

Ordinance 00-02

AN ORDINANCE RELATING ABATEMENT OF NUISANCES, CREATING LIENS, AND ESTABLISHING LIABILITY OF PROPERTY OWNER.

BE IT ORDAINED BY THE CITY OF WINDY HILLS:

Section 1

It shall be unlawful for the owner, occupant or person having control or management of any land within the City to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth of weeds or grass.

Section 2

It shall be unlawful in the City for the owner of a property to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighbouring structures, or other residents of the City.

Section 3

The City hereby establishes the standards and procedures for the enforcement of this ordinance under KRS 381.770 as follows:

- a. Whenever such a situation is discovered, the Mayor, City Clerk, or City Attorney at the direction of either the Mayor or the City Clerk, shall give five (5) days' written notice to the owner, occupant or person having control or management the property to remedy such situation.

- b. The notice shall be mailed to the last known address of the owner of the said property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the Mayor or City Clerk is authorized to send employees or persons hired by the City upon said property to remedy-the situation.

Section 4

The City shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the Mayor or the City Clerk shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this ordinance and KRS 381.770, and shall be recorded in the office of the Jefferson County Clerk The lien shall be notice to

all persons from the time of its recording and shall bear interest thereafter until paid at the rate of 1.5% per month, compounded monthly, and may be enforced by judicial proceedings.

Section 5

In addition to the remedy prescribed in section (4) of this ordinance or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this -1-section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the City may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

Section 3. In addition to the foregoing, this ordinance may be enforced by civil penalty as provided in Ordinance 97-01, which civil penalty shall not be less than \$50.00 a day, with each day a violation exists or continues deemed a separate and distinct offense, and a separate civil penalty may be imposed for each such day.

Section 4. This ordinance shall take passage and publication as required by law.