

**CITY OF LANGDON PLACE
ORDINANCE NO. 5
SERIES 2007**

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

WHEREAS, the City of Langdon Place, 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 Langdon Place, 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 Langdon Place 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.
- (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 or cut to ground level.
- (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 vehicles must be stored within an enclosed structure, screened from view and subject to all terms and conditions of the Jefferson County Ordinance on abandoned vehicles.

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

(h) All mailboxes and paperboxes shall be kept structurally sound and in a state of good repair (example: no bungee cords or duct tape should be used to hold together) with the box parallel to the ground, and the post perpendicular to the ground.

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 Langdon Place 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 Langdon Place 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 Langdon Place, 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-g) of this Ordinance shall constitute a violation and carry a fine of \$150.00 for each separate offense. Each day that the violator remains in violation shall constitute a separate offense.

(c) The violation of Paragraph One (h) of this Ordinance shall constitute a violation and carry a fine of \$75.00 for each separate offense. Each day that the violator remains in violation shall constitute a separate offense.

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

FIRST READING THE 26TH DAY OF JUNE, 2007.

SECOND READING THE 24TH DAY OF JULY, 2007.

PASSED AND APPROVED THE 24TH DAY OF JULY, 2007.

/S/ *Carolyn S. Weitlauf*
Mayor, City of Langdon Place, Kentucky

ATTEST: /S/ *Theresa M. O'Bryan*
Clerk

Those voting Aye:

Those voting Nay:

Carolyn Weitlauf, Mayor
Chuck Elsasser, Commissioner
Mike Frank, Commissioner
Patty Masterson, Commissioner
Bill Beggs, Commissioner