

**CITY OF BRIARWOOD
ORDINANCE NO. 5
SERIES 2010**

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

WHEREAS, the City of BRIARWOOD, 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 BRIARWOOD, 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 BRIARWOOD shall be subject to the following provisions:

- (a) All premises and landscape elements shall be maintained in a safe, sanitary condition, including, but not limited to, steps, walks, driveways, fences, decks, retaining walls, shrubs, trees, grass and weeds.
- (b) Weeds, shrubs, grass and trees shall be kept trimmed and from becoming overgrown. Grass shall be maintained at a height of ten (10) inches or below. Property shall be kept free of excessive debris including leaves and treebranches.
- (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 including the removal of the stump. In addition, all stumps from any source shall be 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 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/abandoned vehicles must be stored within a garage or enclosed structure **and** in compliance with Metro Louisville ordinances, regulations and law relating to same.
- (g) Public roadways shall be kept clear of all yard waste, trimmings and other lawn debris.

TWO: NOTICE AND ABATEMENT

It shall be unlawful for any owner or his/her agent, or occupant of property within the City limits of the City of BRIARWOOD not to remedy any violation of the provisions set out above.

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 BRIARWOOD 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 BRIARWOOD, 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 be charged with a violation of this Ordinance in a criminal complaint in Jefferson District Court.
- (b) The violation of **Paragraph One (a-e)** of this Ordinance shall carry a fine of \$150.00 in addition to court and all other related cost(s).

(c) The violation of **Paragraphs One (f)** of this Ordinance shall carry a fine of \$200.00 and/or the towing of the vehicle in violation in addition to court and all other related cost(s).

(d) The violation of **Paragraphs One (g)** of this Ordinance shall carry a fine of \$25.00 in addition to court and all other related cost(s).

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING the 6th day of July, 2009. SECOND READING the 1st day of March, 2010

PASSED AND APPROVED the 1st day of March, 2010

Published in the Courier Journal Neighborhood section in summary form on March 31, 2010

/s/ _____ ATTEST: /s/ _____

Mayor, City of Briarwood, Kentucky

Clerk

Those voting Aye:

Those voting Nay:

William H. Vaughan, Mayor
Liz McGrath, Commissioner
Carl Cavallaro, Commissioner
Mike McGrath, Commissioner
Bill Zapp, Commissioner