

CITY OF ROLLING FIELDS  
ORDINANCE 07-04

AN ORDINANCE CONCERNING NUISANCES AND BUILDINGS AND IMPROVEMENTS

WHEREAS, the Council of the City of Rolling Fields is concerned about the property values in the City as well as the public health and safety of its citizens and the enforcement of City ordinances,

AND WHEREAS, the City desires to require compliance with City ordinances as a condition of building or demolition permit approval, as well as creating a mechanism for protecting the property values of City residents, with such authority being found in the general police powers of the City under KRS 82.082, as well as under the specific authority of Kentucky Revised Statutes Chapter 198B allowing local enforcement of the Kentucky Building Code and finally the authority given the City under KRS 381.770 to enact regulations restricting nuisances,

AND WHEREAS, the City desires to establish new guidelines for nuisance conditions and the exterior appearance of all structures in the City,

NOW THEREFORE, be it ordained by the City of Rolling Fields that:

SECTION 1: Building and Demolition Permits

(A) The Chief Building Inspector for Metro Louisville shall be designated as the local enforcement agent for the Kentucky Building Code, with the exception that prior to the issuance of any building or demolition permit from Metro Louisville, the City of Rolling Fields must review said permit application and plans to determine if the project (and its site) is in compliance with all City ordinances. Said determination shall be made in writing by the City of Rolling Fields no later than 20 days after submission of the application to the City of Rolling Fields by the Applicant. If the property is in compliance, a Letter of Compliance shall be issued to the Applicant by the City of Rolling Fields and the Applicant shall present that Letter of Compliance to Metro Louisville, as a required part of their Permit process. If the property is not in compliance with City of Rolling Fields ordinance, the City shall state in writing those items of non-compliance and such information will be reviewed by Metro Louisville in determining whether the building or demolition permit shall be issued; however such information is not binding on Metro Louisville. If no Letter of Compliance (or non-compliance) is received in the 20 days period, it is conclusively presumed that the Application is in full compliance with Rolling Fields ordinances.

SECTION 2: Nuisances Prohibited

- (A) It is unlawful for any resident to do any act, thing, occupation, condition or use of property which shall continue for such a length of time as to:
- (1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

- (2) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch or drainage, or
  - (3) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of property of others.
- (B) The following conditions are declared a nuisance and are in violation of this ordinance.
- (1) Dumping rubbish, leaves, branches, grass clippings, shrubbery pruning, or any other trash in the drainage areas or ditches within the common areas, easements and/or public areas in the City of Rolling Fields, other than as permitted to access for sanitation services pickup.
  - (2) Garbage cans and other waste materials may be placed at curb-side not earlier than the day prior to the collection and must be removed to behind the house (so as to not be visible from the roadway) not later than the day of collection.
  - (3) Weeds (i.e. non-ornamental or crop material) or grass higher than nine (9) inches in height.
  - (4) Pets that continually bark, howl, whine or make noise loudly or threaten to attack or attack persons or other animals, roam loose, chase cars or other vehicles, including bicycles, or get into residents' garbage, whether open or otherwise.
  - (5) Branches trees or shrubs which hang lower than eight (8) feet above any sidewalk or street within the City right-of-way or easement.
  - (6) Plants or shrubs that grow up or to extend onto any street, sidewalk or traffic sign or street sign which will obstruct the passage or view of vehicular or pedestrian traffic.
  - (7) Any growth, refuse, trash, garbage or scrap material which attracts rodents or otherwise is a nuisance to the public to accumulate and remain upon any property within the City.
  - (8) Motor vehicles, boats and/or trailers, and campers, which are inoperative or unfit for further use for which they were intended, unless stored within a garage.
  - (9) Parking any vehicle or trailer in the front yard of any residence except on the made driveway and in accordance with City parking ordinances 99-04 and 99-05.

- (10) “Pull Off” parking areas (vehicular parking areas adjacent to the City’s roadways and extending into the yards of residences) may not be used for permanent parking during hours when such use is a traffic hazard for the traveling public, and in no event can be used for parking for a period of time longer than 10 minutes between the hours of 2:00 A.M. and 5:00 A.M. of any day.
- (11) Any exterior of a residential property if it remains in an unfinished, or dilapidated condition for an unreasonable length of time, which is to be determined by the City considering the circumstances. Unfinished condition hereby means that the residential property has not been completely sided with a commonly used wood, metal, plastic, brick or stone exterior siding product, or that such exterior material is peeling faded or otherwise unkempt.
- (12) Any type of signage in the single-family residential areas of the City that is not in compliance with the Metro Louisville Land Development Code; such as more than one single-family residential occupant sign exceeding one square foot; business signage on vehicles where such signage is over two square feet and conspicuously parked so as to constitute a sign; or more than one rent/sale sign exceeding twelve square feet, which remains in place more than seven days after closing or sale or lease.
- (13) Parking of any boat or recreational vehicle (not in compliance with the Metro Louisville Land Development Code), except behind the front wall of a residence. If the lot is so situated as to make this impossible, the home owner must make best efforts to screen and shield such boat or recreational vehicle from view.
- (14) Above ground pools.
- (15) Commercial yard services which occur outside the following time periods -- Monday through Thursday, 8 a.m. to 7 p.m.; Friday 8:00 a.m. to 5 p.m.
- (16) Use of exterior materials for any primary or accessory structure that are not in keeping with the surrounding existing primary and secondary structures in City.
- (17) Habitual placement of play-equipment and other accessory structure in the front or side yards of any residence (not in compliance with the Metro Louisville Land Development Code).

### SECTION 3: ENFORCEMENT

(A) If after informal contact from an official of the City, the offense remains without resolution, the City, through its duly elected and/or appointed officials, will give written notice by regular U.S. Mail to the offending owner or occupant of the property in question of the existence of the offending condition.

(B) If the owner or occupant fails to remove or abate the condition immediately or within ten (10) days from the date the notice is mailed, the City may proceed to remove or abate the condition and add the cost of same, together with interest thereon 12% per annum, to the next property tax bill and/or place a lien on the property in question to secure the payment thereof.

SECTION 4: Penalty

(A) Any person or persons violating any of the provisions of this ordinance shall be guilty of a misdemeanor and fined not less than \$10.00 nor more than \$100.00 for each offense.

(B) Each day of continued violation shall constitute a separate offense.

SECTION 5: Severability

(A) The provisions of this Ordinance are declared severable. If a section, subsection, clause or phase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions; rather, such provisions shall remain in full force and effect. This Ordinance shall take effect upon its passage and approval by the Commissioners of the City of Rolling Fields, Kentucky and by publication or distribution as required by law.

This ordinance shall take effect immediately upon its adoption, passage and publication.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Passed and approved this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Those in Favor: \_\_\_\_\_

Those Opposed: \_\_\_\_\_