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COMMONWEALTH OF KENTUCKY
DAVIESS FISCAL COURT

ORDINANCE

KOC 620.7

AN ORDINANCE relating to sidewalks; requirement to repair, and County furnishing cement concrete to property owners for reconstruction of sidewalks.

WHEREAS, in order to encourage and support the integrity of existing sidewalk facilities, the County will aid property owners, outside the corporate limits of the Cities of Owensboro and Whitesville, in reconstructing sidewalks by furnishing cement concrete within the guidelines of this ordinance; and,

WHEREAS, the property owner or owners are responsible for maintaining the sidewalks within the county right-of-way and a request for cement concrete for sidewalk reconstruction must be initiated by the property owner or owners.

Be it ordained by the fiscal court of county of Daviess, Commonwealth of Kentucky:

SECTION 1. That the County Engineer is designated as agent for the County to administer all sidewalk projects under this ordinance, within the following guidelines:

- (1) Whenever it becomes necessary to affect repairs upon any public sidewalk in the County, outside the corporate limits of the Cities of Owensboro and Whitesville, in order to maintain or place same in a reasonably safe condition for the use of the public, the County, acting through its proper representative or representatives, shall cause a notice in writing to be given the owner or owners of the land abutting such sidewalks. This notice shall inform the recipient of the necessary repairs

and request that the recipient proceed immediately to accomplish the work. In the event that the recipient of the notice does not cause the necessary repair work to be in good faith commenced within ten days from receipt of the notice, the County may proceed to bring about the completion of the necessary repairs at the expense of the owner or owners so notified. If the owner fails to pay the expense of repairs within thirty (30) days from demand, the county treasurer will cause to be filed in the county clerk's office, a statement of the costs incurred by the County and that amount contained therein will constitute a good, lawful and valued lien against such property, and the same shall constitute a notice to all persons from the time of its recording and shall bear interest at the rate of eight percent (8%) per annum thereafter until paid.

(2) The County will furnish and pay for cement concrete material for sidewalk work, provided the property owner or owners pay "all" other costs incurred in a sidewalk project.

(3) No materials shall be furnished for sidewalks outside of public rights-of-way.

(4) Where sidewalks exist and are to be reconstructed, the County may furnish concrete material to reconstruct sidewalks to their existing width, but not less than four (4') feet.

(5) No materials shall be furnished for construction or reconstruction of driveway aprons (that portion of a driveway entrance or exit from the sidewalk to the street curb).

(6) The requirements for permits, bonds, construction specifications, etc. shall be established and controlled by the County Engineer.

(7) The basis of payment by the County for cement concrete shall be made upon measurements and calculations by County Engineer personnel for the theoretical volumes required for the work. A sidewalk thickness of four (4") inches shall be used in these calculations, except where sidewalks cross driveways and a six (6") inch thickness shall be used. An allowance, not to exceed five (5%) percent of the theoretical volume, may be added for normal construction variation and waste. Payment for all cement used over and above the volume so calculated shall be the property owners responsibility.

(8) All cement concrete for which the County makes payment shall be furnished by the concrete company which is under contract to the County for concrete materials at the time of the work, and shall be paid to the concrete company at the contract price rate.

(9) Upon a request from the property owner or owners, or his contractor for a permit, the County Engineer's office shall assess the sidewalk work to be done and "estimate" the volume of concrete for which the County would make payment. This information will be furnished to the property owner or owners to avoid misunderstanding. The "actual" payment by the County shall be based on field measurements as per item (7) of this Section.

(10) The County retains the responsibility to determine if the condition of a sidewalk warrants reconstruction.

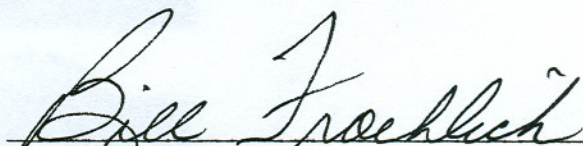
(11) Any questions or unusual circumstances which might arise regarding the sidewalk work performed under this ordinance, shall be resolved by the County Engineer.

SECTION 2. That all prior orders and/or ordinances, or parts of orders and/or ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

SECTION 3. That this ordinance becomes effective immediately upon passage and publication.

Introduced and publicly read on first reading on the 8th day of July, 1980.

Publicly read, amended and adopted on second reading on this the 15th day of July, 1980.

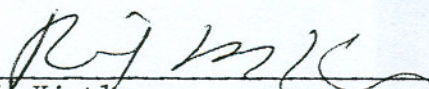


William J. Froehlich
Daviness County Judge/Executive

ATTEST:

Deputy County Court Clerk

PREPARED BY:



Robert M. Kirtley
Daviness County Attorney