

CHAPTER 91: STREETS AND SIDEWALKS

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Cross-reference:

For right-of-way regulations, see Ch. 105

EXCAVATIONS AND CONSTRUCTION

§ 91.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than the Street Superintendent, the City Engineer, or other authorized person, to make any opening in any street, alley, sidewalk, or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work.

Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the Mayor or other proper administrative

officer. Application shall be made on a form prescribed by the legislative body, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash Deposit sufficient to cover the cost of restoration has been posted with the Mayor or other proper administrative officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the Street Superintendent, the City Engineer, or other authorized person, and in accordance with rules, regulations, and specifications approved by the legislative body.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make such fill and restoration and the deposit referred to in § 91.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it. If the amount of such services performed by the city should exceed the amount of the deposit, the Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 91.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 91.99

§ 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the property owners to supervise construction and repair of sidewalks on their property within the city.

ROAD AND BRIDGE PROJECTS

§ 91.15 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 purposes.

(KRS 174.100)

§ 91.16 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 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))

§ 91.17 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 or bridge projects.

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

(KRS 174.100 (2), (3))

§ 91.18 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))

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed as 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))

§ 91.20 EXEMPTIONS FROM 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))

OBSTRUCTIONS

§ 91.30 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 91.99

Cross-reference:

Littering on streets or sidewalks, see Ch. 94

§ 91.33 REMOVAL OF ICE AND SNOW.

(A) It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

(B) The city is authorized in its discretion, but not obligated, to remove ice and snow from any or all quasi-public streets located within city limits, including, without limitation, streets located

within any mobile home park situated within city limits. If the city removes ice or snow from streets located in a mobile home park, the city shall charge the owner, management company or other administrator of the mobile home park a fee in accordance with the following schedule.

(1) If the mobile home park as twenty-five (25) units or less, the fee shall be a minimum of fifty dollars (\$50.00) for each day of removal by the city; or

(2) If the mobile home park has more than twenty-five (25) units, the fee shall be a minimum of seventy-five dollars (\$75.00) for each day of removal by the city.

(Ord. 1999-03, passed 5-3-99)

Penalty, see § 91.99

Cross-reference:

"Reasonable time" requirements, see § 10.04 (D)

STREET LIGHT STANDARDS; PROCEDURES

§ 91.40 GENERAL PROVISIONS.

(A) No street lighting shall be installed on public streets except in compliance with this subchapter.

(B) Street light locations shall be shown on all subdivision plats and development plans as applicable.

(C) Prior to the approval of a final development plan or final subdivision plat, street lighting shall be installed pursuant to this subchapter or bonded in an amount equal to the estimated cost of installation plus twenty-five percent (25%).

(D) In the event street light installation is bonded, the developer shall have one (1) year from the approval of the final development plan or final subdivision plat or until the expiration of the bond for those public improvements in which to install the street lighting.

(E) In developments with underground utilities, the developer shall be responsible for the provisions of appropriate conduit installation. The conduit installation shall be performed according to city's specifications. The developer shall be responsible for pulling the conductors through the conduit, installation and maintenance of the lights, poles and fixtures.

(F) The city shall accept only two styles of light fixtures for public financial responsibility and maintenance.

(1) Styles accepted by the city are the colonial post top and cobra head. The colonial post top is available only for underground installation. The cobra head is available for both

underground and overhead installation. The colonial post top is available for all installations of 9500 lumens or less. The cobra head is available for all lumens levels.

(2) All other styles must receive prior specific written approval from the city. Approval will not be given unless the developer or a properly constituted homeowner's association provides adequate security for the payment of all costs associated with the requested style in excess of the customary cost of the styles approved in § 91.40 (F) (1). Approval of the style shall be within the sole discretion of the city. No entitlement to any other style is granted by this provision. Approval may be denied for any reason.

(G) Light fixtures for local streets shall be 5800 lumens. Fixtures for sub-collector streets shall be 5800 lumens. Fixtures for collector streets shall be 9500 lumens. Fixtures for arterial streets shall be a minimum of 22,000 lumens. All intersections, regardless of category of streets, shall have a minimum of 9500 lumens. These street classifications shall be determined according to the definitions set out in the city's Subdivision Regulations.

(H) All light fixtures shall be spaced at intervals of 200 to 250 feet. The specific spacing for a particular installation shall be determined by the anticipated coverage of the particular fixture and lumen level. This spacing may be varied only with approval of the city. Different spacing may be required by the city in the event circumstances exist which render the standard spacing inappropriate. (Ord. 1997-07, passed 5-5-97) Penalty, see § 91.99

§ 91.41 PREVIOUSLY APPROVED DEVELOPMENT.

All developments for which a final development plan or final subdivision plat have been approved prior to the effective date of this subchapter, but for which development no street lighting has been installed, shall:

(A) Within forty-five (45) days of the effective date of this subchapter, submit to the Mayor a street lighting plan which provides light fixtures locations, lumen levels and fixture style. Any plan which includes a light fixtures styles other than permitted above shall also provide documentation required in § 91.40 (F) (2) above. No lighting-related construction shall begin prior to receipt of written approval of a submitted lighting plan. The written approval must be signed by either the Mayor, City Administrator or the City Engineer.

(B) Within sixty (60) days of receipt of approval of the street lighting plan required in § 91.41 (A) above, install the light fixtures according to that approved plan.

(C) In the event the developer fails to install the approved street lighting plan within the time allotted in § 91.41 (B), the city may grant an extension of time in which to complete installation. No extension of time shall be granted except upon a showing of the

developer's good-faith effort to complete the installation and the posting of the developer's bond in the Mayor's office, in the amount of the cost of the installation of the approved street lighting plan, plus twenty-five percent (25%). This bond shall secure the cost of the city's installation of the approved street lighting plan in the event of the developer's failure to complete installation according to the plan within the extension granted above. The city's election to call the developer's bond and to undertake installation according to the approved plan shall not preclude the filing of charges in Grant District Court seeking the penalties provided below.

(D) Lighting-related construction begun prior to the effective date of this subchapter and completed no later than forty-five (45) days after the effective date of this subchapter shall not be affected by the provisions of this subchapter.

(E) Lighting-related construction begun prior to the effective date of this subchapter but not completed within forty-five (45) days after the effective date of this subchapter shall comply with all applicable provisions of this subchapter.

(F) For street lighting outside the corporate limits of the City of Williamstown Electric. The city will pay the cost of electric for such lighting, starting one (1) year from completion of subdivision street and utilities and acceptance by the city. (Ord. 1997-07, passed 5-5-97) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Each violation and every other failure to comply with the provisions of §§ 91.40 and 91.41 shall be a misdemeanor; and each day a violation continues to exist shall be a separate and distinct offense for which:

(1) Anyone convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.040 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090(1), or both; and

(2) The offender shall be subject to a civil penalty of one hundred dollars (\$100.00) for each offense, which shall be recovered by the city in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of §§ 91.40 and 91.41.

(B) Whoever violates any provision of this chapter for which there is no penalty specifically set forth shall, upon

conviction, be fined not more than \$100.
(Ord 1997-07, passed 5-5-97)