THE CITY OF PARK HILLS, KENTUCKY

ORDINANCE NO. 8, 2019

AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES TO REQUIRE, IN ADDITION TO ANY OTHER REQUIREMENTS IMPOSED UNDER THE CHAPTER, PUBLIC UTILITIES TO NOTIFY THE CITY CLERK PRIOR TO PERFORMING ANY WORK IN THE CITY

WHEREAS, the City of Park Hills desires that public utilities notify the city prior to performing any work in the city to minimize any delay, interference, or annoyance caused to the city's residents due to the performance of such work.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:

SECTION I

A new § 52.08, titled "PUBLIC UTILITIES," shall read as follows:

In addition to any other requirements imposed in this Chapter, prior to performing any work on public or private property in the city, a public utility, as utility is defined in KRS §278.010, must notify the City Clerk in writing of its intent to perform such work in the city. The written notification shall include:

    (1)   a scope of work that describes the specific work to be done; and

    (2)   the estimated time frame for how long it will take the public utility to complete the work.

SECTION II

§ 52.08, titled "Violations; remedial orders; refusal to issue permit; appeals," shall be renumbered § 52.09 and amended as follows:

    § 52.0[8]9 VIOLATIONS; REMEDIAL ORDERS; REFUSAL TO ISSUE PERMIT; APPEALS."

(A)   Each violation of this chapter is hereby classified as a civil offense.

    (1)   Except as otherwise provided <u>by applicable ordinance or law</u>[~~in this section~~], [~~and~~] §§ 30.100 to 30.109 and 30.999, concerning the City Code Enforcement Board, shall govern all appeals, proceedings, and imposition of civil penalties arising from the issuance of a citation for alleged violations of this chapter.

(2) The Public Works Director is hereby designated a Code Enforcement Officer for purposes of enforcing this chapter.

(3) Any Code Enforcement Officer may, in lieu of immediately issuing a civil citation, require that any violation of this chapter be remedied [by the permittee or its contractor] within a designated period of time. Additionally, in the event of imminent or irreparable danger to persons or property, a Code Enforcement Officer may order the person, entity, utility or contractor [the permittee or its contractor] immediately to cease and desist performing any additional work [on the road or right-of-way] and to perform remedial activities.

(B) Each day that a road, street, or sidewalk is or remains cut, excavated, or altered in a manner not in conformity with this chapter, the permit or applicable law shall be deemed a separate offense.

(C) The City Council may, if it deems it necessary to protect the public ways of the city, refuse to grant additional permits under this chapter to any person or entity having twice been found to have violated this chapter or any permit issued hereunder. Any refusal to issue a permit shall be set forth in writing indicating the date of and reason(s) for the refusal and signed by the Mayor.

(D) Any person, entity, or utility aggrieved by the issuance of a citation, remedial order, cease and desist order, or a refusal to issue a permit may appeal therefrom to the City Code Enforcement Board in the manner provided by Ordinance No. 5, 2005, as amended.

SECTION III

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

SECTION IV

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION V

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. This ordinance may be published by summary.

Passed by City Council on _____, 2019.

                                        CITY OF PARK HILLS, KENTUCKY

                                        By: _____
                                             Kathy Zembrodt, Mayor

ATTEST:

_____
Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____