

**CITY OF SOUTHGATE
CAMPBELL COUNTY, KENTUCKY
ORDINANCE NO. 19-13**

AN ORDINANCE AMENDING CHAPTER 93 OF THE CITY OF SOUTHGATE CODE OF ORDINANCES TO REQUIRE AN OBSTRUCTION PERMIT PRIOR TO PERFORMING UTILITY OR OTHER WORK IN THE CITY RIGHT OF WAY AND PROVIDING THAT OBSTRUCTING THE RIGHT OF WAY WITHOUT A PERMIT SHALL BE A VIOLATION.

WHEREAS, the City of Southgate desires to clarify that a permit is required for any obstruction of City right of way; and

WHEREAS, obstructing the right of way without obtaining a permit causes severe inconvenience to the citizens of the City and, to the extent such activity obstructs emergency vehicles, constitutes a threat to the health, safety, and welfare of citizens of the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Southgate, Kentucky:

SECTION 1

That Sections 93.16 and 93.17 of the City of Southgate Code of Ordinances are hereby amended to read as follows:

§ 93.16 STREET OBSTRUCTIONS.

(A) It shall be unlawful for any person to close, encumber, or obstruct any street or other public way of the city [~~with any cart, wagon, automobile, or other vehicle or with any sand, dirt, stone, lumber, or any other article~~]; however, this shall not apply to the use of streets or other public ways for building purposes when a proper building permit and obstruction permit have [has] been obtained, for purposes of performing utility or other work in the right of way when a proper street opening permit and obstruction permit have been obtained, or for purposes of storage of bulk solid waste containers or portable storage containers when a proper permit has been obtained pursuant to § 93.25.

(B) For the purpose of this ordinance, "obstruct" or "obstruction" means to unreasonably impede or inconvenience the passage of the public and/or emergency vehicles on the streets, alleys, or sidewalks. Temporary impediments such as garbage collection by garbage or recycling trucks and deliveries of food or merchandise where the public way, or a portion thereof, is blocked for less than one hour are not obstructions under this chapter.

(C) Any member of the City Police Department is authorized to remove or have removed any vehicle, equipment, cart, wagon, or any other obstruction that reasonably appears to be in violation of this section. The item shall be impounded until lawfully claimed or disposed of in conformity with the state statutes.

§ 93.17 STREET OBSTRUCTION PERMIT.

(A) Except as provided in § 93.25, any person obstructing a street, sidewalk, or other public place [It shall be unlawful for any person to erect or cause to be erected; to remove or cause to be removed over a public street, alley, or other public place; or to improve or cause to be improved any house or other structure within the city limits without first obtaining] shall first obtain from the City Clerk a permit to use and occupy the street or other public place [for the purpose of depositing the materials necessary in the erection, removal, or improvement of the house or other structure].

(B) An application for a street obstruction permit shall be made in writing to the City Clerk. It shall state the name of the contractor or other responsible party [owner], the location of the right of way to be obstructed [premises], the character of the proposed work [structure and the material of which it is to be constructed, the contract price or an estimate of the cost if there is no contract], and the length of time for which the use and occupation of the street is desired.

(C) The use and occupancy of any street shall not be granted for a longer time than four months. It may be extended for good cause. The use of any street or alley shall not exceed one-third of its width unless specifically authorized by the City. The use of any street or alley for building purposes shall not be permitted except in the front of the premises to be improved. No materials shall be prepared in the street which can be prepared on the premises. The gutters shall not be obstructed. No obstruction shall be permitted to remain on a public street or alley during the night without a red light displayed during the hours of darkness.

(D) All surplus materials shall be removed immediately upon the completion of the work, and the street shall be put in good repair.

(E) No person shall fence in or otherwise obstruct any sidewalk, street, or public place.

(F) Permits for the placement of bulk solid waste containers and portable storage containers shall be governed by the provisions of § 93.25.

(G) A street obstruction permit shall not be required for temporary street impediments lasting no more than one hour in duration at any given location, such as garbage pickup by garbage and/or recycling trucks; deliveries; emergency repairs by public utilities; or blockage of all or part of the street for less than one hour for ordinary maintenance work, such as tree trimming or utility meter checks or repairs.

SECTION 2

That Section 93.99 of the City of Southgate Code of Ordinances is hereby amended to read as follows:

§ 93.99 PENALTY.

(A) Any person who obstructs a public way in violation of §§ 93.16 and 93.17 shall be guilty of a criminal violation and shall be fined \$125.00.

(B) The violation of any section contained in this chapter for which a penalty is not specifically provided is a civil offense and shall be enforced pursuant to Chapter 32 of this code. Any person, firm, or corporation violating any provision of this chapter shall be fined in an amount of not more than \$500. All fines collected for violations of this chapter shall go to the Street Fund.

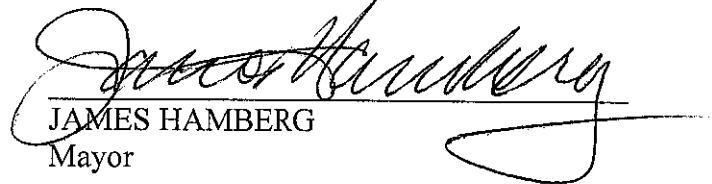
SECTION 3

That any ordinance or any portion thereof in conflict with this Ordinance is, to the extent of such conflict, repealed.

SECTION 4

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law, said publication may be in summary form.

Passed this 2nd day of October 2019.


JAMES HAMBERG
Mayor

ATTESTED:


BRANDI BARTON
City Clerk

First Reading: 9/18/19
Second Reading: 10/2/19