

**CITY OF BLUE RIDGE MANOR**  
**ORDINANCE NO. ~~10~~ 3**  
**SERIES 2012**

**COMMERCIAL MAINTENANCE ORDINANCE**

**AN ORDINANCE** establishing abatement procedure and/or penalties for failure to properly maintain commercial 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 COMMERCIAL PREMISES AND LANDSCAPE ELEMENTS**

Any owner, and/or his/her agent, or occupant of commercial property (unless exempted by lease provisions) 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, and trees shall be kept trimmed and from becoming overgrown and grass shall be kept to six (6) inches in height or less.

(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, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Structures subject to

deterioration from weathering shall be maintained with chemicals or paint to preserve the structure and retard deterioration.

(e) All commercial 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) All refuse, recycling, and garbage waste receptacles including dumpsters shall be maintained in a clean, sightly fashion and shall be placed, kept and located in as inconspicuous a location as possible.

**TWO:           NOTICE AND ABATEMENT**

(a) It shall be unlawful for any owner and/or his/her agent, or occupant of property (unless exempted by lease provisions) 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, and/or his/her agent or occupant (unless exempted by lease provisions) 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, and/or his/her agent, or occupant (unless exempted by lease provisions) 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, and/or his/her agent, or occupant (unless exempted by lease provisions) 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), be charged with a Class A misdemeanor, pursuant to KRS 83A.065 (2) and KRS 534.040(2) (a) and receive a fine in the amount of \$500.00 for each separate offense(s) plus court cost(s).

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

FIRST READING THE 26<sup>th</sup> day of September, 2011

SECOND READING THE \_\_\_\_ day of \_\_\_\_\_, 2012

PASSED AND APPROVED THE \_\_\_\_ DAY OF \_\_\_\_\_, 2012

/S/ \_\_\_\_\_ ATTEST: /S/ \_\_\_\_\_  
Mayor, City of BLUE RIDGE MANOR, Kentucky Clerk

Those voting Aye:

Those voting Nay:

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

None