

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1328, SERIES 2015

**AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 90
OF THE JEFFERSONTOWN, KENTUCKY, CODE OF
ORDINANCES WITH RESPECT TO PLACEMENT OF STREET
FURNITURE IN RIGHTS OF WAY OWNED BY THE CITY**

WHEREAS, Chapter 90 of the Jeffersontown Code of Ordinances regulates streets and sidewalks of the City; and

WHEREAS, the City Council finds that placement of street furniture in certain rights of ways belonging to the City will enhance public enjoyment of sidewalks, provided such placement is carefully regulated and controlled under comprehensive regulations, permits and agreements; and

WHEREAS, the City Council finds that a new section of Chapter 90 is necessary to accomplish this beneficial public purpose.

NOW THEREFORE, IT IS ORDAINED BY THE CITY OF JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:

Section 1. A new Section 90.30 of the aforesaid Code of Ordinances is added to provide as follows:

The City of Jeffersontown shall not allow any object, including street furniture, to be placed in the public right of way unless the City has previously issued a permit therefor. "Street Furniture" is defined as outdoor restaurant furniture, public seating, flower boxes or plant containers, bike racks, decorative objects, merchandise, and objects of art, and such other items as may be defined in regulations promulgated pursuant hereto.

Section 2. Section 90.31 is added as follows:

Within thirty days of the passage hereof, the City shall promulgate and thereafter keep in force comprehensive regulations which will address the terms and conditions pursuant to which permits may be issued for the placement of objects in the public right of way, and the City may amend, add to, delete or otherwise modify such regulations from time to time to accomplish the intent of this Ordinance.

Section 3. Section 90.32 is added as follows:

The City may charge a reasonable fee for the issuance of the Permit described herein, and may enter into ancillary agreements necessary to accomplish the intent of this Ordinance, such as maintenance agreements and similar agreements.

Section 4. Section 90.33 is added as follows:

Under no circumstances may a Permit be issued allowing for placement of any object in the public right of way unless the Permittee first agrees in writing to indemnify and hold the City harmless from all claims and damages arising directly or indirectly from Permittee's activities undertaken pursuant to a Permit, and unless the activities of the Permittee are required to conform to and otherwise comply with all guidelines, regulations and provisions of the Americans with Disabilities Act.

Section 5. Section 90.34 is added as follows:

The holder of any Permit issued under this Section shall at all times adhere to the requirements of all regulations authorized pursuant to this Ordinance. Any violation of a regulation shall constitute a violation of this Ordinance, and shall be punishable in accordance with Section 90.99.

INTRODUCED AND READ AT A CITY COUNCIL MEETING OF THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 19th DAY OF MAY, 2015.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE ____ DAY OF _____, 2015.

VETOED:

APPROVED:

BILL DIERUF, MAYOR



BILL DIERUF, MAYOR

DATE: _____

DATE: 6/3/15

ATTEST:



BILL FOX, CITY CLERK