

CITY OF BLUE RIDGE MANOR
ORDINANCE NO. 8
SERIES 2011

RESIDENTIAL MAINTENANCE ORDINANCE

AN ORDINANCE establishing abatement procedure and/or penalties for failure to properly maintain property within the corporate limits of the City of BLUE RIDGE MANOR.

WHEREAS, the City of BLUE RIDGE MANOR, by and through its elected officials, is desirous of enforcing this Ordinance in the general interest and for the general well-being of its residents:

NOW, THEREFORE, be it ordained by the Commission of the City of BLUE RIDGE MANOR, Kentucky:

ONE: MAINTENANCE OF PREMISES AND LANDSCAPE ELEMENTS

Any owner, or his/her agent, or occupant of property located within the city limits of the City of BLUE RIDGE MANOR shall be subject to the following provisions:

(a) All premises and landscape elements shall be maintained in a safe, sanitary and sightly condition, including, but not limited to, steps, walks, driveways, fences, decks, retaining walls, shrubs, trees, grass, weeds, leaves, easements and rights of way.

(b) Weeds, shrubs, grass and trees shall be kept trimmed and from becoming overgrown.

(c) Trees and shrubs which have branches projecting into the public right-of-way or easements shall be kept trimmed *fifteen (15) feet above* the public roadways. Additionally, any tree or shrub or other plant form afflicted with decay or vegetation sickness which can be transmitted to other trees, shrubs or plants shall be treated or removed.

(d) All fences, decks, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden structures subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the structure and retard deterioration.

(e) All yards, lots, or similar non-enclosed property shall be kept free of accumulations of leaves, trash, garbage waste, rubbish, refuse, junk and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for insects, vermin or other animals.

(f) Inoperable vehicles must be stored within an enclosed structure, screened from view and subject to all terms and conditions of the Metro Louisville Ordinance on abandoned vehicles.

(g) Public roadways shall be kept clear of all yard waste, trimmings and other lawn debris.

(h) All refuse, recycling, and yard waste receptacles shall be put out for pick up no earlier than 6:00 p.m. on the day prior to collection and should be retrieved no later than 8:00 p.m. on the day of collection.

TWO: NOTICE AND ABATEMENT

(a) It shall be unlawful for any owner or his/her agent, or occupant of property within the city limits of the City of BLUE RIDGE MANOR not to remedy any violation of the provisions set out above.

(b) Notice in writing may be served upon an owner, his/her agent, or occupant by hand delivery, first class mail, or by posting of same on the property. Such notice shall describe the violation and shall demand abatement within ten (10) calendar days from the date of notice, except if **the violation constitutes an immediate danger to the health, safety and well-being of the community, it shall be abated immediately.**

THREE: LIEN RESULTING FROM ABATEMENT BY CITY

(a) Upon failure of any owner, his/her agent, or occupant to comply with the notice by abating such violations, the City of BLUE RIDGE MANOR and/or its designated representative is authorized to enter upon the property to remedy the condition. The City shall have a lien against the property for the reasonable value of the labor and materials used in remedying such situations. This will include the cost of cutting, clearing and removal of the violation in addition to other reasonable actions necessary to abate same. The affidavit of the Mayor of the City of BLUE RIDGE MANOR, or the responsible agent designated by the City, shall constitute prima facie evidence of the amount of the lien and the proceedings pursuant to this Ordinance, and upon the same being recorded in the office of the County Clerk of Jefferson County, Kentucky, the document shall establish and constitute a lien upon and against the property wherein such labor and materials were utilized to abate such violation. Recording of the lien shall be noticed to the public at large of the existence of a lien, and the same shall bear interest at a rate of twelve percent (12%) per annum from date of lien and thereafter until paid.

FOUR: PENALTY

(a) Any owner, his/her agent, or occupant, who has received notice of a violation of the provisions above and who has failed to abate the violation may, in addition to the lien provided for above in paragraph 3(a) ;

(b) Any owner, his/her agent, or occupant who violates any provision of this Ordinance shall be guilty of a violation which shall be punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) per offense. Each day a property remains in violation constitutes a separate offense.

This Ordinance shall take effect upon its passage and approval and publication as required by law.

FIRST READING THE 22nd day of August, 2011

SECOND READING THE 27th day of February, 2012

PASSED AND APPROVED THE 27th day of February, 2012

/S/ Mike Ober
Mayor, City of BLUE RIDGE MANOR, Kentucky

ATTEST: /S/

Patricia Rossignol
Clerk

Those voting Aye:

Those voting Nay:

Mike Ober, Mayor
Hans Klose, Mayor Pro Tem
Julie Colucci, Commissioner
Carla Kreitman, Commissioner
Porter Lady, Commissioner

None