

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2018-14**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY,
AMENDING VARIOUS SECTIONS OF CHAPTER 91 OF THE CITY
OF WALTON CODE OF ORDINANCES PERTAINING TO STREET
OPENINGS IN ORDER TO REQUIRE A PERMIT AND TO
PROVIDE OTHER REGULATIONS FOR STREET CLOSINGS.**

WHEREAS, the City has previously provided regulations and required a permit for street openings; and

WHEREAS, due to recent events which resulted in street closings without specific approval by the City, the City Council of the City of Walton, Kentucky now wishes to provide policies and procedures in order to require for the application and issuance of a permit and related regulations for street closings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY AS FOLLOWS:

SECTION ONE

§ 91.01 OPENING/**CLOSING** PERMIT REQUIRED.

It shall be unlawful for any person, other than the Street Superintendent, the City Engineer, or other authorized person, to make **OR ALLOW** any opening in, **OR TO CLOSE OFF**, any street, **ROAD**, alley, sidewalk, or public way of the city unless a permit to make the opening **OR CLOSING** has been obtained prior to the commencement of the work. **DURING THE PROGRESS OF ANY SUCH WORK, AT LEAST ONE-HALF OF THE STREET, ROAD, ALLEY OR PUBLIC WAY SHALL BE KEPT OPEN AND FREE FOR THE PASSAGE OF VEHICLES, EXCEPT WHEN IN THE OPINION OF THE CITY ENGINEER THE STREET, ROAD, ALLEY OR PUBLIC WAY MUST BE CLOSED TO FACILITATE THE WORK TO BE DONE, IN WHICH CASE THE PERMITTEE SHALL CONSTRUCT OR PROVIDE CLOSE AND CONVENIENT TEMPORARY ACCESS.**

Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening **OR CLOSING** 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 **OR CLOSING**, 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 City Clerk-Treasurer 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 **OR CLOSING** any street, **ROAD**, 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 **OR CLOSING** a portion or all of any street, **ROAD**, 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

SECTION TWO

This Ordinance shall take effect and shall be in full force on January 1, 2019, and after its enactment and publication as required by law.

SECTION THREE

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION FOUR

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, 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 FIVE

This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 11TH DAY OF DECEMBER, 2018.

PASSED AND APPROVED ON SECOND READING BY 5 OF 5 MEMBERS OF CITY COUNCIL ON THE 8TH DAY OF JANUARY, 2019.

APPROVED:

GABE BROWN, MAYOR

ATTEST:

SHARON L. STEVENSON, CITY CLERK/FINANCE

DATE OF PUBLICATION: JANUARY 17, 2019