

AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY AMENDING SIDEWALK MAINTENANCE AND REPAIR SECTIONS OF CHAPTER 150 OF THE VILLA HILLS CODE OF ORDINANCES TITLED GENERAL PROVISIONS.

WHEREAS, the current Villa Hills provisions on sidewalk maintenance and repair are inefficient and time consuming; and

WHEREAS, The City of Villa Hills wishes to update the sidewalk maintenance and repair provisions to make them more efficient and ensure public safety;

BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY:

SECTION I

Section 150.52 NOTICE OF VIOLATION; COST ASSESSMENT; LIEN is amended as follows:

In the event that the City Inspector **or an authorized representative** determines that any sidewalk or portion thereof in the city is in violation of this subchapter, the City Clerk shall cause a written notice to be mailed by [~~both first class mail and~~] certified mail [~~, return receipt requested,~~] to every owner of abutting real estate in regard thereto [~~along with a copy of this subchapter~~] a written description [~~and photograph~~] of the sidewalk and the conditions in violation of this chapter, **the criteria used to determine the violation(s), a copy of the sidewalk detail from the city's encroachment permit, an estimated cost if the city makes the repair, the length of time this cost will be amortized at a rate on the property tax bill until recovered not to exceed the greater of \$250 per year or an amortized amount to fully pay the cost within ten (10) years, and instructions on how to apply for a waiver for households facing economic hardship.** The notice shall state that unless the violations are eliminated and the condition of the sidewalk conforms to the requirements of this subchapter within sixty (60) consecutive calendar days after the notice was mailed, the city shall cause the condition of the sidewalk to conform to the requirements of this subchapter. Unless it is finally determined in an administrative hearing that there was no violation of the terms and provisions of this subchapter and the determination of the enforcement officer was erroneous, each owner of the abutting property shall be jointly and severally liable to the city for all costs and expenses incurred by the city in causing the sidewalk to conform to the requirements of this subchapter and the cost of the collection thereof, including reasonable court costs and attorney's fees. In order to secure payment, the city shall have a lien upon the abutting real estate, which shall be superior to all other liens thereon, except liens for ad valorem taxes and public improvement assessments.

SECTION II

Section 150.53 RIGHT TO HEARING; ADMINISTRATIVE PROCEDURES is amended as follows:

Within [~~thirty (30)~~] **fourteen (14)** consecutive calendar days after [~~any determination by the enforcement officer~~] **after the notice was mailed** that any sidewalk or portion thereof in the city is in violation of the terms and provisions of this subchapter and the mailing of the notice to the owners of abutting property any owner of abutting property may request an appeal by the Mayor or Mayor's designee in regard to any violation of the terms and provisions of this subchapter and any determinations of the Enforcement Officer according to the following procedure:

(A) The appeal shall be in writing and shall include a description of the sidewalk and the conditions determined to be in violation of this subchapter and the name, address and telephone number of the owner of the abutting real estate appealing the decision. It shall be filed with the City Clerk [~~during regular business hours~~];

(B) Immediately upon receipt of a hearing request conforming to the requirements described, the City Clerk shall schedule the hearing with the Mayor or Mayor's designee no later than fourteen (14) days after receipt of the written request, and shall mail a written notice of the time, date and place to the applicant by certified mail [~~, return receipt requested,~~] at least ten (10) days prior thereto;

(C) At the time, date and place scheduled for the hearing, the Mayor or Mayor's designee shall conduct a due process hearing to determine from the evidence presented whether or not any of the terms or provisions of this subchapter have been violated; and

(D) Within seven (7) days thereafter, cause a written decision to be mailed to the appellant, by first class mail, and deliver a copy thereof to the Enforcement Officer. The written decision of the Administrative Officer shall include factual determinations and a conclusion that the provisions of this subchapter were either violated or not violated by the sidewalk involved in this appeal, or otherwise.

(E) Nothing in this section shall prevent the City of Villa Hills from developing sidewalk assistance program(s). whether through the city or through other community organizations or groups to assist individuals who meet the qualifications of any such assistance program in lieu of the administrative process to ensure the repair of broken or unsafe sidewalks.

SECTION III

150.54 REPAIR AUTHORIZED; LIABILITY OF COSTS TO PROPERTY OWNER is amended as follows:

In the event that within sixty (60) days after the date that the aforescribed violation notice was mailed to the owners of abutting property:

(A) The sidewalk defects described therein haven't been repaired or otherwise eliminated, **or the property owner lacks a signed copy of a contract to make the repair**

in a timely fashion, so that the condition of the sidewalk described therein conforms to the requirements of this chapter; and

(B) There has been no decision by the Mayor or Mayor's designee, in an appeal from the violation notice, that the sidewalk involved in the appeal wasn't in violation of this chapter; then the Enforcement Officer shall cause the sidewalk defects described in the aforescribed violation notice to be eliminated, by the repair or reconstruction thereof, through material and equipment of the city, and the time and labor of employees thereof, or independent contractors therefore, so that the condition of the sidewalk conforms to the requirement of this chapter.

(C) Nothing in this section shall prevent the City of Villa Hills from developing a list of all sidewalks that violate this subchapter and to use discretion to prioritize the replacement of any sidewalks found to be in violation of this subchapter which were not repaired or replaced by the abutting property owner based on appropriate criteria, including but not limited to the severity of the defect, the amount of pedestrian usage, or any other such factors reasonably seen fit for consideration in order to best use the available resources of the city set aside for such replacement.

SECTION IV

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION V

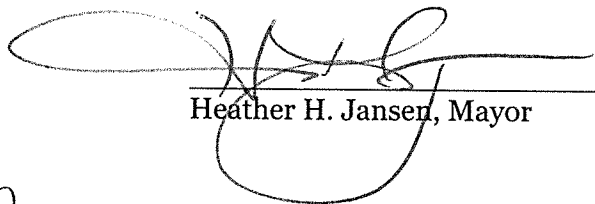
The provisions of this ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION VI

This Ordinance shall take effect and be in full force from and after its passage, and may be published in summary form, and recording, according to law.

Passed by the City Council this 15th day of December, 2021.

City of Villa Hills, Kentucky
A Municipal Corporation of the Home Rule Class



Heather H. Jansen, Mayor

ATTEST:



Jennifer Lipson, City Clerk

Sponsor: Thompson

First Reading: 11/17/2021

Second Reading: 12/15/2021

Ayes: Baehner, Cahill, Ringo, Stover, Thompson, Wadworth

Nays: None

Abstentions: None

Absent: None

Published: 01-03-2022