

CHAPTER 93: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 93.01 GENERAL REQUIREMENTS FOR DISTURBANCE OF CITY STREETS/ROADWAYS AND SIDEWALKS.

(A) Prior to the commencement of any work that involves the disturbance of any street/roadway within the city, it is required that the proper agencies of the city be notified, including, but not limited to the following: Department of Public Works, Police Department, Fire Department, and Office of Planning/Inspections.

(B) All necessary permits, licenses, bonding and insurance shall be obtained and proof thereof provided to the Office of Planning/Inspections of the city.

(C) All federal, state and local laws, rules and regulations pertaining to safety of either the public or workers shall be strictly observed.

(D) It shall be responsibility of contractor performing said work to provide personnel, signage and barricades as needed to provide traffic control and warning indicators to the public.

(E) A city street/roadway may not remain closed at the end of a workday. In the event the roadway being disturbed is the only access to an area of the city, provisions must be made to allow passage by the public at regular intervals with blockages not to exceed a five-minute wait. Exceptions may be granted on a case-by-case basis by the Office of Planning/Inspections. With regard to disturbances of sidewalks, provisions shall be made to accommodate passage or pedestrian traffic.

(F) If the disturbance of the roadway involves placing or replacing of piping under the roadway, the following is required: Pipe shall be covered with one (1) foot of #9 stone followed by compacted layers of dense grade aggregate (DGA) in eight (8) inch layers (see attached drawing). For temporary purposes, this may continue to road surface. When the project is ready for final repair of road surface, the DGA must be removed so as to accommodate two (2) inches of asphalt binder and one and one-half (1 1/2) inches of surface wear coat. If roadway is concrete surfaced, the repaired area must also be concrete.

(G) Sidewalks shall be replaced with 4,000 psi concrete placed on stabilized fill to conform to adjoining sidewalks. Timely restoration of sidewalks is required.

(Ord. passed 3-20-61; Am. Ord. passed 12-13-82; Am. Ord. 32:97, passed 10-13-97; Am. Ord. 05:2010, passed 4-12-10) Penalty, see § 93.99

§ 93.02 CURB RAMPING FOR THE DISABLED AND ELDERLY.

(A) All new curbs and all existing curbs which are part of any reconstruction, regardless of the location, shall comply with the provisions of (B) below.

(B) In order to enable persons using wheelchairs to travel freely and without assistance at each crosswalk, a ramp with nonslip surface shall be built into the curb so that the sidewalk and street blend to a common level. The bottom of the ramp and the street shall meet. There shall be no lip permitted at the ramp bottom. Such ramp shall not be less than 32 inches wide and shall not have a slope greater than one inch rise per 12 inches length, where practicable.

(Ord. passed 10-10-77)

§ 93.04 GUIDELINES FOR ACCEPTANCE OF PRIVATELY OWNED STREETS/ROADWAYS AND EASEMENTS.

(A) Pursuant to KRS 82.400, should any person desire to offer for dedication by recorded plat any public way or easement within the city

limits, excluding those located in a subdivision (which are specified in the adopted subdivision regulations) he/she shall file with the Board of City Council a recordable map or plat of the territory bounded, intersected or immediately adjacent to the proposed public way or easement, showing the proposed name, nature and dimensions of the public way or easement offered for dedication. In addition to the map or plat the following are required.

(1) All landowners of the street/roadway or easement must be willing to execute a deed of conveyance to the city conveying the street/roadway or easement and any and all land needed for turning purposes and maintenance purposes.

(2) The proposed street/roadway or easement must meet all city specifications as set forth in Sections D and E. The owner/contractor must certify under oath that the street/roadway has been privately maintained for a period of one (1) year and provide written certification from a qualified engineer that the street/roadway meets all specifications required herein. Further any bridge structure shall be certified by a duly qualified engineer to meet a minimum weight standard of twenty (20) tons.

(3) At least two (2) landowners must benefit from the dedication of the street/roadway and the acceptance by the city.

(4) The proposed street/roadway must have a minimum of one (1) street light in place for every one hundred (100) feet of street/roadway, unless waived by the Board of City Council.

(B) The request for acceptance must be in writing and addressed to the Board of City Council. Upon receipt, the Board of City Council shall turn said documentation over to the Building Inspector and Director of Public Works. The Building Inspector and Director of Public Works shall review the plat, any information submitted as required and the proposed street/roadway or easement. Thereafter the Building Inspector and Director of Public Works shall make a recommendation to the Board of City Council of the initial cost to the city, the annual maintenance fee and a recommendation as to whether the dedication should or should not be accepted.

(C) If the Board of City Council decides that the proposed dedication would be beneficial to the public interest and suitable for the immediate or future acceptance of the city, it shall approve plat by ordinance and the Mayor shall subscribe a certificate of approval on the plat and acknowledge the execution thereof before any public officer authorized to take acknowledgments of deeds. Thereafter, the landowners shall execute a deed of conveyance to the city. The deed of conveyance and plat shall be recorded in the office of the Rowan County Clerk. The City Clerk shall maintain a listing of streets/roadways or easements accepted.

(D) Specifications for New Commercial Streets/Roadways.

(1) The sub grade for street/roadway shall be made from suitable materials free from stumps, trees, vegetation top soil, etc. Excavation and backfill should be placed to conform to Kentucky Department of Transportation Standard Specifications for Road & Bridge Construction.

(2) All streets/roadways shall have a minimum paved width of twenty-two (22) linear feet with a surface consisting of a ten (10) inch compacted mat of crushed stone base (DGA), two (2) inch compacted mat of bituminous base, two (2) inch compacted mat of bituminous binder and a one (1) inch compacted mat of bituminous surface. Bituminous tack coat shall be applied between base, binder, and surface installation at a minimum of .15 gallon/square yards. These requirements may be increased by the city depending on the traffic flow expected on said street/roadway.

(a) All crushed stone base and asphalt paving used shall conform to requirements contained in Kentucky Department of Transportation Standard Specifications for Road and Bridge construction and shall be installed according to said specifications.

(b) The owner(s)/contractor(s) are to certify that material meets Kentucky Department of Transportation Specifications upon final inspection of roadway and prior to the city's acceptance of said roadway.

(c) Weigh sheets and tickets are to be supplied to verify tonnage upon final inspection and prior to the city's acceptance of said roadway.

(3) All streets/roadways shall have a two (2) foot wide minimum shoulder and be ditched on each side at least twenty (20) inches deep from the lowest elevation of the blacktop. If stone shoulders are required DGA stone shall have a compacted thickness of five (5) inches.

(4) All driveway entrances are to have paved a two (2) foot wide entrance apron and tile sized for proper drainage where drainage runs through driveway (a minimum of fifteen (15) inches).

(5) Ditchline culverts must have 24" X 24" surface water catch basins every forty (40) feet unless alternative designs are approved in writing by the Director of Public Works and the city Building Inspector. All culverts that run under a paved road must be certified by a hydrologist or qualified engineer as to the sufficiency of the drainage system.

(6) All culverts that run under a paved street/road must be certified by a hydrologist or qualified engineer as to the sufficiency of the drainage system.

(7) Any dead-end street, whether commercial or residential, presented for acceptance by the city shall terminate with an approved cul-de-sac or other approved turn around.

(E) Specifications for New Residential Streets/Roadways.

(1) The sub grade for streets/roadway shall be made from suitable materials free from stumps, trees, vegetation, top soil, etc. Excavation and backfill should be placed to conform to Kentucky Department of Transportation Standard Specifications for Road and Bridge Construction.

(2) All streets/roadways shall have a minimum paved width of eighteen (18) linear feet with a surface consisting of a six (6) inch compacted mat of crushed stone base (DGA), a two (2) inch compacted mat of bituminous binder and a one (1) inch compacted mat of bituminous surface. Bituminous tack coat shall be applied between bind and surface installation at a minimum of .15 gallon/square yards. These requirements may be increased by the city depending on the traffic flow expected on said street/roadway.

(a) All crushed stone base and asphalt paving used shall conform to requirements contained in Kentucky Department of Transportation Standard Specifications for Road and Bridge Construction and shall be installed according to said specifications.

(b) Owner/contractor to certify that material meets Kentucky Department of Transportation specifications prior to final inspection and prior to city's acceptance of street/roadway.

(c) Weigh sheets and tickets are to be supplied to verify tonnage prior to final inspection and prior to city's acceptance of street/roadway.

(3) All streets/roadways shall have a two (2) foot shoulder and be ditched on each side.

(4) All driveway entrances are to have a two (2) foot wide paved entrance apron and a tile sized for proper drainage where drainage runs through the driveway, (a minimum of fifteen (15) inches).

(5) Ditchline culverts must have 24" x 24" surface water catch basins every forty (40) feet unless alternative designs are approved in writing by the Director of Public Works and the city Building Inspector. All culverts that run under a paved road must be certified by a hydrologist or qualified engineer as to the sufficiency of the drainage system.

(6) All culverts that run under a paved street/road must be certified by a hydrologist or qualified engineer as to the sufficiency of the drainage system.

(F) In addition to the requirements provided herein, all roadways, streets and bridges shall be constructed in accordance with the Kentucky Department of Transportation (K-DOT) Standard Specifications for road and bridge construction and said K-DOT Standard Specifications are hereby adopted by reference.

(Ord. No. 13:2000, passed 10-9-00; Am. Ord. 25-2001, passed 12-10-01; Am. Ord. 10:2002, passed 6-10-02)

OBSTRUCTION OF SIDEWALKS

§ 93.05 DEFINITION.

As used in this chapter the following definition shall apply.

"SIDEWALK." That paved portion in front of any building or lot capable of being used by persons on foot, and any unpaved strip between any paved sidewalk and the curb.

(Ord. passed 1-13-59; Am. Ord. 32:97, passed 10-13-97) Penalty, see § 93.99

§ 93.06 MERCHANDISE ON SIDEWALKS PROHIBITED; EXCEPTION.

It shall be unlawful for any person, firm, or corporation, as owner or occupant of any building adjoining any sidewalk within the corporate limits of the city, to display or permit to be displayed in any manner any goods, wares, merchandise, or any other thing or object upon the paved sidewalk or the space between the sidewalk and the curb; except, however, the city may set aside two (2) full days each year upon recommendation of the Morehead Chamber of Commerce at which time such display of merchandise upon sidewalks shall be permitted.

(Ord. passed 1-13-59; Am. Ord. passed 5-8-62; Am. Ord. 32:97, passed 10-13-97) Penalty, see § 93.99

§ 93.07 REMOVAL OF MERCHANDISE FROM SIDEWALK; TIME LIMITATION.

Any goods, merchandise, or equipment that may be necessary to unload from a truck or other conveyance upon any sidewalk or in front of any store or building, shall be moved within said building by the consignee within two hours after each delivery.

(Ord. passed 1-13-59; Am. Ord. 32:97, passed 10-13-97) Penalty, see § 93.99

§ 93.08 UNPACKING MERCHANDISE ON SIDEWALK; REQUIREMENTS.

Any goods, merchandise, or equipment that may be unpacked before removing into any building by the consignee shall be done with due care to cause no hazard whereby persons using the sidewalk might be injured and to leave no crating lying on the sidewalk in a hazardous manner, and shall remove all boxes, paper, or other packing materials immediately after unpacking. Such packing papers or materials shall not be scattered upon any street or public way.

(Ord. passed 1-13-59; Am. Ord. 32:97, passed 10-13-97) Penalty, see § 93.99

§ 93.09 REMOVAL OF LITTER OR GARBAGE ON SIDEWALK.

All property owners or tenants of property abutting a public sidewalk shall be responsible for the prompt removal of all litter or garbage found on sidewalks fronting their property. Placing of removable litter in streets will constitute a violation of this section.

(Ord. passed 10-12-87; Am. Ord. 32:97, passed 10-13-97) Penalty, see § 93.99

DRAINAGE AND STREET ACCESS CONTROL

§ 93.15 PERMITS FOR CONSTRUCTION REQUIRED.

(A) Permits shall be required prior to any construction, reconstruction or alteration of any curb-cut or the construction of any driveway or access road to any public street for any reason except for an officially declared emergency from any area, whether a private drive, parking lot access or a new street or road.

(B) A permit shall be required prior to any construction of any drainage facility, culvert, bridge, box culvert, driveway culvert, trench drain or drainage swale on or along any public street or right-of-way or along on any stream, branch, creek or ditch carrying water through two (2) or more properties and where construction or diversion of flow can cause damage to any other property whether up stream or down stream, along or near the proposed construction.

(C) Application for all permits shall be made by the applicant to allow ample time for any necessary investigation or study. The cost of engineering design, hydraulic analysis or additional drainage studies shall be the responsibility of the applicant.

(D) The City Building Inspector shall be responsible for issuing permits, inspections and enforcement regarding this chapter. All applications and permits will be issued through the Building Inspector located at City Hall, 105 East Main Street, Morehead, Kentucky. (Ord. 24:95, passed 9-11-95)

§ 93.16 ACCESS AND DRAINAGE CONSTRUCTION SPECIFICATIONS.

The following shall be the minimum specifications for the construction of street access and storm water drainage facilities:

(A) Materials for all items of construction of any description or nature shall conform to standards set out in Kentucky D.O.T. specifications, except as herein set out or described. In cases of dispute arising relative to construction method or materials, the Kentucky Standards for Road & Bridge Construction 1994, or the most recent edition, shall govern.

(B) All drains, catch basins, concrete driveway entrance culverts, ditches, swales or any other means of storm water conveyance shall be sized so as not to impede the flow of storm water. The applicant is responsible for determining pre-construction and post-construction flows for all affected drainage facilities. In no case shall post-construction flow exceed the pre-construction flow. Applicants shall submit all appropriate calculations used to verify design.

(C) Calculations shall be based on a twenty-five (25) year return interval, except that no culvert shall be less than fifteen inches (15") in diameter without written consent of the city. Consent may only be granted where calculations conclude a small size will carry the storm water at the location proposed and that a smaller culvert will not create cleaning and maintenance problems.

(D) Where existing drainage facilities, bridges, culverts, trench drains or swales have to be replaced due to failure, danger of failure, or simply wear and tear, they shall be sized and installed according to this subchapter regardless of whether publicly or privately owned and maintained.

(E) No road, drainage ditch, or swale along a public road or on public land may be filled in or altered without a written permit. When culverts are allowed to replace or supplement drainage ditches or swales, sizing of the culverts shall be based on the twenty-five (25) year return interval. Access for cleaning and catch basins shall be required and shall not be spaced in excess of forty (40) foot intervals without written permits. All catch basins shall have an inside horizontal cross measurement at least as large as the diameter of the pipe.

(F) No swale or road drainage ditch shall be filled so that minimum surface flow is above the bottom of the street bedding (minimum 10" below street surface) except with written permission from the city.

(G) Water from parking lots shall not drain onto public streets unless such streets contain a storm water system or curb and gutters capable of carrying away such storm water without allowing the storm water to flow into the traffic carrying areas of the street (no more than two feet (2') into the street from back side of curb). Where storm sewers and drainage ditches are available, trench drains or concrete-paved swales shall be installed at the property line to direct all surface water into the storm sewer or drainage ditches. In no case shall storm water be allowed to enter upon a street or road where it creates puddles, standing water, or where it causes ice to form on the street.

(H) It shall be unlawful for any person to place any fill, dirt, debris, trash, brush, trees or stumps or any other items or materials into any stream that will obstruct, impede, or divert the flow of water or affect the water-carrying capacity of a storm or drainage ditch.

(I) Culverts placed in drainage ditches adjacent to a road or street for a driveway or road intersection shall be a maximum of forty feet (40') in length.
(Ord. 24:95, passed 9-11-95; Am. Ord. 18:97, passed 8-11-97)

§ 93.17 ENFORCEMENT.

The administration shall have the right to set permit fees to cover the cost of permits and inspections.
(Ord. 24:95, passed 9-11-95)

§ 93.18 CIVIL DAMAGES.

Any person violating any provision of § 93.15 - 93.16 shall, in addition to the penalty set out in § 93.99, be liable civilly to the city for any expense loss or damage caused to the city by reason of a violation, including not limited to any clean-up, administration or legal expenses.
(Ord. 24:95, passed 9-11-95; Am. Ord. 32:97, passed 10-13-97)

ROAD AND BRIDGE PROJECTS

§ 93.25 PUBLIC HEARING REQUIRED.

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 projects.
(KRS 174.100)

§ 93.26 NOTICE REQUIREMENTS.

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
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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))

§ 93.27 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road and bridge projects.

(B) The city shall not be bound by testimony heard at the hearing but shall give due consideration to it.
(KRS 174.100(2), (3))

§ 93.28 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held.
(KRS 174.100(4))

§ 93.29 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.
(KRS 174.100(5))

§ 93.30 EXEMPTIONS FOR HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which were under construction as of July 15, 1980, unless construction was suspended after that date and the city desires to reactivate the project.
(KRS 174.100(6), (7))

§ 93.99 PENALTY.

(A) Any person, firm, or corporation violating any section of this chapter may be issued a Notice of Violation by a Code Enforcement Officer allowing the offender a specified time to remedy the violation without a fine. If the violation is not remedied, the offender shall be issued a citation by the Code Enforcement Officer. If the Code Enforcement Officer believes that the violation presents a serious
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threat to the public health, safety, and welfare, or if, in the absence of immediate action, the effects of the violation will be irreparable or irreversible or the violation is a repeated violation, the Code Enforcement Officer may issue a citation with a Notice of Violation. If the citation is not contested by the offender, the following penalties shall apply; however, the Code Enforcement Board may waive all or any portion of said penalty if, in its discretion, the Code Enforcement Board determines that such waiver will promote compliance with Chapter 93.

(1) First Offense: \$100.00

(2) Second Offense: 125.00

(3) All Others: 150.00

(B) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

(1) First Offense: \$300.00

(2) Second Offense: 400.00

(3) Third Offense: 500.00

(Ord. 24:95, passed 9-11-95; Am. Ord. 32:97, passed 10-13-97)