

Ordinance No. 195, Series 2005

**AN ORDINANCE AMENDING AND RENACTING
CHAPTER 97 OF THE LOUISVILLE METRO CODE OF
ORDINANCES, RELATING TO STREETS AND
SIDEWALKS (AS AMENDED).**

Sponsored By: Council Member Madonna Flood

**NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS
FOLLOWS:**

SECTION 1. Pursuant to KRS 67C.115(2), Chapter 97 of the Louisville/Jefferson
County Metro Government Code of Ordinances is hereby amended and reenacted as
follows:

~~§ 97.001 HANDICAPPED RAMPS ON SIDEWALKS AND CURBS:~~

~~—— (A) All new curbs, and all existing curbs which are a part of any
reconstruction, within any block which is contiguous to any highways and in which 50%
of the territory is devoted to or zoned for business, commercial, institutional or industrial
use, shall comply with the provisions of this ordinance.~~

~~—— (B) In order to enable persons using wheelchairs to travel freely and without
assistance, at each cross walk a ramp with non-slip surface shall be built into the curb
so that the sidewalk and street blend to a common level. 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. In all ramps there shall be a gradual rounding at the bottom of
the slope.~~

~~POSTING OF ADDRESS NUMBERS~~

~~§ 97.010~~ DEFINITIONS.

(A) For the purposes of this ordinance, the following terms shall have their assigned meanings:

CODE ENFORCEMENT OFFICER. A Louisville Metro Police officer, safety officer, citation officer, or other public law enforcement officer with the legal authority to issue a citation. For purposes of this ordinance, a citation officer is an employee of Metro Government, who has been charged by Metro Government with the authority to issue citations for violations of this ordinance. This shall include duly-sworn members of the Department of Planning and Design Services, Department of Public Works, or Department of Inspections, Permits and Licenses.

COMMERCIAL or INDUSTRIAL STRUCTURE. Any building, structure, premises, or establishment used for commercial, industrial, or business enterprises as opposed to residential purposes.

~~COMMISSION.~~ The ~~Louisville/Jefferson County Planning Commission.~~

FAMILY. One or more persons occupying residential premises and living as one housekeeping unit.

FIRE PROTECTION DISTRICT. Any lawfully-created agency established under KRS Chapter 75 for the ostensible purpose of fire suppression and enforcement of laws and regulations related to fire prevention, protection, and suppression.

LOUISVILLE/JEFFERSON COUNTY INFORMATION CONSORTIUM (LOJIC).

The cooperative technological effort formally implemented by the Louisville/Jefferson County Metro Government, Metropolitan Sewer District and the Property Valuation Administrator that is designed to coordinate all the agencies' traditional mapping efforts, from streets and streams and utility lines to land-use zones.

LOUISVILLE METRO. The geographical boundaries of Louisville/Jefferson County Metro Government.

METRO GOVERNMENT. The political entity, Louisville/Jefferson County Metro Government

MULTIPLE-FAMILY DWELLING. A building or portion thereof designed for, or occupied by two or more families living independently of each other, and doing their own cooking in separate kitchens. It shall also include residential dwellings which are grouped or clustered on a single parcel of land such as a townhouse, rowhouse, or condominium development. The term multiple-family dwelling shall include but not be limited to apartments, apartment buildings, condominiums, duplexes and patio homes.

PERSON. Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

PLANNING COMMISSION. The Louisville Metro Planning Commission.

PLANNING DIRECTOR. The Director, or designee, of the Louisville Metro Department Planning and Design Services, or any successor agency thereto.

PRIVATE ROAD. A road that is not a public way.

PUBLIC WAY. Any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them or roads, streets or highways which have been dedicated to and accepted by Fiscal Court of Jefferson County, the former City of Louisville, or Metro Government pursuant to either KRS 82.400 or KRS 178.405 to 178.425.

REGULAR FIREFIGHTER. The regular members of a fire department in a suburban Fire Protection District, except volunteer firefighters, who have the same powers of arrest as now given by law to sheriffs of the Commonwealth in the manner prescribed in KRS 75.160.

SINGLE-FAMILY DWELLING. A detached building designed for or occupied exclusively by one family, including detached, single unit condominiums.

STREET INDEX FILE (SIF). The computerized listing of all the vehicular rights-of-way and areas with a common name in Louisville Metro which is a part of the Louisville/Jefferson County Information Consortium (LOJIC).

WORKS DIRECTOR. The Director, or designee, of the Louisville Metro Department of Public Works.

POSTING OF ADDRESS NUMBERS

§ 97.011 DISPLAY OF STREET ADDRESS NUMBER.

All residential, commercial, and industrial property located in ~~Jefferson County~~ Louisville Metro, shall conspicuously display the appropriate street address approved or assigned by the ~~Louisville/Jefferson County~~ Planning Commission, in accordance with ~~§§ 97.030 through 97.042~~ this chapter.

§ 97.012 SINGLE-FAMILY DWELLINGS.

(A) All street address numbers for new single-family dwellings shall comply with the following requirements, except as explicitly set forth herein. Numbers always must be clearly visible to vehicles traveling in either direction on the nearest fronting road, in addition to all of the following:

(1) Form.

- (a) Standard Arabic numerals (numbers shall not be written out);
- (b) In a color distinguishable from its background;
- (c) At least four inches in height, unless:

1. Street numbers posted prior to the effective date of §§ 97.012 and 97.013 that were in compliance with previous ordinance requirements as to numeral height and placement will be considered to remain in compliance, until they are removed for any reason, including routine maintenance or

replacement;

2. Street numbers that are constructed of laser-cut masonry may be allowed at the height of the cut brick, with a minimum height of three inches.

(2) Placement.

(a) Free and clear of any obstructions hindering clear visibility;

(b) Placed on the front of the dwelling. Numbers which are painted only on the road curb do not comply with this requirement;

and

1. Placed on the back of such buildings, garages, fences, or other structures on the property, if the back of the property abuts an unnamed alley;

2. If dwelling sits back 100 feet or more from the nearest fronting road, or is not clearly visible to vehicles traveling in either direction on the nearest fronting road, the numbers shall be a minimum of three inches in height and permanently affixed to

(a) A mailbox, if there is one located on the fronting road; or

(b) If there is no mailbox available on the fronting road, then a numerical sign no greater than twelve (12) inches high may be placed in or on the ground, visible in

both directions from the roadway. Such sign shall be located no closer than six feet, and no further than twelve (12) feet from the driveway; or

(c) The owner of any such building may submit an alternate form of placement of street address/building numbers to the Fire Department or suburban Fire Protection District having jurisdiction, that is reasonably calculated to readily identify such buildings to emergency and public safety personnel. The parties shall work together to insure proper identification without undue expense to the owner. The written proposal shall be signed off by the Fire Department or suburban Fire Protection District once approved, and the property owner shall maintain a copy of the written exemption.

§ 97.013 MULTIPLE-FAMILY DWELLINGS.

(A) All street address numbers for new multiple-family dwellings shall comply with the following requirements, except as explicitly set forth herein. Numbers always must be clearly visible to vehicles traveling in either direction on the nearest fronting road, in addition to all of the following:

- (1) Form.
 - (a) Standard Arabic numeral form;

- (b) In a color distinguishable from its background;
- (c) At least six inches in height with regard to street address/building numbers, and four inches in height with regard to individual unit numbers in buildings with street address/building numbers also posted, unless:

1. Street numbers posted prior to the effective date of Sections 97.012 and 97.013 that were in compliance with previous ordinance requirements as to numeral height and placement will be considered to remain in compliance, until they are removed for any reason, including routine maintenance or replacement;

(2) Placement.

- (a) Free and clear of any obstructions hindering clear visibility;
- (b) Placed on the front of the dwelling. Numbers that are painted only on the road curb do not comply with this requirement; and

1. Placed on the back of such buildings, garages, fences, or other structures on the property, if the back of the property abuts an unnamed alley;

2. If building sits back 100 feet or more from the nearest fronting road, or is not clearly visible to vehicles traveling in either direction on the nearest fronting road, the numbers

shall be a minimum of three inches in height and permanently affixed to:

(a) A mailbox, if there is one located on the fronting road; or

(b) If there is no mailbox available on the fronting road, then a numerical sign no greater than twelve (12) inches high may be placed in or on the ground, visible in both directions from the roadway. Such sign shall be located no closer than six feet, and no further than twelve (12) feet from any curb cut; or

(c) The owner of any such dwelling may submit an alternate form of placement of street address/building numbers to the Fire Department or suburban Fire Protection District having jurisdiction, that is reasonably calculated to readily identify such buildings to emergency and public safety personnel. The parties shall work together to insure proper identification without undue expense to the owner. The written proposal shall be signed off by the Fire Department or suburban Fire Protection District once approved, and submitted to the Planning Commission as

proof of compliance with Sections 97.012 and 97.013. The property owner also shall maintain a copy of the written exemption.

§ 97.014 COMMERCIAL OR INDUSTRIAL STRUCTURES.

(A) The street address number shall be placed ~~at, on, or about~~ the front of each individual commercial or industrial structure so it is clearly visible to vehicles traveling in either direction on the nearest fronting road or parking area and in order to insure prompt identification of the location of each separate building. The address shall be kept free and clear of any obstructions hindering clear visibility to vehicles traveling in either direction on the nearest fronting road or parking area.

(B) (1) ~~After the effective date of this ordinance, t~~ The street address numbers for all new commercial or industrial structures shall be in standard Arabic form of a size at least six inches in height or larger, so as to be clearly visible to vehicles traveling in either direction on the nearest fronting road or parking area, and the street address number shall be in a color distinguishable from its background.

~~(2) All commercial or industrial structures in existence upon the effective date of this ordinance which have existing posted street address numbers in standard Arabic form of a size at least five inches in height, shall be deemed in compliance with this ordinance unless:~~

~~(a) The street address number for such commercial or industrial structure is determined to be in violation of Sections 97.030 through 97.042; or~~

~~(b) The street address number is replaced as a result of routine maintenance, replacement, or for any other reason.~~

~~(3) In either event set forth in subsections (B)(2)(a) and (b) of this section, such commercial or industrial structure will be required to have at least six inch Arabic numerals for its posted street address.~~

(C) In the event that a commercial or industrial structure is more than 100 feet from the nearest fronting road or is otherwise not clearly visible from the nearest fronting road, the owner of such structure shall use a system of street address identification, approved by the Fire Department or suburban Fire Protection District having jurisdiction, that is reasonably calculated to readily identify the structure to emergency and public safety personnel. The owner shall propose any such identification system in writing to the Fire Department or suburban Fire Protection District having jurisdiction, and the Fire Department or suburban Fire Protection District shall work with such owner to insure proper identification without undue expense to the owner. The Fire Department or suburban Fire Protection District shall give written approval for any qualifying identification system, with a copy to the Planning Commission, and such written approval shall be prima facie evidence of compliance with this ordinance.

~~§ 97.015 ENFORCEMENT PERSONNEL.~~

~~(A) The Code Enforcement Officer, or his authorized representatives, and all regular firefighters are hereby designated as enforcement personnel for this ordinance, which shall be enforced with the intent to insure that each residential, commercial, and industrial structure in Jefferson County is clearly identified by its assigned street address in order to enable emergency and other public service personnel to promptly identify same at all times.~~

~~(B) Prior to the issuance of any citations for violation of this ordinance, an enforcement officer shall deliver a written warning, either in person or by first class mail, which shall describe the violation and direct the correction of such violation within ten business days of the written notice. Thereafter, if subsequent inspection reveals the violation has not been corrected, then the enforcement officer shall issue a citation for the violation.~~

STREET NAMES AND ADDRESSES

~~§ 97.030 DEFINITIONS.~~

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

~~COMMISSION. The Louisville/Jefferson County Planning Commission, the agency with responsibility for land use planning and zoning matters in Jefferson County.~~

~~_____ DIRECTOR. The Director, or his designee, of the Division of Planning and Development Services, or any successor agency thereto.~~

~~_____ FIRE PROTECTION DISTRICT. Any lawfully created agency established for the ostensible purpose of fire suppression and enforcement of laws and regulations related to fire prevention, protection and suppression.~~

~~_____ METRO INFORMATION CONSORTIUM (MIC). The cooperative technological effort formally implemented by the Metropolitan Sewer District and the Property Valuation Administrator that is designed to coordinate all the agencies' traditional mapping efforts, from streets and streams and utility lines to land use zones.~~

~~_____ PERSON. Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.~~

~~_____ REGULAR FIREFIGHTER. The regular members of a fire department in a Fire Protection District, except volunteer firefighters, who have the same powers of arrest as now given by law to sheriffs of the Commonwealth in the manner prescribed by KRS 75.160.~~

~~_____ STREET INDEX FILE (SIF). The computerized listing of all the vehicular rights-of-way and areas with a common name in Jefferson County which is a part of the Louisville/Jefferson County Information Consortium (MIC).~~

§ 97.031 ASSIGNMENT OF STREET NAMES.

(A) Existing Street Names.

_____ Existing street names listed in the Street Index File (SIF) are hereby declared the official street names of such streets, ~~unless subsequently renamed by official action of the Louisville /Jefferson County Planning Commission (hereafter "Commission") Metro Council, in conformity with this ordinance and Commission procedures the Land Development Code (LDC).~~

(B) Street Name Changes.

(1) Final Approval Recommendation of all street name changes shall be obtained from the Planning Commission. ~~The Commission may delegate approval authority to the Director.~~ Potential names for existing streets may be approved recommended by the Planning Commission only after consultation with the fire department or suburban fire protection district having jurisdiction. As set forth in the LDC, upon conformance with the street name-change procedures set forth therein, approved street names will be changed only upon legislative approval of Metro Council. ~~New street names shall not duplicate or closely approximate street names already assigned within Jefferson County, or streets under state or federal jurisdiction which lie within Jefferson County boundary.~~

_____ (2) (a) If approved by the Metro Council, the name change will become official upon entry into the SIF, which shall occur within five business days of the legislative approval.

(b) If name change is denied/not approved by the Planning Commission and/or Metro Council, the owner or developer shall propose alternative street names until a suitable name is approved in accordance with the procedures herein.

(C) New Street Names.

~~As determined by the~~ (1) The Planning Director or his/her designee, in cooperation with the local Fire Protection District having jurisdiction, shall establish all new street names, in accordance with the guidelines set forth in the Land Development Code. ~~confusing or unusual street name spellings shall not be permitted.~~

(2) New street names shall become official at the time of assignment by the Planning Director, and upon entry into the SIF, which shall occur within five business days of the assignment.

(D) Private streets, frontage roads, or ingress/ egress easements providing access to residential, commercial, industrial, or other properties or buildings shall be named in accordance with provisions of this ordinance and ~~Commission procedures as deemed necessary by the Commission~~ the Land Development Code.

~~§ 97.032 AUTHORITY OF COMMISSION TO CHANGE STREET NAMES:~~

~~The Commission may change, name or rename an existing or newly established street at any time as defined by Article 14 of the Zoning District Regulations for Jefferson County. The local Fire Protection District having jurisdiction shall be notified prior to final action on any name change.~~

~~§ 97.033 WHEN STREET NAMES AND ADDRESSES BECOME OFFICIAL.~~

~~(A) In order to ensure the effective continuance of Jefferson County's street name and address program, the street name shall become official upon acceptance by the Commission, and entry into the SIF. Addresses shall become official upon issuance by the Director.~~

~~(1) The Commission shall review proposed street name changes in cooperation with the local Fire Protection District having jurisdiction over the proposed subdivision or site development. If approved, the street name will then be entered into the SIF. If approval is denied, the owner or developer shall propose alternative street names until a suitable name is approved by the Commission in cooperation with the local Fire Protection District having jurisdiction.~~

~~(2) Street address numbers shall be assigned only by the Director, in cooperation with the local Fire Protection District having jurisdiction, and shall be official at the time of assignment.~~

~~(B) Within 30 days of the effective date of this ordinance, the Commission shall adopt procedures for street name approval and street address assignment, which shall be in conformity with this ordinance.~~

97.034 PREPARATION OF STREET NAME AND ADDRESS MAPS, AND ADDRESS FILES.

The Planning Director shall have prepared and shall maintain a series of maps of the entire county and such maps, to the extent possible, shall depict each street and

property address. Due to the limitations of mapping to effectively portray each address for each building or building sub-unit, the Planning Commission shall also cause to be prepared a listing of each address for each parcel and building and/or sub-units within buildings. The official street name and address maps and address files shall be kept on computer files that are available through LOJIC and other related computer files.

§ 97.035 STREET NAME SIGNS.

(A) All street name signs, whether new or replacements, erected or posted after the effective date of this Ordinance, shall conform to the Manual on Uniform Traffic Control Devices. No person may erect or post any street name sign in the right-of-way without a permit from the Department of Public Works.

(B) For new development, all street name signs shall be installed where approved by the Department of Public Works, prior to the issuance of any building permit for a building with an address on that street.

§ 97.036 UNIFORM ADDRESSING SYSTEM.

(A) There shall be a uniform system of numbering properties and buildings, as shown on the parcel identification maps maintained by the Planning Director ~~of the Commission~~. All properties or parcels of land within the limits of ~~Jefferson County~~ Louisville Metro shall be identified by reference to the uniform numbering system adopted herein. Buildings which house multi-family dwelling units, multiple offices or businesses, shall have one address for each principal entrance and a unit, apartment,

or suite number to identify each separate unit related to the principal entrance address. Determination as to the requirement for unit, apartment, or suite numbers shall be made by the Planning Director, ~~or his/her designee~~ in cooperation with the local Fire Department or suburban Fire Protection District having jurisdiction. Street numbers shall be uniformly assigned, as indicated by ~~Jefferson County's~~ Louisville Metro's address grid system.

(B) Additional address indicators will be allowed to accommodate requests for additional address identifiers. These additional address identifiers or signature/theme addresses will be in addition to the addresses assigned under the uniform numbering system. When such requests are made, the U.S. Postal Service Postal Address Standards will be followed. Such standards state, in part, that the last line of an address will be the City, the State and the ZIP+4, as validated with the ZIP+4 File and the City-State File.

(C) The line immediately above the last line will contain the address as determined by the Grid System for Address Numbering set forth in Section 97.037. The next line up, or third from the last, shall be available for signature/theme identifier assignment. Generally, any reasonable request for a signature/theme type address will be granted when the applicant agrees to use the U.S. Postal Service Postal Address Standards.

(D) Where there is a request for signature/theme numbers for a group of buildings that face or are located in a plaza, square or parklike area, the following guidelines should be considered:

(1) Whether each building was designed with respect for the architecture and/or compatibility of use of the others.

(2) Whether each building is positioned in a manner that gives the impression that the building is a part of the group.

(3) Whether the plaza, square or parklike area is sufficiently prominent to be considered a landmark.

(E) When signature/theme numbering is allowed under the criteria of subsection (A) of this section the following shall apply:

(1) The plaza, square or parklike area shall receive an address as a landmark.

(2) The buildings shall be numbered following the guidelines for number sequence assignment and directional considerations, ~~set forth herein~~ and the ~~Commission's~~ procedures for street name approval and street address assignment, as set forth herein.

§ 97.037 GRID SYSTEM FOR ADDRESS NUMBERING.

(A) ~~Jefferson County's~~ Louisville Metro's address numbering system is on a grid system that is divided into quadrants establishing zero baselines from which numbers are assigned. The grid system, as shown on the property numbering map on file in the office of the Planning Commission, indicates the point at which block numbers will change in increments of 100.

(B) Assigned address numbers under the grid system will ascend numerically from 100 to the North and to the South based on Main Street/Shelbyville Road as the boundary or zero baseline for streets that are aligned basically North and South. Streets that are aligned basically East and West shall be assigned address numbers ascending numerically from 100 to the East and to the West based on First Street as extended to the ~~Jefferson County~~ Louisville Metro boundary representing the ~~boundary~~ or zero baseline. The directional orientation of a street shall be determined by the Planning Director ~~of the Commission~~. Numbers on the North side of East-West streets shall be odd and numbers on the South side of East-West streets shall be even. Numbers on the West side of North-South streets shall be even and numbers on the East side of North-South streets shall be odd.

§ 97.038 SEPARATE NUMBERS TO BE ASSIGNED TO EACH ENTRANCE.

When a building has more than one entrance providing access to separate units, apartments, or suites, a separate number shall be assigned to each entrance. Within buildings that contain more than one separate unit, apartment, or suite, each separate subunit shall be assigned a unit number based on the unit's location relative to the front entrance and the stories contained within the building. The subunit number is to be assigned by the Planning Director, and shall be considered an integral part of the street address for applicable buildings.

~~§ 97.039 DISPLAY OF ADDRESS NUMBER.~~

~~Address numbers shall be displayed in accordance with §§ 97.010 through 97.013.~~

§ 97.040 ADMINISTRATIVE AUTHORITY, DUTIES AND RESPONSIBILITIES.

(A) ~~The Director shall be responsible for the interpretation, administration, and enforcement of this ordinance, and shall have the necessary authority to ensure compliance herewith, including the issuance of violation notices and any other appropriate action.~~ Approval of all street names and addresses will be in cooperation with the local Fire Department or suburban Fire Protection District having jurisdiction, as set forth herein.

(B) The Planning Director shall maintain records of all addresses for each property and building on the parcel identification maps that are maintained by LOJIC. Such records and maps shall be made available to all public safety, law enforcement and emergency agencies for their use in the performance of their respective duties.

(C) ~~When street address numbers are noted by the Director as either incorrect or otherwise in need of reassignment,~~ the Planning Director shall have the authority to effect and order a change in address in accordance with the provisions of this article, when street address numbers are noted by the Director as either incorrect or otherwise in need of reassignment.

~~§ 87.041 ENFORCEMENT OF NUMBERING SYSTEM.~~

~~_____ (A) _____ Whenever there is reason to believe that any person is in violation of any provision of this ordinance, the Director or any Fire Protection District, acting through one of its regular firefighters, may give notice of such violation to the person failing to comply with any such provision and order said person to take such corrective measures as are necessary within 30 days from the date of notification. Said notice shall also advise that the recipient may, within 30 days from the date of notification, submit written evidence to the Director or the Fire Protection District, as the case may be, of why there is no violation of this ordinance. Copies of all violation notices and any response thereto shall be provided to both the Director and the Fire Protection District having jurisdiction, regardless of the source that issued the original violation notice.~~

~~_____ (B) _____ Such notice and order shall be sent certified mail, with return receipt, to the person allegedly committing or permitting the violation. The date shown on the return receipt shall be the date from which the 30 day period shall commence for compliance or submission of written evidence of nonviolation.~~

~~(C) _____ If such person fails to comply with the order issued pursuant to this section, the Director may initiate such actions as are necessary to terminate the violation, including criminal citations and applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action. If the original violation notice was issued by a regular firefighter, such firefighter may pursue and prosecute a criminal citation or complaint.~~

§ 97.042 BUILDING AND OCCUPANCY PERMITS - DUTY OF OWNER.

(A) No building permit shall be issued for any structure until the owner or developer has procured the official address number of the premises from the Planning Director. An occupancy permit for any structure erected or repaired shall be withheld until permanent and proper address numbers have been affixed to such structure in accordance with the requirements of § 97.039 011 through 97.014.

(B) In the event that a structure is modified in use or design so that either a change in address or the assignment of additional addresses is required for continued compliance with this ordinance, the changed address or additional addresses must be acquired from the Planning Director in accordance with the provisions of this article. No building permit or occupancy permit shall be issued until the proper street address number(s) for a modified structure has been assigned.

OBSTRUCTIONS TO CROSS-VISIBILITY

§ 97.050 APPLICATION OF REGULATIONS.

(A) The following regulations shall apply to:

(1) Property which is located at corners formed by intersecting streets and which lies within the triangular area bounded by the property lines abutting such streets and a diagonal line joining points on the property lines 35 feet from the point of intersection of the property lines; and

(2) Property that is located at corners formed by the intersection of an alley or driveway with a street, and which also lies within the triangular area bounded by the property lines that abut such streets, alleys, or driveways, along with a diagonal line that joins points on the property lines that are twenty (20) feet from the point of intersection of the property lines.

§ 97.051 MAINTENANCE OF OBSTRUCTION.

Within this described area, except as provided in § 97.052, it shall be unlawful to install, set out, maintain, or allow the installation, setting out, or maintenance of any sign, hedge, shrubbery, tree, natural growth, or other obstruction of any kind which obstructs cross-visibility at a level between 24 inches and 72 inches above the level of the center of the adjacent intersection.

§ 97.052 EXCEPTIONS.

The provisions of § 97.051 shall not apply to the following:

(A) Permanent buildings.

(B) Existing grades which by reason of natural topography exceed 24 inches above the level of the center of the adjacent intersection, provided that no obstruction to cross-visibility not specifically excepted herefrom shall be installed, set out, or maintained on any existing grade which is more than 24 inches and less than 72 inches above the level of the center of the adjacent intersection.

(C) Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend into the area between 24 inches and 72 inches above the level of the center of the adjacent intersection.

(D) Fire hydrants, public utility poles, street markers, and traffic-control devices.

§ 97.053 TRAFFIC-CONTROL DEVICES.

Any intersection at which cross-visibility is obstructed by any obstruction excepted by § 97.052 shall be so marked by appropriate traffic-control devices as to provide for the safety of motorists and pedestrians at such intersection.

~~§ 97.054 ENFORCEMENT.~~

~~———— The administration of this subchapter shall be under the direction of the Director of Works who shall investigate violations, issue such notices and orders as are required herein, and perform such other duties as may be necessary for the enforcement of this subchapter.~~

~~§ 97.055 NOTICE; ORDER; HEARING.~~

~~———— Any obstruction to cross-visibility maintained in violation of this subchapter shall be deemed to be a public nuisance inconsistent with and detrimental to the public safety and shall be abated in accordance with the following procedure:~~

~~_____ (A) The Director of Works shall cause to be served by certified mail a written notice and order of abatement on the owner, tenant, or person in charge of the premises on which the obstruction exists.~~

~~_____ (B) The obstruction shall be removed by the person responsible therefor within ten days from the date of receipt of the notice and order.~~

~~_____ (C) Any person receiving such notice and order may, within ten days from receipt thereof, request in writing a hearing before the Director of Works. This hearing shall be held not later than 30 days following the date of the request. If after the hearing the Director of Works finds that the obstruction in question does in fact constitute a public nuisance, he shall order the nuisance be abated within ten days from the date of the order. On failure by any person to comply with such an order, the Director of Works shall proceed forthwith to remove or cause the removal of the obstruction and the cost thereof shall be a charge against the person responsible and shall be a lien against the property from which the obstruction is removed.~~

~~§ 97.056 CONFLICT OF LAWS.~~

~~If the provisions of any other law, ordinance, or regulation of the Metro Government or of the state shall be in conflict with the provisions of this subchapter the more stringent provision shall control.~~

OTHER OBSTRUCTIONS AND HAZARDS

§ 97.070 OBSTRUCTION OF PUBLIC WAYS.

(A) Structural obstructions. It shall be unlawful for any person to erect, keep, or maintain on or over any sidewalk, street, alley, or public way within ~~Jefferson County~~ Louisville Metro, or on or over any part thereof, any house, fence, wall, building, or structure of any kind, or any post, rail, or other thing that may in any way obstruct, either totally or partially, such street, alley, or sidewalk, or that may in any way prevent or impede the full and free use by the public of the entire sidewalk, street, alley, or public way. However, Metro Government may, at its discretion, place such trees, posts, rails, or other structures that it may deem appropriate upon the public way. In no event, however, shall such structure impede vehicular or pedestrian traffic.

(B) Lights on obstructions. When any use of any street, sidewalk, alley, or public way is made as allowed by law, all obstructions shall be safely guarded in such manner and with sufficient necessary ~~red~~ yellow lights at night, as to protect all those traveling or passing on such streets, alleys, sidewalks, or public ways against injury from the obstruction.

(C) Enclosures. It shall be unlawful for any person to enclose in any manner, either totally or partially, any sidewalk, street, alley, public way, or any part thereof, with any fence, wall, or other structure, or in any manner whatever, except as may be provided by ordinance.

(D) Use of cellar doors. It shall be unlawful for any person to permit or keep open any grating or cellar door or way in any sidewalk on any street, or thereby to prevent the free and unobstructed use by pedestrians of the entire sidewalk from the line of the property abutting on such street to the curb of the carriageway thereof, except for the time such opening on the sidewalk is being actually used for taking things into or out of the cellar or basement with which such openings shall communicate or be connected. When such actual use ceases, the grating or cellar door in the sidewalk shall be closed on a level with the sidewalk and securely fastened by the persons owning, occupying, or using it so that pedestrians may safely and without obstruction use the full width of the sidewalk, including the place therein covered by such grating or cellar door or way.

§ 97.071 MATERIALS ON PUBLIC WAYS.

(A) (1) General prohibition. It shall be unlawful for any person to place, keep, or maintain on any sidewalk, street, alley, or public way, any wood, coal, lime, sand, brick, stone, lumber, or anything whatever, except as herein provided.

(2) Removal of materials. Any person engaged in doing or causing to be done any construction or demolition work which makes it necessary for or results in bricks, stone, dirt, sand, gravel, vessels, or other litter or matter to be placed or to fall in or on any street, alley, sidewalk, or public way of ~~Jefferson County~~ Louisville Metro, shall remove these materials together with all litter or other substance or refuse matter remaining after the work is completed within three days after the completion of the work.

The owner of any building or structure of any kind destroyed in whole or in part by fire, windstorm, or other involuntary cause shall, within six days after the event causing the destruction, remove or cause to be removed all debris resulting therefrom lying on any street, alley, sidewalk, or public way of ~~Jefferson County~~ Louisville Metro.

(3) Dumping or spilling debris on streets. No person shall dump, spill, deposit, or track any foreign matter on any public way of ~~Jefferson County~~ Louisville Metro. Any person who violates this provision shall be liable to ~~Jefferson County~~ Metro Government for the cost of moving such foreign matter from the public way of ~~Jefferson County~~ Louisville Metro. The provisions of this subsection shall not apply to any person who has complied with the provisions of subsection (A)(2) above.

(4) Disintegrating substances on streets. No person shall place or cause to be placed any lime, mortar, or any disintegrating substance on any asphalt street within ~~Jefferson County~~ Louisville Metro so that it will come in contact with the asphalt surface thereof.

(5) Heavy substances on pavements. No person shall place or cause to be placed on an asphalt pavement in ~~Jefferson County~~ Louisville Metro, heavy rocks, timber, metals, or other heavy substances by which the surface of the pavement may be defaced or injured.

(6) Injurious matter on streets. It shall be unlawful for any person to leave, throw, or deposit on any street any glass bottles, glass, nails, tacks, hoops, wires, cans, or any other substances likely to injure any person, animal, or vehicle.

(B) Violations of subsection (A) of this section involving matter in an amount less than or equal to the capacity of a standard 20-gallon container shall constitute littering; violations involving substances in greater amounts shall constitute dumping.

(C) No provisions of this chapter shall be deemed to waive any requirement imposed by the Department of Public Works Utility Policy, with regard to the operations of a public utility on a street or in the right-of-way.

§ 97.072 BLOCKING SIDEWALKS.

It shall be unlawful for any person in or on any sidewalk or any premises in or abutting thereon to make any speech or harangue; to demonstrate, sell, or offer for sale goods, wares, or merchandise; or to display any signs, device, information, or exhibition in consequence of which there is caused or created such a gathering of persons on the sidewalk as to interfere with pedestrian traffic thereon.

§ 97.073 ~~DIGGING OR BREAKING PAVEMENT.~~

~~(A) It shall be unlawful for any person to dig, break, displace, injure, or interrupt in any manner any pavement, sidewalk, curbing, street, alley, or public way, except in making improvements to adjoining lots or for public purposes.~~

~~(B) Whoever shall dig or displace, injure, or interrupt any part of any sidewalk, pavement, street, alley, public way, or curbing in making improvements in or on adjoining lots or for public purposes, shall replace the surface in its original condition within 24 hours after the completion of the work with like materials to that which the~~

~~sidewalk, pavement, street, alley, public way, or curbing is constructed. The Department of Public Works may grant a waiver if like materials cannot be found or if materials used in a sidewalk would make it difficult for an individual with a medical condition to obtain access to the property abutting the sidewalk. Such waiver shall only be granted after review and recommendation by the Urban Design Department staff of the Louisville Development Authority.~~

~~§ 97.074~~ LIQUID OBSTRUCTIONS.

(A) It shall be unlawful to allow or permit the flow of water of any kind from any drain or other pipes in or on any street, alley, sidewalk, or public way during the making, repairing, or reconstruction thereof in such manner as to interfere with, retard, or interrupt such work.

(B) It shall be unlawful for any person to throw, pour, or permit or cause to be run over any sidewalk, street, alley, or any part thereof, any slop, refuse matter of any kind, ~~filthy or hot water, steam water of any kind,~~ impure liquids, ~~or liquids or offal~~ of any kind, or to permit any person in his employ to do so.

~~§ 97.075~~ 97.074 VEHICULAR OBSTRUCTIONS.

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within ~~Jefferson County~~ Louisville Metro, either during the day or night.

(B) It shall be unlawful for any person to place or maintain any vehicle of any kind on or over any sidewalk or any part of any sidewalk.

(C) It shall be unlawful to remove any wrecked vehicle without removing broken glass or debris from the roadway.

(D) It shall be unlawful for any automobile repair shop, tire shop, accessory store, filling station, or any other establishment to use any part of any street, sidewalk, or the right-of-way for the storage, repair, adjustment, or equipment of vehicles and accessories therefor.

§ 97.076 OBSTRUCTIONS REGULATED.

(A) Permit. No person shall place, construct, or maintain within the right-of-way of any public way of ~~Jefferson County~~ Louisville Metro any object, structure, sidewalk, entrance way, driveway, or other installation, except as otherwise permitted by ordinance of the Metro Government, without obtaining a written permit to do so from the Works Director of Public Works.

(B) Regulations. The Works Director of Public Works is authorized to establish reasonable rules and regulations governing the erection and maintenance of such objects, structures, and installations in such right-of-way.

§ 97.077 EXCEPTIONS.

(A) Nothing in this subchapter shall be construed to prohibit the necessary, temporary use of the sidewalks, by night or day, while actually shipping or receiving

goods, wares, or merchandise of every kind, and for putting up coal or other fuel, provided sufficient passageway is left for pedestrians.

(B) The provisions of any section to the contrary notwithstanding, the Works Director of Works is authorized to issue a permit for the erection of temporary bleacher seats along the route of any duly-authorized parade. Such permit shall be effective only for the period of time specified therein, and shall specify the exact location or locations of such temporary bleacher seats.

EXCAVATIONS

§ 97.090 EXCAVATION PERMITS.

(A) No person other than an authorized officer or employee of the Metro Department of Public Works shall make any opening, cut, or excavation in or under the surface of any street, alley, sidewalk, or highway of Jefferson County Louisville Metro without a written permit from the Department of Public Works Director.

(B) Any permit issued as herein prescribed shall in no way be construed as affecting or recognizing the validity of any existing grants, franchises, or permits or of any such rights alleged to exist, unless especially stated herein.

(C) Any excavation performed within Louisville Metro must be in compliance with the provisions of KRS 367.4901 through 367.4917, the "Kentucky Underground Facility Damage Prevention Act."

§ 97.091 EMERGENCY MEASURES.

In the event that any sewer, main, conduit, or other structure in or under any street, alley, sidewalk, or highway shall burst, break, or otherwise be in such a condition as to seriously endanger person or property, the owner of such sewer, main, conduit, or other structure shall immediately take charge of and repair such trouble and shall immediately take all necessary precautions to make the location safe and secure. The owner shall not, however, begin making any permanent repairs in the street, alley, sidewalk, or highway surface or proceed with any further opening or removal of any further portion of such surface until he has secured a written permit from the ~~Department of Public Works~~ Director to do so. Such permit shall be secured within 18 hours after the break or serious trouble has developed and when the necessary repairs have been completed, the owner shall file a written report of the completion with the ~~Department of Public Works~~ Director on a specified form ~~to be prescribed by the Department.~~

§ 97.092 REQUIREMENTS IN PRIVATE EXCAVATIONS.

When any person desires to make an opening or excavation in or under the surface of any street, alley, sidewalk, or highway, such person shall make written application on a form to be prescribed by the ~~Department of Public Works~~ Director for a permit to do such work. After the issuance of the permit the work allowed thereby shall be done within the time fixed by the permit and the surface of the street, alley, sidewalk, or highway shall be restored to as good condition as it was before such opening or

excavation was made. The restoration shall be made with like materials to that which the street, alley, sidewalk, or highway is constructed. ~~The Department of Public Works may grant a waiver if like materials cannot be found or if materials used in a sidewalk would make it difficult for an individual with a medical condition to obtain access to the property abutting the sidewalk. Such waiver shall only be granted after review and recommendation by the Urban Design Department staff of the Louisville Development Authority.~~ After the completion of the work allowed by such permit, the person to whom the permit was issued shall, within five days, report in writing to the ~~Department of Public Works~~ Director that the work has been completed. The person to whom the permit was issued shall maintain the condition of the surface over such opening or excavation for five years in as good condition as the remainder of the street, alley, sidewalk, or highway and shall repair or reconstruct the surface as often as may be necessary. Should such person fail to maintain, repair, or reconstruct any such surface within ten days after notice from the ~~Department of Public Works~~ Director, the Department may have such surface repaired or reconstructed and charge the cost of repair, including any costs associated with the use of any like materials used in restoration, to the person responsible therefor. Such person shall indemnify and save harmless the Metro Government against any claim for damages by reason of any defective condition of any such street, alley, sidewalk, or highway surface due to such construction, or by reason of any work so done, of whatever nature.

§ 97.093 BOND REQUIRED.

To protect the Metro Government against any loss or damage on account of any opening or excavation in or under the surface of any street, alley, sidewalk, or highway, every person before doing any work therein shall file with the ~~Department of Public Works~~ Director an acceptable bond of such amount as directed, ~~by the Department of Public Works~~ not to exceed \$10,000. This bond shall be renewed annually within the first ten days of January of each year.

§ 97.094 DIGGING OR BREAKING PAVEMENT.

(A) It shall be unlawful for any person to dig, break, displace, injure, or interrupt in any manner any pavement, sidewalk, curbing, street, alley, or public way, except in making improvements to adjoining lots or for public purposes.

(B) Whoever shall dig or displace, injure, or interrupt any part of any sidewalk, pavement, street, alley, public way, or curbing in making improvements in or on adjoining lots or for public purposes, shall replace the surface in its original condition within 24 hours after the completion of the work with like materials to that which the sidewalk, pavement, street, alley, public way, or curbing is constructed.

MAINTENANCE

~~§ 97.110 SEWER, WATER, AND GAS CONNECTIONS.~~

~~-----~~ The owner of property abutting any public way shall cause to be installed, before the carriageway of the public way is paved or repaved, a sewer, water, and gas service pipe from the sewer, water, and gas mains in the public way to the property line. When the carriageway of a public way is to be paved or repaved the Department of Public Works Director shall send notice to the owner or agent of each lot abutting thereon whose name may appear on the books of the Tax Receiver Property Valuation Administrator as the owner of the property, to install within 30 days, a sewer, water, and gas service pipe to each lot. Notice may be sent by mail or in such other manner as the Works Director of Public Works may designate, but failure of the owner or agent to receive such notice shall in no way invalidate any ordinance or any contract entered into by the Department of Public Works Director, nor in any way affect the liability of any such owner to pay his proportionate part of the cost of the installation of service pipes which may be provided by any special ordinance now or hereafter in force.

~~§ 97.111 RETAINING WALLS AND GRADING OF STREETS AND SIDEWALKS.~~

~~-----~~ (A) It shall be the duty of every owner of any land or lot in Jefferson County Louisville Metro to prevent dirt and earth from washing or falling from such land or lot on the paved carriageway of any street, alley, or public way of Jefferson County Louisville Metro. In order to prevent any dirt or earth washing or falling from any land or lot on any

~~such paved carriageway, the owner is required to erect a retaining wall of concrete or other material, or in lieu thereof, the ground can be graded to a slope the extent of one and one half to one, and sodded. This work shall be done under the direction and approval of the Department of Public Works Director, who. The Department of Public Works shall examine the premises and direct the owner or his agent, lessee, or occupant thereof, in writing, to erect the character and kind of wall required, or may permit the owner to grade and sod the area. The work shall be completed within 30 days from the date of notice.~~

~~(B) Any person owning any land or lot on any street within Jefferson County Louisville Metro with sidewalks improved with concrete or other materials where the ground is higher than the sidewalk, in order to prevent the dirt or ground from caving or being washed on the sidewalk, is required to erect a retaining wall of concrete or other material. In lieu thereof, the ground can be graded to a slope the extent of one and one half to one, and sodded. This work shall be done under the direction and approval of the Department of Public Works Director, who. The Department of Public Works shall examine the premises and direct the owner or his agent, lessee, or occupant thereof, in writing, to erect the character and kind of wall required, or may permit the owner to grade and sod the area. The work shall be completed within 30 days from the date of the notice.~~

~~(C) Any plans submitted by an owner or owner's agent for a retaining wall, or change in grading, must be approved by a professional engineer, and reviewed and approved by the County Engineer.~~

§ 97.112 REPAIR OF SIDEWALKS.

(A) The owners of property abutting sidewalks in ~~Jefferson County~~ Louisville Metro are required to repair that part of the sidewalk adjoining property respectively belonging to them at their own expense by repairing any holes, uneven surface, and other defective places therein, by using like materials to that of which the sidewalk is constructed within ten days after receiving notice in writing from the ~~Department of Public Works~~ Director to do so. The ~~Department of Public Works~~ Director may grant a waiver if like materials cannot be found or if materials used in a sidewalk would make it difficult for an individual with a medical condition to obtain access to the property abutting the sidewalk. ~~Such waiver shall only be granted after review and recommendation by the Urban Design Department staff of the Louisville Development Authority.~~ This section shall not waive or affect the right of the ~~Metro Government or~~ Department of Public Works to order the reconstruction of any such sidewalk if it is found proper to do so.

(B) It shall be the duty of the ~~Department of Public Works~~ Director as soon as it ~~ascertains~~ the existence of defects in the sidewalks of ~~Jefferson County~~ Louisville Metro are ascertained, to forthwith notify, in writing, the owners of the property abutting that part of the sidewalk which is found to be defective, to repair it at their own expense with like materials to that of which the sidewalk is constructed unless a waiver is granted pursuant to subsection (A), within a period of ten days after the delivery of the notice. In the event the owner fails to make such repairs, the Works ~~Director of Public Works~~ is

authorized to have the necessary repairs made with like materials to that which the sidewalk is constructed and to assess the cost of repair to the abutting owner and notify him of the assessment in writing. In the event the owner fails to remit the costs as assessed within 30 days of the notice as given above, the Works Director of Public Works shall take the necessary steps to place a lien against the abutting property owner in the office of the Jefferson County Clerk, in the amount of the unpaid assessment.

§ 97.113 SNOW REMOVAL.

(A) It shall be the duty of all persons and corporations owning or occupying property abutting a public street in ~~Jefferson County~~ Louisville Metro, ~~except property that is occupied or used as single family dwellings~~, to remove within 24 hours thereafter such snow as may fall on the sidewalks in front of their property. Where the property is unimproved or unoccupied this duty shall devolve on the owner or the agent for the property. Where property is occupied by others than owners thereof, this duty shall devolve on the owner or the tenants and either may be proceeded against for the violation.

(B) Snow when removed from the sidewalk shall be placed either on private property or in the public driveway at a distance not less than 12 inches from the curbing of the sidewalk. However, in no event shall the snow be so placed as to obstruct the free passage of water in the gutter or in the direction of any sewer or catch basin.

§ 97.114 COMMERCIAL DRIVEWAYS.

No commercial driveway shall be made, nor shall any existing private driveway be converted to a commercial driveway on Southern Parkway, that portion of Northwestern Parkway west of 22nd Street, ~~Western Parkway~~, Southwestern Parkway, Cherokee Parkway, that portion of Eastern Parkway from the most eastern point to Alexander, and that portion of Algonquin Parkway eastwardly from a line parallel to Cane Run Road and crossing Algonquin Parkway at a point 200 feet east of the easterly line of Cane Run Road.

STREET BANNER PROGRAM

§ 97.125 CREATED.

The Metro Council hereby authorizes the creation of a street banner program to enhance the appearance of ~~Jefferson County~~ Louisville Metro and provide civic information. Such a program shall be administered by the Department of Public Works, ~~Inspections, Permits and Licenses, Economic Development~~ Metro Development Authority and the Downtown Development Corporation. These ~~departments~~ agencies shall develop appropriate regulations and policies to govern the program, ~~meeting to meet the~~ distinctive needs of the neighborhoods, commercial and downtown business areas in which the banners will be placed.

ORNAMENTAL LIGHTING STANDARDS

~~§ 97.140 POLICY; STANDARDS; PROCEDURE.~~

~~(A) It shall be the policy of the Metro Government to permit any Neighborhood Association to erect ornamental lighting standards at its expense on sidewalks and rights-of-way (other than roadways dedicated to vehicular use) within the jurisdiction of the Neighborhood Association subject to design review and approval by the Landmarks Commission and subject to inspection and safety compliance approval by the Department of Inspection, Permits and Licenses.~~

~~(B) When a Neighborhood Association determines that it desires to erect ornamental lighting standards within its boundaries it shall notify the Landmarks Commission and shall submit to the Commission its proposed design in a manner satisfactory to the Commission. The Commission shall review the proposed design and shall determine whether the design is aesthetically fitting for the neighborhood and for the particular blockface. The decision of the Commission shall be final.~~

~~(C) (1) After approval by the Landmarks Commission the Neighborhood Association may proceed to erect the ornamental lighting standards either by contracting with the Louisville Gas & Electric Company to provide for the installation or by contracting with any licensed electrician. The Neighborhood Association shall be responsible for restoring the sidewalk or other easement to a condition at least as safe as that which prevailed before construction of the standards.~~

~~(2) The Department of Inspections, Permits and Licenses shall inspect the work after installation and shall determine that all work has been done in compliance with Article 27 "Electrical Wiring and Systems" of the Kentucky Building Code. Only upon such approval by the Department of Inspections, Permits and Licenses shall Louisville Gas & Electric Company be authorized to provide power for lighting the ornamental standards.~~

~~(D) The Neighborhood Association shall purchase liability insurance in a sum of not less than \$1,000,000 covering injuries to persons or damage to property caused by the ornamental lighting standards. The Neighborhood Association, shall submit proof of such insurance to the Department of Public Works at the time of installation, and upon request, at reasonable intervals thereafter.~~

ACCEPTANCE OF PRIVATE ROADS

97.150 DEFINITIONS.

~~For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*PRIVATE ROAD.* A road that is not a public way.~~

~~*PUBLIC WAY.* Any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them or roads, streets or highways which have been dedicated to and accepted by Fiscal Court of Jefferson County, the former City of~~

~~Louisville, or Metro Government pursuant to either KRS 82.400 or KRS 178.405 to 178.425.~~

~~— SINGLE-FAMILY DWELLING. A detached building designed for or occupied exclusively by one family, including detached, single unit condominiums.~~

§ 97.151 REQUIREMENTS FOR ACCEPTANCE OF PRIVATE ROAD DEDICATIONS.

Any private road dedication may be approved by Metro Government to become a public way only if it meets all of the following criteria:

(A) The width of the private road is no less than 18 feet, unless the Works Director of Public Works recommends in writing acceptance of a lesser width for such private road.

(B) The private road only has single-family dwellings abutting it and directly connects to a public way, provided, however, that Metro Council may accept a private road that has uses other than only single-family dwellings abutting it if the Works Director of Public Works recommends in writing acceptance of said private road.

(C) The applicant(s), at his or her own expense, must have a report prepared by a professional engineer, which is approved by the Metro Government's County Engineer, that demonstrates the private road meets the construction and design specifications set forth in Section 6.2.7 of the Louisville/Jefferson County Land Development Code, or as it may thereafter be amended.

(D) The private road, plus additional property adjacent to said road, is conveyed in fee simple to Metro Government to provide a right-of-way of the same width as required

by Chapter 6 of the ~~Louisville/Jefferson County~~ Land Development Code, unless the ~~Works Director of Public Works~~ recommends in writing the acceptance of a lesser width for such right-of-way.

(E) The right-of-way, as mentioned in subsection (D) above, is dedicated for public use by a major subdivision plat, which is prepared by, and at the expense of the applicant(s), and signed by all property owners abutting the road to be dedicated.

§ 97.152 ACCEPTANCE BY METRO GOVERNMENT OF PRIVATE ROADS.

Metro Government may accept the dedication of any private road to become a public way, provided the requirements of this subchapter are satisfied, through the adoption of an ordinance to that effect. Any ordinance accepting a dedication may be conditioned upon the applicant(s) satisfying the requirements of this subchapter, and recording a plat dedicating the right-of-way within 24 months of the effective date of that ordinance.

§ 97.997 ENFORCEMENT

(A) The provisions of this ordinance shall be subject to the notice requirements, form of citations, and service requirements, as set forth in the Louisville Metro Property Maintenance Code, Section 156.804, or as it may be amended from time to time.

(B) Enforcement personnel for this chapter shall include Louisville Metro police officers, Code Enforcement officers as set forth in this ordinance, and also shall

include regular firefighters for violations, with the primary administrative citing responsibility resting with each agency, as follows:

(1) In order to ensure that emergency and public safety personnel may quickly and accurately identify locations within Louisville Metro, primary enforcement for the provisions of sections 97.011-97.014 and 97.042, as well as any future amendments relating to the posting of street address numbers or street name signs, shall be conducted by regular firefighters (except for Section 97.042), as identified herein, or by Code Enforcement officers employed by the Department of Inspections, Permits and Licenses.

(2) For sections relating to "Street Name Signs," currently numbered 97.035; "Obstructions to Cross-Visibility," currently numbered 97.050 - 97.051; "Other Obstructions and Hazards," currently numbered 97.070 - 97.076; "Maintenance," currently numbered 97.110 - 97-114; and "Street Banner Program," currently numbered 97.125; primary enforcement of violations shall be conducted by Code Enforcement officers employed by the Department of Public Works.

(3) (a) For any section for which primary enforcement authority is not identified specifically herein, citations may be issued by any Code Enforcement Officer.

(b) Although a section may have a primary enforcement agency specifically identified, nothing shall inhibit or prevent another Code Enforcement Officer from issuing a citation, or otherwise attempting to enforce the provisions of this Ordinance, as set forth herein.

§ 97.998 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 97.999 PENALTIES.

(A) ~~Any person, firm, or corporation who violates any provision of § 97.001 for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or imprisonment not exceeding 12 months or both. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.~~ A violation of this Chapter shall be classified as a civil offense (the terms "violation" and "offense" may be used interchangeably within this Ordinance), and shall be enforced by the Code Enforcement Board ("Board"), as provided in LMCO Sections 32.275 through 32.290, or as they may be amended. Penalties relating to multiple offenses shall be imposed when a person previously has been determined by the Board to have committed such violation(s). The date of determination of commission of multiple offenses shall be the date that the person is charged with commission of the violation.

(B) ~~Any person responsible party failing to comply with the provisions of Sections 97.010 97.011 through 97.015 97.014 shall be fined not less than \$10 nor~~

~~more than \$25. Each day during which the violation exists shall be deemed a separate offense subject to the fines listed in Exhibit C, the Civil Penalty Schedule of the Property Maintenance Code, set forth in Chapter 156 of this Code of Ordinances.~~

~~(C) Any person, firm or corporation failing to comply with the provisions of this ordinance after written notice by the Director issued under § 97.042 shall be guilty of a violation and fined not less than \$10 or more than \$25, and each day during which the violation exists shall be deemed a separate offense. Any responsible party failing to comply with the provisions of subsections relating to Excavation, currently numbered 97.091-97.094; subsections relating to Grading and Retention Wall requirements, currently numbered 97.111; and subsections relating to commercial driveways, currently numbered as 97.114, or as and of these subjects may be renumbered hereafter, shall be subject to the following monetary penalty schedules:~~

~~(1) Not less than \$1000, nor more than \$1250 for a first offense;~~

~~(2) Not less than \$1250, nor more than \$1500 for a second offense committed within a two-year period;~~

~~(3) Not less than \$1500, nor more than \$3000 for a third offense committed within a three-year period.~~

~~(D) (1) Any person who violates any of the provisions of §§ 97.070, 97.072 -97.074, 97.075(A) and (B), or § 97.077 shall be fined not less than \$25 nor more than \$50 for each offense. Each day's continued violation shall constitute a separate offense. Any responsible party failing to comply with the provisions of subsections~~

relating to Sidewalk Repair or Snow Removal, currently numbered as 97.112- 97.113, or as they may be renumbered hereafter, shall be subject to the following fines:

(1) Not less than \$25, nor more than \$100.

~~(2) Any person who violates § 97.071 shall be fined not less than \$25 nor more than \$250 for each offense which constitutes littering as therein defined, and shall be fined not less than \$250 nor more than \$1,000, or imprisoned for not more than 60 days, or both, for each offense which constitutes dumping as therein defined. Each day's continued violation shall constitute a separate offense.~~

~~(3) Whoever violates any of the provisions of § 97.075(C) and (D) shall be fined not less than \$25 nor more than \$100.~~

~~(4) Any person who violates any of the provisions of §§ 97.071(D) and (E), 97.076, 97.110, 97.111(A), or § 97.114 shall be fined not less than \$10 nor more than \$50 for each offense. Each day's continued violation shall constitute a separate offense.~~

~~(5) Any person who violates any of the provisions of §§ 97.090 through 97.093 shall be fined not less than \$10 nor more than \$100 for each offense. Each day's continued violation shall constitute a separate offense.~~

~~(6) Any person who violates any of the provisions of § 97.111(B) or § 97.112 shall be fined not less than \$10 nor more than \$50 for each offense. Each day's continued violation shall constitute a separate offense.~~

~~_____ (7) Any person who violates § 97.113 shall be fined not less than \$25 nor more than \$100 for each offense. Each day's continued violation shall constitute a separate offense.~~

~~(E) Civil enforcement. Any responsible party failing to comply with any section or subsection of this chapter for which another penalty specifically is not provided shall be subject to the following monetary penalty schedule:~~

~~_____ (1) Not less than \$100, nor more than \$250 for a first offense;~~

~~_____ (2) Not less than \$250, nor more than \$500 for a second offense committed within a two-year period;~~

~~_____ (3) Not less than \$500, nor more than \$1000 for a third offense committed within a three-year period.~~

~~_____ (1) In addition to the penalties set forth above, any person who violates the provisions of §§ 97.070 through 97.140 and/or any regulations adopted thereunder shall be subject to a civil penalty to be recovered by the Metro Government in a civil action in the nature of a debt if the person does not pay the penalty or request a hearing within seven days after being cited for the violation. Any person who fails to pay the penalty or request a hearing within the seven days shall be deemed to have refused to pay the penalty levied by the citation.~~

~~(2) The civil penalty for each violation of the provisions of §§ 97.070 through 97.140 and/or any regulations adopted thereunder shall be not less than \$20 nor more than \$1,000 and each violation shall constitute a separate offense. If the civil penalty is paid within seven days of the date of the violation, the penalty shall be~~

~~discounted by 25%. Payment of the civil penalty within seven days of the date of the violation shall constitute full payment of the penalty. Payments received by the Metro Government on or after the eighth day must be for the full penalty amount, plus any applicable fees or penalties.~~

~~(3) Any person cited for a violation of the provisions of §§ 97.070 through 97.140 and/or any regulations adopted thereunder may contest the determination that a violation occurred by requesting in writing a hearing before the Director of Public Works or his or her designee. Such hearing shall be held no later than 30 days from the date of receipt of the request, unless prior to the hearing, the person requesting the hearing requests an extension of time not to exceed 14 days. No less than seven days prior to the date set for the hearing, the Director of Public Works shall notify the person of the date, time and place of the hearing. Any person who requesting a hearing fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the penalty levied by the citation.~~

~~(4) At the hearing, the Director of Public Works or his or her designee may consider the citation notice and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.~~

~~(5) At the hearing after considering the evidence, the Director of Public Works or his or her designee shall determine whether a violation was committed. Where it has not been established that a violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the Director of Public Works or his or her designee shall uphold the citation and order~~

~~the person to pay the citation within seven days. A copy of the order shall be furnished the person. Any person ordered to pay the penalty who fails to pay to do so within seven days shall be deemed to have refused to pay the penalty levied by the citation.~~

~~————— (6) ——— An appeal from the determination of the Director of Public Works or his or her designee may be made to the Civil Division of Jefferson District Court within seven days of the Director's determination. The appeal shall be initiated by the filing of an original action along with a copy of the Director's Order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be on the Metro Government to establish that a violation occurred. If the Court finds that a violation occurred, the person shall be ordered to pay to the Metro Government all fines, fees and penalties occurring as of the date of the judgment. If the Court finds that a violation did not occur, the Metro Government shall be ordered to dismiss the citation and the person shall be authorized to recover his costs. The judgment of the Jefferson District Court may be appealed to the Jefferson Circuit Court in accordance with the Rules of Civil Procedure.~~

~~(F) Each separate occurrence, or each day a violation is permitted to continue after official notice of violation (warning or citation), may constitute a separate offense, for purposes of imposition of penalties.~~

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Kathleen J. Herron
Metro Council Clerk

Dr. Barbara E. Shanklin
Dr. Barbara E. Shanklin
President of the Council

Jerry E. Abramson
Jerry E. Abramson
Mayor

11-16-05
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: [Signature]



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