon subsequent violations of provisions set forth in § 96.01(B), the business owner/operator shall, upon conviction, be guilty of a violation, and shall be fined fifty dollars (\$50.00), and each day the business owner/operator continues the violation shall constitute a separate offense.

