

**CITY OF RUSSELLVILLE, KENTUCKY  
ORDINANCE 2005-19**

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AN ORDINANCE AMENDING AN UNNUMBERED ORDINANCE, DATED JUNE 4, 1974, AS FOUND IN CODIFIED ORDINANCE 91.07, "AN ORDINANCE RELATED TO THE REPAIR OF SIDEWALK BY ABUTTING OWNERS' FAILURE TO REPAIR" BY SETTING FORTH A NEW SECTION CREATING A SIDEWALK COMMITTEE; DEFINING ITS MEMBERSHIP AND DUTIES; BY CREATING A NEW SECTION FOR HISTORIC BRICK SIDEWALKS AND DELINEATING THE RESPONSIBILITIES THEREOF FOR ABUTTING PROPERTY OWNERS AND THE CITY; BY ESTABLISHING GUIDELINES FOR DEEMING BRICK, SLAB OR BLOCK SIDEWALKS AS BEING "UNSAFE"; WITH A SEVERABILITY CLAUSE, REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Russellville, Kentucky, previously enacted an Ordinance on June 4, 1974, and this Ordinance is without number, but is numbered in the City of Russellville's Codification of Ordinances as §91.07, the original title of which is "AN ORDINANCE RELATED TO THE REPAIR OF SIDEWALK BY ABUTTING OWNERS' FAILURE TO REPAIR;" and

WHEREAS, the City Council deems it be in the best interests of the health, safety and welfare of the citizens of the City of Russellville to amend this Ordinance to provide for a Sidewalk Committee to review the condition of City sidewalks, to delineate the responsibility of the City and abutting property owners as to Historic Brick sidewalks; and to establish guidelines for determining whether brick, slab or block sidewalks are "unsafe;"

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:**

**SECTION I.** There is hereby created a new section in the Ordinance enacted on June 4, 1974, as found in Codified Ordinance §91.07 to read as follows:

A. CITY SIDEWALK COMMITTEE

1. A City Sidewalk Committee is hereby created, and it shall consist of two (2) City Council Members, the Superintendent of the Street Department and a resident from within the citizenry of the City of Russellville.
2. The Mayor of the City of Russellville shall appoint the members to the Sidewalk Committee, subject to the approval of the City Council.
3. The City Sidewalk Committee shall prepare a list and a map of all sidewalks within the City limits and shall also prepare a report that evaluates the condition of these sidewalks, estimates the cost of repairs, replacement and determine the priority required for each.
4. Upon completion of this listing and report, it shall be submitted to the City Council, which shall make budgetary decisions to appropriate the funds necessary and available for repairs and/or replacement, according to the priority assigned by the Sidewalk Committee.
5. The City shall make such repairs that are required based on the available funds and the assigned priority. The City shall provide the necessary labor and concrete to make the required repairs.
6. Prior to making any repairs, the Committee shall send the abutting property owner a letter advising of the required repairs, the schedule for repairs and estimated cost. If the abutting property owner wishes to add to or change the scope of repairs he should notify the Committee prior to the scheduled repair date. If the changes add to the total cost of the repair, the owner shall be responsible for the difference in cost. If not advised to the contrary, the City will make the required repairs.
7. Should the abutting property owner fail to pay the bill submitted for these repairs by the scheduled date, the City may place an assessment on the property tax bill of the abutting property owner to collect the amount owed to the City.

B. Historic Brick Sidewalks

1. "Historic Brick Sidewalks" are those sidewalks of brick composition and which are located at, or within, Second to Ninth Streets, and at, or within, Caldwell to Nashville Streets.

2. In the case of Historic Brick Sidewalks, it shall be the intention of the City and the Sidewalk Committee to preserve, wherever possible and practicable, the integrity of Historic property, as defined in the Secretary of the Interior's Guidelines and Standards for Rehabilitation, and further defined in the National Park Service Standards for Preservation (Technical Preservation Service for Historic Buildings).

When the abutting owner of property having a Historic Brick Sidewalk within the Historic District requests, in writing, for the City or the Sidewalk Committee to preserve a Historic Brick Sidewalk, the requesting abutting property owner shall agree to pay the full cost and expense of renewing, repairing and maintaining the Historic Brick Sidewalk and has to provide a schedule for the repairs. The abutting property owner will receive a credit on the repair bill for the estimated cost of labor and concrete, for otherwise replacing the brick sidewalk with a concrete sidewalk. The abutting property owner of a Historic Brick Sidewalk shall submit for approval to the City a schedule of the repairs, replacement and maintenance. Such repairs shall be effectuated in accordance with the guidelines set forth in "Brick Sidewalk Repair" by Gary Kleier, found at <http://www.oldlouisville.com/circa1900/brick-sidewalk-repair.htm>.

3. If the owner of property abutting an unsafe Historic Brick Sidewalk does not desire for the Historic Brick Sidewalk to be preserved, the abutting property owner shall notify the City of Russellville, in writing, of such intentions within thirty (30) of first receiving notification of the impending repairs. Such acquiescence will include a statement from the abutting property owner to have the brick removed and replaced with concrete.

### C. GUIDELINES FOR DEEMING BRICK, SLAB OR BLOCK SIDEWALKS "UNSAFE"

The items below are those that help determine whether a Sidewalk is unsafe and needs repairs or replacement:

1. Any brick, slab or block having a crack of more than 1/2 inch wide;
2. Adjoining bricks, slabs or blocks or portions thereof, whose edges differ vertically by more than 1/2 inch;
3. Brick, slabs or blocks that have holes in them 1/2 or larger in diameter or are cracked and broken so that pieces are missing or loose;

4. Bricks, slabs or blocks having depressions, reverse cross-slope (sloping away from the street);
5. Bricks, slabs or blocks that cause a change in longitudinal grade of the sidewalk of more than 3 inches in five feet;
6. Brick, slabs or blocks where the surface has broken away exposing a very rough surface of coarse stone (spalling);
7. Brick, slabs or block where roots have damaged and lifted the sidewalk that causes longitudinal grade of the walkway of more than 3 inches in five feet.

## **SECTION II. SEVERABILITY**

The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application thereof to any particular state of facts is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and enact each other.

## **SECTION III. REPEALER CLAUSE**


All ordinances or parts of ordinances in conflict herewith and now in effect are hereby repealed, but only to the extent of such conflict.

## **SECTION IV. EFFECTIVE DATE**

This ordinance shall become effective upon passage and publication as required by law.

**FIRST READING** conducted the 8<sup>th</sup> day of November, 2005.

**SECOND READING AND PASSAGE** the 22<sup>nd</sup> day of November, 2005.

  
SHIRLEE YASSNEY, MAYOR

ATTEST:

  
BOB RIGGS, CITY CLERK

**Ayes:** Jones, Russell; McPherson, Lanny; Phillips, Chuck; Stratton, Mark; Whipple, Jack; Zick, Gene.

**Nays:** none

**Absent:** none

**Abstaining:** none

## Brick Sidewalk Repair

by Gary Kleier  
[CHTKY.org](http://CHTKY.org)

One of the problems / advantages of brick sidewalks is that they can move. It is a problem because they can become a tripping hazard. It is an advantage because, unlike concrete, brick is easy to repair. Believe me, this is not rocket science. By the time you finish reading this short article, you will be ready to tackle your first repair job with confidence.

The first things are the tools. Figure 1 shows several basic things that will make life a little easier. From the left:

- A margin trowel for slipping down between the bricks and working them loose.
- A mason's hammer for chipping off small pieces of brick.
- A dead blow hammer or rubber mallet for convincing the brick to lie flat.
- Ear protectors if you need the item in figure 2.
- Not shown in the photograph, but very important if you intend to chip or cut brick, are protective glasses

If you need to cut brick, and you probably will not, you may want to purchase a masonry blade for your circular saw. These are relatively expensive and I don't recommend it unless you really think you must have it. Like I said, you will probably not need it.

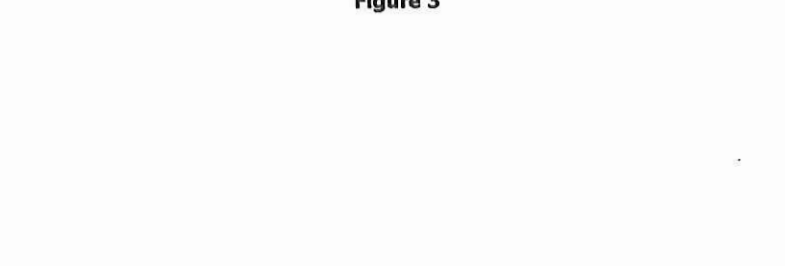
**Figure 1**



**Figure 2**



**Figure 3**



**Figure 3** shows a section of sidewalk that has been pushed up by a tree root. The bricks are displaced about 1/2" upward and present a tripping hazard. The first step is the most difficult; get that first brick out. That is where the margin trowel or something similar is very handy. Work it into the



**Figure 4**

head joint (the short joint) at one end of a brick and lift up. It will not come all the way. You will have to go to the other end of the brick and repeat the process until you work it out. Then it is relatively easy to remove the remainder of the brick.



**Figure 5**

**Figure 4**

Remove enough brick to completely expose the offending root and cut it off. If your problem is that there is a depression in the walkway, remove all of the brick within the depression.

In the process of doing all of this, you have disturbed the sand or gravel bead on which the brick rest. The next thing to do is smooth out the sand (add more if you need it) and compact it tightly. Use the flat side of one of the bricks you removed and smack the sand to compact it. If you don't, the bricks will settle and you will be doing this all over again.

**Figure 5**



The next step sounds easy, but you might be surprised. Replace the bricks. Somehow, they just never want to go back the way they came out. Here are some tips:

- If the last brick in the row just will not go in, use your rubber mallet and smack the last brick on the end to tighten up the row. Sometimes this is a good idea after you have laid two or three.
- Sometimes it is necessary to tighten up the rows from side to side. Again, use the rubber mallet and tap them together. Be careful. You can knock the whole sidewalk out of alignment if you get too aggressive with this.
- These same tips work no matter what pattern you are laying.
- What if there is too much space when you get to the end of the row? Using your margin trowel (or whatever flat bladed instrument you are using) go back several bricks, insert it in the joint and wiggle it until the joint opens up. Try not to exceed 1/8" unless the rest of the brick joints are bigger than that. Do this between all the bricks in the row until you take up as much space as you need.
- How do you know if the bricks are level? Use a straight edge that is long enough to span the entire area you are repairing. If a brick is low, remove it and place some sand under it. If the brick is high, tap it with the rubber mallet until it settles into place. If it will not settle, remove some sand from under it.
- What if a brick breaks? The simple answer is "forget it". I am serious. A broken brick here or there will do no harm. If it is a matter of esthetics, use the trowel to remove it and replace it. Remember this, unless you have more brick of the type used in the sidewalk, replacing the brick will be more noticeable than a broken brick.

#### Figure 6

The last, but equally important step, is to fill the joints between the bricks with sand. If the area is relatively small, I like to begin by working the sand in by hand. This will usually get much more sand into the joints than just sweeping with a broom. Make sure you remove the loose sand from the sidewalk to keep people from slipping.

In a day or two the original sand will settle and it will be necessary to sweep

Figure 6





more sand into the cracks.

By the way, Jed Johnson, my volunteer for this exercise, completed the work from beginning to end in 20 minutes.

If, after reading this article you have the desire to install your own brick paving, I suggest you read my article on that subject here on the Old Louisville Web site. You can also find great information at the Brick Institute of America web site. [www.bia.org](http://www.bia.org)

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#### Webmaster's note:

Gary Kleier is our resident Old Louisville Architectural Conservator. He lives on Floral Terrace and is one of those folks who was instrumental in the landscaping and beautification of that little jewel of a walking court between Sixth and Seventh Streets. Gary specializes in restoration architecture and architectural forensic services and has a wide range of talents which are described on his own web site at [www.KleierAssociates.com](http://www.KleierAssociates.com). You can reach Gary by email at [gikleier@netscape.net](mailto:gikleier@netscape.net)

Other articles in this series:

**[Brick Structures - Oh What Damage We Do Inflict](#)** "The most deadly enemy is man and what he does in the name of maintenance and rehabilitation."

**[The Vinyl Lie](#)** "Every day unsuspecting owners of historic homes, believing they are actually making an investment in their home, succumb to the vicious lies of an unscrupulous industry....."

**[A True Story](#)** "The next time you are thinking about doing something to your "old" house, think about this true story."

**[Brick Sidewalk Repair](#)** A quick primer on repairing your brick walkways.

**[Brick or Concrete?](#)** An illustrated discussion on the advantages of both brick and concrete sidewalks. You decide.

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