

ORDINANCE # 10 - 2023

**AN ORDINANCE OF THE CITY OF BEREА, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREА, KENTUCKY, BY REVISING SECTION 41.101 TO INCLUDE UTILITY STRIPS IN THE REQUIREMENT OF MAINTENANCE BY PROPERTY OWNERS, AND TO ADD A DEFINITION FOR UTILITY STRIPS.**

**WHEREAS**, § 41.101 of the Bereа City Code provides for property owners to maintain sidewalks in front of their property in good repair, but does not specifically require maintenance or mowing of the utility strip between the sidewalk and the roadway; and

**WHEREAS**, it has been the policy of the City of Bereа Codes and Planning Department to have property owners mow utility strips as a matter of routine maintenance; and

**WHEREAS**, the City Codes and Planning Administrator has recommended that the Code be amended by including a specific provision for the mowing of utility strips by property owners; and

**WHEREAS**, the City Council has considered the recommendation and approves of the revision to the Code of Ordinances;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Bereа, Kentucky, that the Code of Ordinances of the City of Bereа be revised as follows:

SECTION I

That the Code of Ordinances is hereby amended to revise Section 41.101, so that such section shall read as follows:

***§ 41.101 MAINTENANCE OF SIDEWALKS AND UTILITY STRIPS REQUIRED***

(A) The owners or occupants of lots or property in the city shall keep their sidewalks, ~~and gutters,~~ and utility strips in front of their respective lots in good repair. Any person who shall fail or refuse to repair the sidewalk, ~~or gutter,~~ or utility strip within ten (10)

days after being notified by the mayor or other appropriate city official to do so shall be fined as provided in § 10.099 of this Code.

(B) The owners or occupants of lots shall keep the sidewalks and gutters leading from them clean and in order. Any person who fails or refuses to clean the sidewalk, ~~or gutter,~~ or utility strip within twenty-four (24) hours after being notified to do so by the mayor or other appropriate city official ~~council~~ shall be fined as provided in § 10.099 of this Code. The city in its discretion may elect to repair and reconstruct existing sidewalks in residential areas at its sole cost, or at the joint cost of the city and property owner.

(C) For purposed of this § 41.101, the term “utility strip” shall mean any area between the edge of the sidewalk and the edge of the street or the back of the street curb.

## SECTION II

All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

FIRST READING: September 5, 2023.

SECOND READING AND ENACTMENT: September 19, 2023.

APPROVED BY:

Bruce Fraley, Mayor

ATTEST:

Clerk of the City Council

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PREPARED BY:

Corporate Counsel