



Louisville Metro Government

Legislation Details (With Text)

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File created: 4/21/2014 **In control:** Ad Hoc Committee on Vacant Properties

On agenda: 5/22/2014 **Final action:** 5/22/2014

Title: AN ORDINANCE RELATING TO NOTICES AND ORDERS OF PROPERTY MAINTENANCE AND THE ABATEMENT OF PROPERTY NUISANCES. (Action Required By: October 2014)

Sponsors: David Yates (D-25)

Indexes:

Code sections:

Attachments: 1. ORD 076 2014

Date	Ver.	Action By	Action	Result
5/22/2014	1	Metro Council	passed	Pass
5/13/2014	1	Ad Hoc Committee on Vacant Properties	recommended for approval	Pass

ORDINANCE NO. _____, SERIES 2014
AN ORDINANCE RELATING TO NOTICES AND ORDERS OF PROPERTY MAINTENANCE AND THE ABATEMENT OF PROPERTY NUISANCES.
Sponsored By: Councilmember Yates

WHEREAS, it is found that there exists within Louisville Metro substandard, deteriorated vacant properties; further there exists within Louisville Metro, vacant structures and lots which are unfit for human habitation, occupancy or use to due to dilapidation, defects, neglect or lack of maintenance in which they have been overcome by weeds and excessive plant growth or a place for accumulation of trash & debris, or infested with rodents or other vermin, and/or due to other conditions rendering such dilapidated vacant properties unsafe or unsanitary or dangerous or harmful to the welfare of the residents of Louisville Metro; and

WHEREAS, it is declared that the need for legislation is self-evident to insure the abatement of nuisances of dilapidated vacant properties is performed in an efficient manner to protect and preserve, structures and neighborhoods and maintain the general welfare of the residents of Louisville Metro, which is the purpose of this chapter.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: LMCO §32.405 of the LMCO is hereby amended to read as follows:

The following requirements shall govern all enforcement proceedings before the Board:

(H) In addition to the citation or notice as prescribed by subsections (A) and (B), above, the Director of the Department of Codes and Regulations or any duly authorized representative who is charged with the administration and enforcement of Chapter 156, shall issue an annual notice to the owner or owners of a Dilapidated Abandoned Property regarding the care of said property as provided in Chapter 156.

SECTION II: LMCO §156.005 of the LMCO is hereby amended to read as follows:

ABATEMENT COSTS. Metro Government's costs for and associated with trimming, cutting, spraying, maintaining, cleaning, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises to maintain and preserve public health, safety, and welfare in accordance with the portion of Metro Government's nuisance code pertaining to the condition of and maintenance of structures or premises, adopted pursuant to KRS 82.700 to 82.725.

DILAPIDATED ABANDONED PROPERTY. Any vacant structure or vacant unimproved lot or parcel of ground in a predominantly developed urban area which has been vacant or unimproved for a period of at least one (1) year and which:

- (1) Is rundown, decrepit, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, it is unfit for its intended use; or

- (2) By reason of neglect or lack of maintenance has become a place for the accumulation of trash, debris and weeds in which Metro Government has in the past year abated a nuisance violation and in which there has been no response contact by the owner or possessor of said structure or lot with respect to any notice of violation and/or citation issued by Louisville Metro Government for at least one (1) year.

SECTION III: LMCO §156.058 of the LMCO is hereby amended as follows:

§ 156.058 PORTABLE SIGNS.

~~All premises, which have signs that are regulated by Chapter 8, Part 5 of the Land Development Code, shall have all necessary permits and be in conformity with the standards and guidelines as set forth in such chapter.~~

SECTION IV: LMCO §156.804 of the LMCO is hereby amended to read as follows:

- (A) (1) Citation or notice to owner or to person or persons responsible. Whenever the Code Official, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of this code, the Code Official is authorized to issue a citation or notice of violation to the offender in accordance and as prescribed by §32.405
<<http://www.amlegal.com/nxt/gateway.dll?>

(2) Notice regarding care of Dilapidated Abandoned Property:

- (a) The Director shall have a notice to be mailed at least annually to the last known address of the owner of each Dilapidated Abandoned Property, or shall publish a notice in a newspaper of general circulation, advising owners,

operators, and persons in possession or control of Dilapidated Abandoned Property, of the requirements of this chapter regarding the care of property.

(b) The notice shall describe each of the nuisances described in Chapter 156

and shall state one (1) or more of the following may occur beginning thirty (30) days of the notice is mailed or published:

1. Failure to remove or otherwise abate any nuisances will result in the Department or its designee without further notice may take any action necessary to abate the nuisance within the first anniversary of the date of the notice and that the owner will be billed for all costs of the abatement.
2. Additional civil or criminal legal actions may be filed by the Department against the owner or owners to enforce nuisance violations, without additional notice.

(c) The notice issued pursuant to this section may be appealed to the Property Maintenance/Nuisance Hearing Board.

SECTION V: This Ordinance shall take effect upon its passage and approval.

_____ H.	_____ Jim King
Stephen Ott Metro Council Clerk	President of the Council

_____ Greg	_____ Approval
Fischer Mayor	Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____