

CITY OF SENECA GARDENS, KENTUCKY

ORDINANCE NO. 6, SERIES 2014

**AN ORDINANCE AMENDING CHAPTER 150
OF THE CODE OF ORDINANCES IN THEIR ENTIRETY**

WHEREAS the City Commission has considered the changes brought by merger of Metro County Government, changes to comprehensive zoning regulations, changes to the types of construction being undertaken in the City of Seneca Gardens and surrounding neighborhoods, changes in design standards and building materials; and

WHEREAS the City Commission has determined that such standards have not been revisited in several years and are in need of amendment in order to bring standards in line with current practices and technologies; and

WHEREAS the City Commission has determined that the ordinance reflected below promotes the best interests of the citizens and constituents of the City of Seneca Gardens with regard to fairly and reasonably managing construction, public safety, nuisances and certain land uses in the City,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SENECA GARDENS, COMMONWEALTH OF KENTUCKY, that Chapter 150 of the Seneca Gardens Code of Ordinances hereby is amended in its entirety by the following Ordinance.

Section 1.

CHAPTER 150: BUILDING AND HOUSING REGULATIONS

(Residential Building Design Standards)

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§ 150.001 COMPLIANCE REQUIREMENT

(A) *Property Owner Responsibility:* Any permanent or semi-permanent building, deck, patio, driveway, or other constructed site improvement in the City of Seneca Gardens is affected by certain legal restriction of the State of Kentucky, Jefferson County, and Louisville Metro. Each property owner who is making an improvement to their property is responsible for compliance with these requirements.

(B) *Regulation of all Buildings:* All structures for human use or occupancy are subject to the regulation of the Louisville Metro Ordinance 150.001, as promulgated by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky. This includes all houses, garages, sheds, additions, porches, decks, retaining walls, swimming pools and also commercial structures. Interpretation, enforcement and review of structures occurs at the local government level.

§ 150.002 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Building: A subordinate building or structure, the use of which is incidental to that of the main building or to be used on the premises.

Alter or Alteration: Any change or modification in the construction or occupancy

Area: As applied to the dimensions of a building, shall mean the maximum horizontal projected area of the building at grade.

Arch: A structural method of spanning an opening, usually with masonry, whereby curved, pointed or flat upper edges of the opening are formed.

Architectural Drawings: A set of detailed drawings which are used to convey different types of information to the contractor(s). These documents are drawn to scale, and will include floor plans, elevations of all affected sides of the building, wall sections to identify all building materials and details.

Awning: A light weight temporary shade structure usually build over a window or door, or sometimes over an entire deck or patio. Awnings are usually constructed of weather resistant fabric, but may also be metal or wood. Only fabric awnings are permitted.

Awning Window: A window which is hinged at the top and swings outward from the bottom.

Building: A structure for the shelter, support, or enclosure of persons, materials, or property of any kind, having a roof supported by columns or walls, and when separated by a division or party wall without opening, each portion of the build so separated shall be deemed a separate building The term ***Building*** shall be construed as if followed by the words “or part thereof.”

Building Setback Area: The area of a lot or parcel of land lying between the front property line and the future widening line of an existing street or highway or the area of a lot or parcel of land lying between the boundary lines of a proposed street or highway.

Casement Window: A window which is hinged on one side and swings open outward. This window is typically opened by a crank handle.

Cement Fiber Siding: A horizontal board lap siding that looks like wood siding, either standard lap or colonial beaded lap style. The siding is made from a chemical mixture of wood fibers and cement. It is paintable, nailable, and is highly weather resistant.

Chimney: A primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel burning appliance to the outside atmosphere that extends above the roof line and is supported by an approved foundation.

Chimney, Bay: A chimney with a cantilever base that does not extend above the roof line. Also known as shed house or dog house style chimney.

Composition Board (Hardboard): A board made up of wood fibers and resins to form a sheet or simulated board to be used as an exterior siding.

Corbel: A course or unit of masonry that projects beyond the course below. A corbel may be used entirely for decoration, or for a ledge to support a load from above.

Cornice: An exterior ornamental trim at the meeting of the roof and wall. This type of cornice usually includes a bed moulding, a soffit, a fascia, and a crown moulding.

Corner Boards: Vertical boards installed on the corners of sided homes to cover the ends of the siding.

Dentil Moulding: Square tooth-like blocks used as ornamentals under a cornice.

Dormer Window: Vertical window which projects from a sloping roof, placed in a small enclosed projection.

Double-Hung Window: Window with two vertically operating sashes sliding in two directions to enclose the opening.

Dwelling: Any building which contains a dwelling unit as hereinafter defined; provided, however, temporary housing as hereinafter shall not constitute a dwelling for purposes of this chapter.

Dwelling, Single-Family: A building designed for or occupied by one family, wherein not more than two roomers or lodgers other than members of the family, are provided with shelter or meals.

Dwelling unit: Any room or group of rooms or other part of a building which forms a single housekeeping unit with facilities which are used or are designed for living, sleeping, cooking and eating.

Easement: A right afforded a person to make limited use of another person's real property such as a right-of-way through a lot established for utilities access.

Eave: The lower edge of a sloping roof which projects beyond the wall.

Elevation: Exterior face of a structure (front, side, and rear).

Eyebrow Window: A low dormer on the slope of a roof formed by the roofing material being carried over the opening in a wave line.

Façade: Exterior face in a building which is the formal front.

Flood Plain: Land which borders a body of water which may be subject to flooding.

Floor Plan: A drawing showing the layout of the enclosing walls of a structure, its doors and windows, and the arrangements of the interior spaces as viewed from above.

Footprint: Outline of a structure as viewed from above.

Foundation: The structural base whereby all of the load from the building is transmitted to the ground. The foundation wall is usually constructed out of concrete material. The footing runs under the foundation wall and is typically concrete.

Fence: Any construction of wood, metal, wire mesh, masonry, or other material, erected for any purpose.

Gable: The vertical triangular portion of the end of a structure having a double-sloping roof from the level of the eave to the ridge of the roof.

Grade: The average elevation of the finished ground surface touching the outside walls of a building or structure.

Jack Arch: Also called "flat arch" or "straight arch." It is a horizontal row of wedge cut brick over an opening.

Keystone: The usually wedge-shaped uppermost, hence last, set stone or similar member of an arch, whose placement not only completes the arch but also binds or locks its other members together. May be used above a door or window in a horizontal lintel for decoration.

Lot: A parcel of land occupied, or to be occupied, by one main building, together with the accessory buildings and used customarily incidental to it, and including such open spaces, dimensions, and area as are required in this building ordinance, and have its principal frontage on a public street or road.

Lot, Corner: The abutting on two or more streets at their intersections.

Lot, Interior: A lot other than a corner lot.

Multiple Dwelling: Any dwelling containing more than one dwelling unit.

Occupant: Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.

Owner: Any person who alone, jointly, or with several other persons shall:

- (1) Have all or part of the legal title to any dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or
- (2) Have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the owner's obligations under this chapter.

Parking Area: An open, unoccupied space permitted or required for use for parking of motor-driven vehicles.

Pediment: A gabled element used primarily over entrances.

Pilaster: A non-structural rectangular or semicircular column applied to the wall simulating supports for a decorative pediment or arch above.

Pre-finished material: Material that has received a factory finish and is ready to install upon delivery to the construction site.

Property: Any interest of record or otherwise held by persons in land or building located within the city.

Rake Board: A board or moulding along the sloping edge of a gable which conceals the rafter.

Rowlock Course: A course of brick units set on side with the short, narrow face vertical on the wall face.

Ridge Vent: A linear ventilating cap installed along the ridge of a gabled roof.

Right-Of-Way: A strip of land (ground surface, underground, or above ground) which has been granted by deed or easement for the construction or maintenance of a roadway.

Roof Pitch: The height (rise) that a sloped roof goes up to from its eave over a given horizontal distance (run). This is usually expressed as “rise/run.”

Scale: (1) A system of proportions used in architectural drawings so that the actual size of an item to be drawn can be reduced to a size small enough to fit on a sheet of paper. (2) Term used to relate to the proportional balance of all elements of a building.

Segmented Arch: An arch which is composed of parts of a circle (less than half).

Shingles, Dimensional: Asphaltic/fiberglass roofing material manufactured in laminated layers to achieve the depth and dimension variation that simulates the look of wood shingles or slate.

Shingles, Slate: A roof shingle made from a fine-grained metamorphic rock or composite shingle made from slate and resin.

Shingles, Standard (3-Tab): A roof covering made from asphalt or asphalt/fiberglass generally 36 inches wide, and consisting of three 12 inch non-dimensional tabs.

Single-Family Residence: A structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares

neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit.

Site Plan: A plan of a lot indicating property lines, the accurate location and size of structures shown with dimensions to property lines.

Slide-by Window (Glider): A window which is divided vertically in the center with each sash panel having the capacity to slide horizontally.

Standing Seam Roof: A seam, in sheet metal and roofing, made by turning up two adjacent edges and folding the upstanding parts over themselves.

Soffit: The underside of a part or member of a structure, such as a beam, stairway, or arch.

Soffit Board: A board that form the soffit of a cornice.

Soldier Course: A course of brick units set on end with the long, narrow face vertical on the wall face.

Story (2-Story House): A floor area on a one level, enclosed by the house walls. A ½-story refers to a floor area enclosed within the roof area, above the top of the house walls.

Street: Any public thoroughfare which has been dedicated or deeded to the public for public use.

Street Line: A lot line dividing a lot from a street.

Structure: Anything constructed or erected, the use of which required location on the ground or attached to something having a location on the ground. All regulations appertaining to a building shall be equally applicable to a structure. The term "Structure" shall be construed as if followed by the words "or part thereof."

Surface: The outermost layer or superficial area of the interior of a dwelling or dwelling unit, including but not limited to the outermost layer or superficial area of walls, ceiling, floors, stairs, windows, window sills, window frames, window sashes, doors, door frames, baseboards, and wood work of a dwelling or dwelling unit.

Synthetic Stucco (EIFS or Dryvit): A pre-manufactured exterior finish material resembling cement stucco with smooth or textured surfaces which can applied over the exterior sheathing of a building.

Sunroom, Fully Glazed: Any room with sides whose exterior walls, at the first floor level, consist of (1) posts and glazed openings (windows and/or doors) on all exposed sides, or (2) sided walls with windows on all exposed sides occupying a minimum of 60% of the wall length on each side and the sills (bottom) of which are no higher than 24” above the floor and heads (top) are a minimum of 80 inches above the floor.

Topography: A description of the vertical variations of land.

Trim: Trim materials are used to trim various components of a residential structure, such as window and doors. They are not the dominant siding material on a building elevation.

Unfinished Material: Material that does not receive a special coating to alter the natural appearance but may be treated with a preservative to prevent decay.

Vinyl Siding: A PVC siding that is not permitted.

Value or Valuation: The estimated cost to replace the building in kind.

Window, Architectural: A window that by its design add an ornamental feature to the home. These windows will be accented by such elements as an arch, circle, flex frame (angles), elliptical, stained or beveled glass, shutters, or grid work.

Window, Standard: Square or rectangular frame with no features mentioned in the architectural window definition.

Window and Door Trim: Board or moulding installed around perimeter of a window or a door to conceal the joint.

Window Sash: The framework of a window that holds the glass.

Wood Fiber Composites: See Composition Board.

§ 150.003 PURPOSE

The Residential Development Building Design Standards and criteria are hereby established for the following purposes:

- (A) To establish and enforce a set of criteria applicable to all residential developments that ensure that future residents are provided a minimum level of quality for their city.

- (B) To provide clear policy direction and standards to the community that ensures that the city improves its quality of life through a set of consistent standards.
- (C) To enhance the value of private property and a sound investment climate through the establishment of consistent design criteria.
- (D) To protect the public's health, safety, and general welfare through a set of design criteria that encourage a consistent quality.
- (E) To allow architectural creativity and compatibility with surround housing conditions is recognized and encouraged.
- (F) Exception to the standards set forth in this Ordinance shall be considered by the City Commission

§ 150.004 EXEMPTIONS

Buildings, fences, lights and pools in existence prior to 12-17-90 are exempted from compliance in terms of their architectural style and placement. Otherwise they are subject to all sections of this chapter.

§ 150.005 SCOPE OF BUILDING REGULATIONS

- (A) *General:* The provisions of this chapter shall apply to the location, design, materials and equipment, removal, construction and demolition of every building or any appurtenance connected or attached to buildings located within the corporate boundaries of the city. In the event there is an apparent difference in the materials, methods of construction, or other requirements specified in different sections of this code, or between the requirements of this chapter and of any other applicable law, or deed restrictions the more restrictive shall govern.
- (B) *New Buildings:* New buildings hereinafter erected within the city shall comply with the requirements of this chapter. Under no circumstances shall a multifamily building be permitted.
- (C) *Existing Buildings:* Except as otherwise specifically provided, buildings to which additions, alterations, or repairs are made, and all additions, alterations, or repairs, shall comply with the requirements of this code for new buildings. Under no circumstances shall a single family residence be altered in such a way so as to be capable of use as a

multifamily residence.

§ 150.006 LIMITATION UPON FENCES

- (A) It shall be unlawful for any person to erect or maintain a fence on any part of the front or side yard of any lot within the city extending forward of the dwelling's outermost rear corners to which it runs.

- (B) All fences on side and rear lot lines shall not exceed limitations of the Louisville Metro Planning and Zoning Regulations pertaining to the building lot where fence is to be erected, shall not be greater in height than six feet from ground level and the fence shall be of a design and material to conform with the existing harmony of the surrounding area as determined by the City Commission. Penalty, see § 150.999

§ 150.007 LOT SUBDIVISION

No lots or areas platted within the city and recorded in the office of Jefferson County Clerk as of the date this chapter becomes effective shall be subdivided, altered or changed without the prior written approval of the City Commission. Penalty, see § 150.999

§ 150.008 BUILDING LIMITS

No house, building or structure may be erected so more than 30% of the area of any lot is occupied by houses, buildings or structures. Penalty, see § 150.999

§ 150.009 CITY ARCHITECT

- (A) *Appointment of City Architect:* The City Commission shall appoint a duly qualified and licensed architect, who need not be a resident of the City, to the position of City Architect which appointment may be terminated at will by the City Commission. Every effort should be made to appoint individuals who are graduates of accredited schools of architecture or engineering or who have had experience with building or construction work. If this position is unfilled at any time, the City Commission will act in the place of the Director of Building.

(B) *Duties*: The City Architect is authorized and directed to enforce all provisions of this code as herein provided.

(C) *Deputies*: The City Architect, with the approval of the City Commission, may designate deputies who shall exercise during the absence or disability of the Director by whom they were appointed all powers of the Director.

(D) *Inspectors*. The City Architect, with the approval of the City Commission, may appoint inspectors and assistants to help carry out the provisions of this code for which they are directly responsible. No person shall be appointed as an inspector who has not been found by the City Commission to have some experience as an architect, engineer, builder, or in some other phase of construction work.

(E) *Right of entry*. Upon the presentation of the proper credentials, the City Architect or his duly authorized representatives may enter at reasonable times any building, structure or premise within the city to perform any and all duties imposed upon him by this chapter.

(F) *Liability*. Any person charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his or her duties, shall not thereby render him or herself personally liable and he or she is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission performed by him or her in the enforcement of any provisions of this chapter, and shall have the right to be defended by the City Attorney until final determination of any proceedings pending against him or her.

(G) *Specific duties*: The City Architect is authorized and directed to:

- (1) Enforce all provisions of this chapter;
- (2) Review plans and specifications;
- (3) Recommend to the City Commission the issuance or denial of building permits and certificates;
- (4) Conduct inspections;
- (5) Recommend to the City Commission the issuance of rules and regulations consistent with this chapter;

- (6) Maintain records and make reports; and
- (7) Perform other services as may be necessary to execute the provisions of this chapter and be consistent therewith.

§ 150.010 VARIANCES

- (A) *General:* Any party in interest may request that the City Commission grant a variance to the provisions of this code when the City Commission finds that the provisions of this chapter impose undue and unwarranted hardships or injustices upon the party requesting a variance and that the granting of the variance will most nearly accomplish and not defeat the purpose and intent of this chapter, or the Louisville Metro planning and zoning regulations. In which case the variance will have to be granted by the Louisville Metro Planning Commission.
- (B) *Procedure:* Upon receipt of a request for the granting of a variance to this chapter, the City Commission shall, at their next regularly scheduled meeting, following receipt of the request, establish a time and place for a hearing to be held on the request. The parties requesting the variance shall give ten day's notice to the hearing by registered mail, return receipt requested, to the owners of all property adjacent to the area for which the variance is being requested. The City Commission shall, at the time the date of the hearing is established, determine the meaning of the word "adjacent" so as to give reasonable notice to all parties who may reasonably be expected to be affected by the variance.
- (C) *Hearing:* During the course of the hearing, the City Commission shall require proof that a good faith effort has been made to notify those parties, as determined by said body, at the time the hearing was scheduled, to have an interest in the property adjacent to that property for which the variance is being requested. The party requesting the variance shall make a presentation to the City Commission as to why the section of this chapter from which it is requesting a variance causes undue and unwarranted hardship or injustices to it, and as to why the granting of the variance will not defeat the purpose and intent of this chapter. All parties in interest will be given the opportunity to question the applicant and to present information both in support of or against the granting of the variance. The City Commission may require submission of additional evidence of proof to substantiate the position of the applicant, and may require additional data and tests which, in the opinion of the City Commission, is necessary for adequate consideration of

the request. The City Commission may schedule additional hearings, if in the body's opinion, they are necessary for adequate consideration of the request.

(D) *Decision:* The City commission shall vote at its next regularly scheduled meeting body upon the granting of the variance and a majority of the whole body vote in favor of the variance.

BUILDING PERMITS

§ 150.020 PERMIT REQUIRED.

- (A) No persons shall erect, construct, enlarge, alter, repair, or move a building or make, install, alter, or repair improvements thereto, or construct or install any fence, within the city without first making application and obtaining a permit therefor from the City Commission.
- (B) Ordinary upkeep, maintenance and minor repairs, alterations involving no change in character or use and construction of a detached building of 100 square feet or less may be made without filing an application or obtaining a permit, provided the repairs or construction shall not violate any of the provisions of this chapter. Penalty, see § 150.999

§ 150.021 APPLICATION FOR PERMIT

- (A) *Form.* An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Commission. The application shall be accompanied by the plans and specifications required by this section and shall provide information as may reasonably be required by the Commission for an intelligent understanding of the proposed work.
- (B) *Registered Architects and Engineers:* Design for the construction or substantial remodeling of any building allowed by zoning regulation within the corporate limits of the city, shall be entrusted only to an Architect or Professional Engineer acting within the scope of his or her professional registration under KRS Chapters 322 and 323. Single-family dwellings, and accessory buildings or structures thereto, are hereby exempted from this division.
- (C) *Plans and Specifications:*

- (1) Two copies of plans and specifications shall accompany each application. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of work proposed. The plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and all relevant deed restrictions, laws, ordinances, rules, and regulations. The information shall be specific, and this chapter shall not be cited in whole or in part, nor shall the term “legal” or its equivalent be used as a substitute for specific information. Each set of plans and specifications shall give the address of the work, the name and the business and home address of the owner and, and the

name and business address of the person who prepared and is responsible for them. The City Commission shall require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot.

- (2) All plans submitted for approval shall contain a drawing or plat showing the lot plan, the location of the building on the lot, accurate dimensions of the build and lot, and other information as may be required by the City Commission.

(D) *Time Limitation:* An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of issuance; provided that, for cause, one or more extensions of time, for periods not exceeding 120 days each, maybe be allowed by the City Commission.

§ 150.022 PERMIT FEE

No permit shall be issued until the applicant shall have paid to the City Treasurer a permit fee of \$500, \$350 of which shall be refunded to the applicant upon completion of the proposed work in compliance with this chapter. Penalty, see § 150.999.

§ 150.023 ISSUANCE OF PERMIT

(A) *Examination of Application:* The City Architect shall examine or cause to be examined each application or a permit and the plans, specifications, and computations filed therewith and shall ascertain by the examination whether the construction indicated and described will not adversely affect the public safety, health, convenience, comfort, and general welfare of the residents of the city. Is in accordance with the requirements of this chapter and all other pertinent laws, ordinances and deed restrictions. Is in uniformity and harmony of exterior design with existing structures on the lot on which the work is proposed and surrounding lots, and is so located so as to not adversely affect adjoining structures, uses, and operations.

(B) *Action on Application:*

- (1) Approval: The City Architect shall act upon an application for a permit without unreasonable or unnecessary delay. If the City Architect is satisfied that the work described in an application or a permit and the plans and specifications filed therewith will not adversely affect the public safety, health, convenience, comfort, and general welfare of the residents of the city, conforms to the requirements of this chapter and all other pertinent laws, ordinances and deed restrictions, is in

uniformity and harmony of exterior design with existing structures on the lot on which the work is proposed and surrounding lots, and is so located so as to not adversely affect adjoining structures, uses and operations, he or she shall so report to the City Commission which, if it concurs in the City Architect's report, shall issue a building permit.

- (2) Disapproval: If the application for a permit and the plans and specifications filed therewith, describe work which does not conform to the requirements of this chapter or other pertinent law, ordinances or deed restriction or does not contain sufficient information, the City Architect shall so report to the City Commission, and, if the report of the City Architect is concurred in by the City Commission, no permit shall be issued. In such event the plans and specification shall be returned to the applicant with the refusal to issue a permit. When requested by the applicant, the refusal shall be in writing and shall contain the reasons therefor.
- (C) Disposition of plans: One set of approved plans, specification, and computations shall be retained by the City Clerk and one set of the approved plans and specifications shall be returned to the applicant. The latter set shall be kept at the site of work at all times during which the work authorized thereby is in progress and shall be open to inspection at all reasonable times by the City Architect or his or her authorized representatives.
- (D) Conditions of the Permit: A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this chapter or any other pertinent laws, ordinances or deed restrictions, not shall the issuance of a permit prevent the City Architect from thereafter requiring a correction of errors in plans or in construction, or of violations of this chapter or any other applicable laws, ordinances, or deed restrictions. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of issuance, or, if after the work is commenced, such work is not completed within four months (120 days); provided that, for cause, one or more extensions of time, for periods not exceeding 30 days each, may be allowed in writing by the City Commission.
- (E) Posting of Permit: No building operations requiring a permit shall be commenced until the permit holder or his authorized agent shall have posted a building permit card, in a conspicuous place, near the front of the premises, protected from the weather, and in a position as to permit the City Architect to make entries thereon requesting inspection of the work. The card shall be preserved and shall remain posted until completion of the work. Penalty, see § 150.999.

§ 150.024 RESPONSIBILITIES OF PERMIT APPLICANT

- (A) The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. He or she assumes the responsibility for assuring the city that water will not be diverted from its natural flow to the detriment of the land surrounding the building or structure which he or she is or has constructed, modified, or demolished.
- (B) The applicant is charged with the responsibility of seeing that no debris, waste, or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the city, either during, upon or after the completion of the project.
- (C) At all times, it shall be the duty of the applicant to maintain the streets in a vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction, and the like activities.
- (D) Temporary storage facilities and dumpsters may be utilized only if a permit has been granted therefor, and at no time may a temporary storage facility be located other than on an impervious surface. Such facilities at no time are permissible in the right of way or verge of a property. Such facilities at no time may be utilized for more than 30 calendar days.
- (E) Penalty, see § 150.999.

§ 150.025 INSPECTIONS

- (A) *Existing Building*: Before issuing a permit the City Architect shall examine or cause to be examined all building for which an application has been received for a permit to enlarge, alter, or repair, move or demolish the building.
- (B) *At Site*: The City Architect shall inspect or cause to be inspected all building and structures from time to time during the completion of the work for which a permit was issued. He or she shall make a record of every examination and inspection and of all violations of this chapter and of any other applicable law, ordinance, and deed restriction.
- (C) *Procedure*: The City Architect shall make, or cause to be made, the inspections called for by this section. He or she may accept reports of inspectors of recognized inspection

organizations, provided that after investigation he or she is satisfied as to their qualifications and reliability. No other approval call[ed] for by this section shall be based on the reports unless the same is in writing and certified by a responsible officer of such organizations.

§ 150.026 COMPLETION OF PROJECT; REFUND OF PERMIT FEE

Upon completion of a project and the satisfaction of all section of this chapter and all other pertinent laws, ordinances and deed restrictions, those funds on deposit with the City under § 150.022 of this chapter shall be refunded to the holder of the building permit. No building shall be occupied or used until final approval of the project by the City Architect. Penalty, see § 150.999.

MINIMUM BUILDING STANDARDS AND REGULATIONS

§ 150.030 CHARACTER OF BULDINGS; CONFORMITY WITH EXISTING STRUCTURES

- (A) No building shall be constructed, enlarged, or altered (including painted, landscaped, or trimmed) within the city unless the color, design, and materials are in conformity and harmony of external color, design and materials with the existing structures on the lot in which the work is located and on other lots in the surrounding area and is so located as not to adversely affect surrounding structures, uses, and operations.
- (B) No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the city shall at any time be used as a residence, temporarily or permanently. Penalty, see § 150.999.
- (C) Exterior walls, planes, and masses shall be of a residential scale with sufficient openings for light, view, and air consistent with the residential scale of the surrounding area. The City Architect reserves the right to require that large planes be broken up with additional windows, or offsets to maintain appropriate scale.
- (D) The City Architect reserves the right to reject highly stylized houses, additions, or remodels with overstated eclectic design elements, overly mixed styles, or with insufficient stylistic theme or treatment.
- (E) All exterior finish materials and colors shall meet the requirements specified in § 150.032 of these standards. Use of a material that is not specified as either approved or not approved in § 150.032, must submit to the City Architect, sample, product literature or any

other supporting information which fully describes the material and its physical properties.

(F) All visible portions of exterior foundations shall be constructed of an approved foundation material – only one material on the entire foundation unless otherwise approved by the City Architect. Foundation walls on houses with sloping grades shall not step down from the first floor level unless approved by the City Architect. The height of a foundation wall above grade shall be the minimum required to meet code and achieve a proper visual “base” for the house. Excessive foundation heights to permit the construction of a walk-out basement, or for other purposes, will not be approved.

(G) Fireplaces, Chimneys and Flues

- (1) Cantilevered frame chimneys will not be approved.
- (2) The width and depth of chimneys shall be appropriately sized in proportion to the size and height of the house
- (3) For direct venting gas fireplace boxes which protrude beyond the exterior plane of the house, the frame structure must have a foundation to match the house foundation. All exterior materials and finishes used to enclose the fireplace boxes must match natural materials used on a conventional chimney.
- (4) Unenclosed metal flues shall be located on the rear or side roof planes only, not including side roof planes that face the front yard. Metal flues shall be a minimum of 8 inches in diameter and shall be painted black. Metal flues shall not extend higher than required by code.

(H) All exposed portions of a house above the foundation shall be of finished materials, painted, stained, or pre-finished, as specified in § 150.032. Exterior architectural detailing shall be consistent with the overall design theme of the house. Eaves, cornices, rakes, columns, pilasters, corner boards, vents, window and door trim shall be consistent with the style of the house or addition, and sized appropriately to the scale of the house or addition.

(I) All windows and doors shall be of a style and size that is appropriate to the design of the home. Aesthetic design consideration shall be given to the location of all windows and doors which face the front of the house, or any other street. The City Architect reserves the right to require different styles, sizes or location of windows when, in its operation, these changes are necessary to maintain the aesthetic quality of the façade.

(J) Storm windows shall be compatible with the units that they cover and with the style and color of the house. Excess ornamentation not consistent with other ornamentation on the house is prohibited.

(K) Sun control devices such as awnings and trellises must be compatible with the architectural style, character, and color of the house. The use of such devices on the front of any home is prohibited.

(L) Where shutters are used, they shall be compatible with the style, materials, and colors of the house and should be of proper proportions to the windows they adjoin.

(M) Garage door design and detailing shall be consistent with the architectural style of the house. G

(N) Roof and Roof Accessories

(1) Gutters and downspouts shall be pre-finished to match the adjacent building material color

(2) Highly visible roof flashing shall be copper or pre-finished aluminum to match the adjacent building material color.

(3) Attic ventilators and other roof penetrations shall be low profile designs and shall be pre-finished to match the adjacent roof color.

(4) No roof penetrations, metal ridge vents, or accessories shall be visible above the ridge of the roof nor shall they be located on the front roof planes of the house. Fireplace chimneys are not regulated by this provision.

(5) Dormer windows and eyebrow windows are permitted as consistent with the style of the house.

(6) Skylights will not be approved for the front roof plane.

(O) All front entry stoops and extended front porches shall be constructed of finished materials to match the house. Bandboards, handrails, and railings shall be painted wood, metal, or composite railing of a design to match the character and style of the house. Brick porches with concrete floors will be approved if the concrete is surrounded by brick. Wood steps

to porches facing a street shall have closed and painted risers. Stoops and extended front porches shall be supported on either continuous foundations or on a minimum of 12"x12" brick piers. Open areas under extended front porches of 12" or greater in height above grade shall be concealed with lattice.

(P) Open porches and screened porches are permitted within setbacks on the sides or rear of a home.

(Q) Patios and decks shall be located only in the rear of the house. Exceptions to this may be granted by the City Architect if the requested location is not highly visible from neighboring lots or the street. Decks shall be constructed of approved materials as specified in § 150.032.

(R) Where a ramp is required for accessibility in accordance with the Americans with Disabilities Act (ADA), the City Architect will approve ramps that are consistent with the design and materials of the adjacent porch or stoop. Like all exterior structures, these must be approved as to design and location by the City Architect. The City reserves the right to require removal of the ramp when the need no longer exists for that property.

§ 150.031 LOCATION OF BULDINGS; APPURTENANCES

(A) The building setbacks are for all building and appurtenances thereto, shall conform to the current restriction of Louisville Metro Planning and Zoning regulations at that location. Porches extending beyond the front wall of the residence or in the building line, shall not be enclosed in any manner 24 inches above the floor of the same.

(B) Garages and carports attached to a dwelling shall become a part of the dwelling and shall have the same zoning restrictions the dwelling. Unattached garages must be located at least 15 feet from the dwelling and may be located within 2 feet of the side property line.

(C) No structure may be erected on any lot easement. Penalty, see § 150.999.

§ 150.032 EXTERIOR MATERIALS AND COLORS

(A) Foundations

(1) Approved brick includes standard "modular" brick and oversize brick in the red, red-orange, and brown color ranges. Other colors must be approved by the City

Architect. Other brick sizes or shapes will not be permitted. Exposed concrete brick and concrete block, including decorative block, are not permitted. Mortar colors shall be natural or tan. Other colors must be approved by the City Architect.

- (2) Stone foundations are permitted. Stone type, style, color range, and sizes must be approved by the City Architect. Mortar shall be a natural color.
- (3) Where permitted, parged foundations shall consist of a smooth cement coating applied over concrete block or concrete foundation walls. The parging may be left unpainted.
- (4) Other foundation materials will be considered on the bases of their compatibility with approved materials. Synthetic Stucco (Exterior Insulation Finish System) will not be permitted.
- (5) Wood walls, piers, exposed concrete or concrete block, are not approved for foundation walls, unless otherwise accepted by the City Architect.

(B) Siding and Trim

- (1) Wood lap siding: Cedar, cypress, redwood, or similar decay resistant wood sawn and planed smooth
- (2) Rough sawn cedar siding
- (3) Hardboard lap siding: A manufactured board siding in either smooth or woodgrain finish
- (4) Cement fiber siding: a nailable cement fiber board siding in either smooth or woodgrain finish.
- (5) Vinyl siding: All vinyl siding is not approved or permitted.
- (6) Panel (plywood) siding, also referred to T-111 composite plywood siding is not approved or permitted.
- (7) Partial masonry fronts (brick fronts, etc.) are not approved or permitted.
- (8) All other siding materials will be considered on the basis of their quality and

compatibility with approved materials.

(C) Windows and Doors

- (1) Painted wood windows and doors are permitted on all houses and additions in styles consistent with the architecture of the house or addition.
- (2) Aluminum and vinyl clad windows and doors are permitted on all houses and additions in styles consistent with the architecture of the house or addition.
- (3) Pre-finished aluminum storm windows and doors are permitted on houses or additions where the color can be integrated into the overall color scheme.
- (4) Solid vinyl windows may be permitted pending approval by the City Architect. The City Architect has the right to request pictures and/or samples of the requested window in order to judge its visual compatibility with other windows in the house or neighborhood. Vinyl windows should be designed in profiles that are similar to wood windows.
- (5) Aluminum or steel windows and doors will be reviewed on a case by case basis.
- (6) Fabric covered awnings may be permitted on side or rear windows at the discretion of the City Architect.

(D) Roofing and Flashing

- (1) Cedar shake roofs are permitted on all houses and additions in styles consistent with the architecture of the house or addition.
- (2) Cedar shingle roofs are permitted on all houses and additions in styles consistent with the architecture of the house or addition.
- (3) Dimensional asphalt shingle roofs are permitted on all houses and additions in styles consistent with the architecture of the house or addition.
- (4) Standard asphalt shingle roofs (3-tab shingles) are permitted on all houses and additions in styles consistent with the architecture of the house or addition.
- (5) Hand-formed copper or metal standing seam roofing is permitted for incidental roofs such as stoops, small porches, eyebrows, curved dormer roofs, or similar conditions

- (6) Membrane roofing is permitted for incidental flat roof area in non-visible locations, or for a terrace above a room or porch area.

(E) Decks

- (1) Preservative treated southern yellow pine is permitted for all decks.
- (2) Redwood and Cypress is permitted for all decks in lieu of treated southern pine.
- (3) Composite fiber decks are permitted in lieu of wood decks. Boards shall be in similar size and general color to new or weathered wood decking.
- (4) Raised (supported) concrete decks, metal decking, and untreated wood (except as noted above) are not permitted.
- (5) The City of Seneca Gardens does not regulate deck construction including required foundations, support posts, bracing, beams and joists. A permit from Louisville Metro is required. The City Architect reserves the right to require minimum visible structure sizes or spacing for aesthetic reasons. If the area under a deck is used for storage of any type, it shall be enclosed by lattice or other screening material as approved by the City Architect.
- (6) Railings should be of the same material as the deck. Railing design and construction is regulated by the state building code.

§ 150.033 ADDITIONS AND MODIFICATIONS

(A) Lot Development

- (1) Each structure or site improvement shall be sited to create a proper setting within each lot, consistent with the density and setback of the City, so as not to unduly restrict the view, light, or breeze to or from neighboring properties, and so as not to compromise the privacy of any other lot below the general level enjoyed by other member of the community.
- (2) Siting Requirements
 - (a) No addition shall extend beyond the setback limits established
 - (b)

The siting of additions shall not create a breach of privacy between neighboring houses.

(c) New windows or access created by the addition or modification shall not create a breach of privacy between neighboring houses.

(B) Architectural Guidelines

- (1) All structures shall be of a size and use that is consistent with the standards of the community. All structures and site improvements shall be designed in styles, shapes, sizes, and massing to be of good proportions, well balanced, and of good quality workmanship
- (2) To insure consistency in the design of the house and minimize visual disruption of the neighborhood, additions and modifications must match the design characteristics of the house.

(a) The architectural style shall match the style of the house

(1) The massing of the addition shall be similar in the use of shapes to that of the house, but proportionately small to not overpower the house

(2) Foundations for the additions shall match the house foundation, except for foundations of screen porches and fully glazed sunrooms that may be on wood or masonry piers.

(3) Roof styles and slopes shall be similar. Roof materials shall match the house roof. Attic ventilators and other roof penetrations shall be low profile designs and shall be pre-finished to match the adjacent roof color.

(4) Openings shall be required in additions, including windows, and doors, in a similar fashion and extent as the original house.

(5) Windows and doors in additions shall be of matching material as those in the house. Exceptions may be permitted at the discretion of the City Architect.

(6) Architectural elements such as corner and rake boards, soffits, eaves, window and door trim, and shutters shall match the style of the same

elements on the house. Gutters and downspouts shall be pre-finished to match the adjacent building material color.

(7) All exterior finish materials and colors shall match the house. Siding shall be the same profile and color as the house siding.

(8) Skylights will not be approved for the front roof plane of a house.

(9) Specific requests for such will be considered on a case by case basis.

(10) All materials and construction, including any not noted above, shall meet the standards as specified in § 150.030 and § 150.032.

(C) Solarium additions shall be constructed of finished wood framing or of a pre-finished metal consistent with the colors of the house.

(D) Room additions constructed from pre-finished, manufactured and/or pre-assembled parts may be permitted if consistent with the exterior construction and finish requirements in these Standards. Standard factory plans and details alone are not acceptable. Submittals must include drawings of the addition as it will be constructed on the applicant's home, and showing the façade of the home to which the addition will be attached.

§ 150.034 ACCESSORY BUILDINGS

(A) Each structure or site improvement shall be sited to create a proper setting within each lot, consistent with the density and setbacks of the City, so as not to unduly restrict the view, light, or breeze to or from neighboring properties, and so as not to compromise the privacy of any other lot below the general enjoyed by other members of the City. A temporary storage facility that is being utilized solely for the purpose of moving into or out of a residence may be utilized for a period not to exceed 72 hours, and any such facility must at all times be situated on an impervious surface, and not within the right of way or verge.

(B) Sitting Requirements

(1) No accessory building may be constructed farther forward on the site than the rear plane of the house.

(2) Accessory buildings shall be located within the minimum setback for such structures established by Louisville Metro Planning and Design.

(3) The sitting of accessory buildings shall not create a breach of privacy between

neighboring houses, nor shall it create a visual nuisance to neighboring houses.

- (4) New windows or access created by the accessory building shall not create a breach of privacy between neighboring houses.
 - (5) Except as defined in (f) below, no structure of a temporary character shall be placed upon any property within the City at any time. The foregoing prohibition shall not apply to temporary structures used by a contractor during the construction of improvements provided such structures are not at any time used as residences.
- (C) All structures shall be of a size and use that is consistent with the standards of the City. All structures and site improvements shall be designed in styles, shapes, sizes, massing, and colors to be of good proportions, well balanced, and of good quality workmanship.
- (D) To insure consistency in the design of all structures on each lot and minimize visual disruption of the neighborhood, accessory buildings must match the design characteristics of the house. Specifically:
- (1) Small sheds, not exceeding 160 s.f. in floor area and not more than one story in height, are permitted on all lots and may be reviewed by the City Architect.
 - (2) Larger sheds and other accessory buildings such as garages are permitted on all lots. These structures may in no case be larger than 600 s.f. on the main floor and be no higher than 1-½ stories unless otherwise approved by the City Architect.
 - (3) The architectural style shall match the style of the house.
 - (4) Roof styles and slopes shall be similar.
 - (5) Windows must be located on at least one side of the accessory structure
 - (6) Windows and doors in accessory buildings shall be similar in style to those in the house.
 - (7) Architectural elements such as corner and rake boards, soffits, eaves, window and door trim, and shutters shall be similar in style of the same elements on the house.

- (8) All exterior finish materials and colors shall match the appearance of the house. Where the exact same siding or roofing cannot be used, the profile (size and shape) of proposed exterior siding shall match the profile of the house siding. Note: Plastic, metal and solid vinyl sheds are not permitted.
- (9) Small sheds may be set on piers or on horizontal timbers, and leveled as required. Open areas under sheds should be screened from view with lattice or landscaping.
- (10) Larger accessory buildings shall be constructed on foundations to match the house foundation.
- (11) Greenhouses designed for growing plants in controlled conditions must be approved by the City Architect in locations not generally visible from the street or neighboring properties as the interior is visible from the exterior and cannot always be controlled. The design and materials of such structures shall meet the standards set in § 150.032 for Solariums.

HOUSING REGULATIONS

§ 150.045 SCOPE OF HOUSING REGULATIONS

The provisions of this chapter shall apply to all buildings or any appurtenance connected or attached to such buildings located within the city including, but not limited to fences, driveways, private roads, sidewalks, and swimming pools.

§ 150.046 PEST INFESTATIONS AND EXTERMINATION

It shall be unlawful for any dwelling or dwelling unit within the city to be infested with rats, mice, roaches, or other pests, or infected with any contagious disease. Pest infestations which develop subsequent to the initiation of human occupancy within a dwelling unit shall be eradicated and all pests exterminated in accordance with the applicable regulations prescribed by the City Commission and the Director of the Louisville Metro Health and Wellness.

§ 150.047 WILD OR UNDOMESTICATED ANIMALS.

Wild or undomesticated animals are prohibited. No owner, occupant, or person having control or management of any land within the city shall permit or maintain on any premises or adjacent

right-of- way as pets, or for profit, any livestock, poultry, ducks, fowl or wild or undomesticated animals. Penalty, see § 150.999

Cross reference: Animals, see Ch. 90

§ 150.048 PROHIBITED CONDITIONS

(A) Internal

- (1) The interior of every dwelling and dwelling unit, within the city, including habitable and non-habitable rooms, halls, basements, cellars, attics, closets, and storage spaces shall be kept clean and free from accumulations of dirt, filth, rubbish, garbage, or similar matter and shall be kept from vermin and rodent infestation.
- (2) The occupant or occupants shall have the responsibility for meeting the obligation created herein with respect to all interior areas within his or her or their exclusive control.

(B) External

- (1) The exterior of every dwelling and dwelling unit within the city, including all courts, yards, and conterminous property, shall be kept clean and free from accumulation of dirt, filth, leaves, rubbish, garbage, uncontained trash, scrap or abandoned building materials or similar matter, dead and decaying trees, stumps of trees previously felled, and shall be kept free from vermin and rodent infestation. The occupant or occupants shall have the responsibility for meeting the obligation created in this subsection with respect to all exterior areas within his or her or their exclusive control.
- (2) All dwellings, fences, gates and outbuildings or other structures in a dilapidated or unsafe condition shall be removed or repairs. All sheds and auxiliary structures attached to dwellings which create blind rooms or which overcrowd the land shall be removed. All year structures, fences, and rubbish which obstruct light and air, harbor rats and vermin, or create an undesirable environment shall be removed. All courts, yards, and conterminous property around every dwelling or dwelling unit shall be properly graded and drained to keep surface water from draining into or beneath the dwelling or dwelling unit. Water shall not be allowed to stand in drainless pools anywhere about the premises.

- (3) No owner, occupant or person having control or management of any land within the city shall permit or maintain on any premises or adjacent rights-of-way any excessive growths of grass or wild or noxious weeds to a greater height than ten inches on the average; nor any accumulations of dead weeds, grass, brush, or leaves.
- (4) Open or inadequately protected holes in the ground of sufficient size to risk injury to humans or pets are prohibited.
- (5) The Federal Telecommunications Act of 1996 contain provisions that void certain prohibitions regarding antennas. Certain types of antennas are permitted as listed below as well as locations;
 - (a) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter (39") or less in diameter
 - (b) An antenna that is designed to receive video programming services via multi point distribution services, including multi-channel, multi-point distribution services, instructional television fixed services, and local multi-point distribution services, and that is one meter (39") or less in diameter or diagonal measurement.
 - (c) An antenna that is designed to receive television broadcast signals.
 - (d) An antenna should be mounted directly on the rear of the house, on a roof plane facing the rear, or on the back side of a chimney, to the extent feasible that the antenna is not visible from the street.
 - (e) Mounted on the ground in the rear yard, to the extent feasible that the antenna is not visible from the street.
 - (f) Mounted on a pole, an existing other structure, or a tree in the rear yard, to the extent feasible that the antenna is not visible from the street.
 - (g) If no clear signal may be obtained in any of the above locations, an antenna may be mounted on the ground or, if necessary, on a pole in the front yard, or on the front plane of the house.

§ 150.049 EXTERNAL MAINTENANCE AND REPAIR

(A) *External Maintenance*

- (1) All foundations, exterior walls, floors, and roofs of every dwelling within the city shall be free of holes, large cracks, and any loose and deteriorated material, and shall be maintained so as to be weather-tight and rodent-proof.
- (2) All exterior walls, woodwork, and exposed metal portions of every dwelling that are inadequately protected against the weather due to lack of paint, or other approved protective coating, shall be painted or otherwise protected against decay, corrosion, or deterioration.

(B) Gutters and downspouts

- (1) All roofs of every dwelling shall be equipped with gutters and downspouts connected to an approved sewer or which ensure the storm water shall be disposed of on the property, in such a manner as to not adversely affect the adjoining property.
- (2) All gutters, downspouts, and connecting drawings shall be kept free of the accumulation of material which would tend to impede or obstruct the normal flow of water therein.

§ 150.050 RESPONSIBILITIES OF OWNER OR LANDLORD

- (A) *General obligations:* Except as specifically provided in other section of this chapter, all the obligations set forth in this chapter are the responsibility of the owner, regardless of whether the owner is also the occupant of the property subject to this chapter.
- (B) *Pest extermination:* Every owner of a dwelling containing more than one dwelling unit shall be responsible for the extermination of any insects, rats, or other pests therein or on the premises when the infestation extends to stairways, halls, basements, yards, or other common areas.
- (C) Nothing in this section shall be construed to eliminate the responsibility of an occupant, as provided in § 150.051 of this chapter, unless the infestation extends to two or more dwelling units within the building.

§ 150.051 RESPONSIBILITIES OF OCCUPANTS

Every occupant of a dwelling within the city containing a single dwelling unit shall be responsible for the extermination of any insects, rats, or other pests there in or on the premises; and every occupant of a dwelling unit in multiple dwellings shall be responsible for the extermination if his dwelling unit is the only one infested.

§ 150.052 VACANT DWELLINGS; PROCEDURE FOR SECURING

- (A) When any dwelling or dwelling unit within the City becomes vacant and unoccupied, the owner thereof shall immediately cause it to be securely locked to prevent the entrance there in of unauthorized persons, and the owner shall keep such structure securely locked until it is again let for occupancy. If the dwelling or dwelling unit thereafter becomes open, so that any unauthorized person may enter, the owner shall cause the structure to be closed at all outside openings by securely covering all such openings with a type of covering approved by the City Architect, in such a manner as to preclude entrance by unauthorized persons. Provided, however, one door facing the street may remain uncovered, so long as it shall be securely locked, to allow the owner or persons authorized by him or her to enter.
- (B) If any dwelling or dwelling unit is found to be vacant, unoccupied, and open so that it may be entered freely by unauthorized persons, the City Commission may order and direct the owner of the structure to close it securely in the manner provided for in division (A) of this section by delivering to the owner a written notice requiring him or her to securely close the structure within five days of the date of the notice. The mailing of the notice to the owner at his last known address shall be deemed notice to him or her. If the owner fails to complete the closing of any such dwelling or dwelling unit within the five-day period, the City Commission may, without further notice to the owner, cause the dwelling unit to be securely closed; and the cost of the closing shall be a lien against the property.
- (C) If the full amount of the cost of any closing carried out by the City Commission pursuant to division (B) of this section is not paid to the city by the owner within 30 days after the closing is completed, the city shall have prepared and cause to be signed and sworn to by the City Architect and affidavit showing the cost and expense incurred for the work and the date, place, or property on which said work was done. The affidavit shall be recorded in the office of the Jefferson County Clerk and shall constitute a lien upon the property, which shall remain in full force and effect for the amount due as principal, plus accrued interest at the rate of 8% per annum from the date of the completion of the work, plus any court costs necessary or the collection thereof, until full payment is made.

- (D) All affidavits recorded in accordance with this section shall be prima facie evidence that all legal formalities have been complied with and that all the work involved has been properly and satisfactorily done; and this shall be full notice to all persons concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described therein and that the same is due and collectible as provided by law.

SWIMMING POOLS

§ 150.065 SWIMMING POOL RESTRICTIONS

- (A) It shall be unlawful for any person to construct or maintain a swimming pool, hot tub, whirlpool, or spa in the front or side yards of any lot within the city.
- (B) There shall be allowed in the city only permanent in-ground swimming pools, constructed in a rear yard and subject to the limitation hereinafter set forth.
- (C) No inflatable domes, covers, or other raised structures over a swimming pool shall be permitted. Penalty § 150.999.

§ 150.066 PERMIT REQUIRED

- (A) No person shall construct or maintain a swimming pool or outdoor hot tub, whirlpool, or spa as provided for herein without first making application and obtaining a permit therefor from the City Commission.
- (B) No swimming pool shall be constructed nor shall a permit therefor be granted unless there is a provided drain in the pool, which drain shall be connected underground directly to the sanitary sewer system. Penalty § 150.999.

§ 150.067 PERMIT APPLICATION

An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Engineer, or Commissioner responsible for that function. It shall provide information as may be reasonably required for a clear understanding of the proposed work and its effect on the surrounding properties. The written application shall contain at least the following information:

- (A) The kind of pool, outdoor hot tub, whirlpool or spa, herein referred to as “pool” to be constructed;
- (B) The pool’s overall dimensions of length, width, and depth, and a description of any proposed exterior lighting, including provisions for the shielding of the lighting.
- (C) A plat, drawn to scale, showing the installation’s location in relation to existing structures, easements, boundary lines and existing or proposed fences. The plat shall also show the location of any proposed exterior lighting;
- (D) Its effect, if any, on adjacent properties which can be reasonably expected to result from the construction;
- (E) The provisions to be made for supplying the pool with potable water and for the drainage thereof;
- (F) The substance which will be used as fill and the anticipated disposition of any earth removed; and
- (G) When construction is expected to begin and length of time it will take before it is completed.

§ 150.068 ISSUANCE OF PERMIT

- (A) *Other requirements:* Any person requesting a permit must, prior to requesting a permit from the city, obtain all other permits which may be required.
- (B) *Examination of application:* The City Engineer shall examine or cause to be examined each application and the information furnished in connection therewith; shall ascertain by such examination that the construction of the pool will not adversely affect the public safety, health, convenience, comfort, and general welfare of the city and will be in accordance with the requirements of this chapter and all other pertinent laws, ordinances and deed restrictions.
- (C) *Action on application:*
 - (1) *Approval:* The City Engineer shall act upon the application for a permit without unreasonable or unnecessary delay. If satisfied that the pool, hot tub, whirlpool, or spa as described in the application and information furnished in connection therewith will not adversely affect the public safety, health, convenience, comfort

and general welfare of the residents of the city; conforms to the requirements of this chapter and all other pertinent laws, ordinances, and deed restrictions, he or she shall so report to the City Commission which, if it concurs, shall issue a permit therefor.

- (2) *Disapproval*: If the application for a permit and the information filed therewith describe work that does not conform to the requirements of this chapter or all other pertinent laws, ordinances and deed restrictions, or does not contain sufficient information, the City engineer shall so report to the City Commission, and, if the report is concurred in by the City Commission, no permit shall be issued and the applicant shall be so notified. The refusal shall be in writing and shall contain the reasons therefor.

§ 150.069 FENCES AROUND SWIMMING POOLS

All pools or pool areas within the city shall be enclosed by fence at least 48 inches in height. Any gate or other entry through the fence must be capable of being locked. Penalty § 150.999.

PULL-OFFS; STREET CURBS

§ 150.080 PERMIT FOR “PULL-OFFS”

- (A) No person shall construct or permit any paved or gravel “pull-offs,” parking areas, curved or circular drive to be constructed or maintained in the front yard of any residential lot within the city without first obtaining a permit therefor from the City Commission.
- (B) No permit referred to in division (A) of this section shall be issued until a plan of the “pull-off,” parking area, or curved or circular drive showing the size, location, and type of construction is delivered to and approved by the City Commission and the body determines that the construction will improve the free passage and flow of traffic on the roadway adjacent thereto; is essential to the full use and enjoyment of the property which the “pull-off,” parking area or curved or circular drive are designed to serve; and is in

keeping with and does not detract from the surrounding neighborhood. Penalty § 150.999.

§ 150.081 PERMIT FOR STREET CURB

- (A) No person shall construct or permit any curb to be constructed or maintained at the edge of any paved portion of any street within the city without first obtaining a permit therefor from the City Commission.
- (B) No permit referred to in division (A) of this section shall be issued until a plan of the curb showing the location and material and type of construction is delivered to the City Commission and the Commission determines that the curb will be not more than six inches in height; is located in line with existing curbs at or near the location; will not impede surface water drainage; and will be in keeping with and will not detract from the surrounding neighborhood.
- (C) Upon failure of any person to comply with these regulations, the City Commission may send city employees or agents of the city upon the property to remedy the situation and the city shall have a lien against the property for the reasonable value of labor and materials used in so doing. Penalty § 150.999.

FLOODLIGHTS

§ 150.095 PERMIT REQUIRED

It shall be unlawful for any person to install or permit any permanent flood, mercury vapor, or similar light exceeding 150 watts per bulb to be installed on any lot within the city without first making application and obtaining a permit therefor from the City Commission. Penalty § 150.999.

§ 150.096 PERMIT APPLICATION

Any application for a permit, signed by the person desiring to install a permanent flood, mercury vapor, or similar light shall be filed with the City Commission, together with the information as may be required by the City Commission, including;

- (A) A plat showing the location of the proposed light in relation to existing structures on the lot;
- (B) The type, name, manufacturer and candle power of the proposed light as well as a picture or likeness of the proposed light.
- (C) The written consent of all occupants of premises adjoining the lot on which the light is to be installed, indicating when the consent is conditioned upon adequate “shielding” of the light; and
- (D) What provisions are to be made from “shielding” the light from adjoining premises, when appropriate.

§ 150.097 ISSUANCE FO PERMIT

- (A) *Approval:* If the City Commission is satisfied that the proposed light will not adversely affect the safety, health, convenience, comfort and general welfare of the city and the premises adjoining the lot on which the light is to be located, it shall issue a permit for the light, which permit shall specify what “shielding” of the light, if any, shall be supplied by the applicant.
- (B) *Disapproval:* If the application is incomplete or the City Commission determines that the proposed light would adversely affect the safety, health, convenience, comfort, and general welfare of the city or the premises adjoining the lot on which the light is to be

located or that the owners of all adjoining premises have not consented to the installation of the light, the City Commission shall disapprove the permit and inform the applicant of the decision along with the reasons for disapproval.

FENCES

§ 150.100 PERMITTED and PROHIBITED FENCES

The general styles of fences permitted and prohibited are defined in (A) through (E) below:

(A) *Landscape Fences*: These are lower fences of an open design allowing visibility through them. They utilize natural, unfinished wood and are designed to run along distances with the contours of the land. Common examples; wood split rail fences, board rail fences, picket and convex picket fences. Picket style fences made of iron, powder-coated aluminum, and vinyl will be considered in accordance with § 150.xxx. The pickets may be spaced no more than 2 inches apart.

(B) *Privacy Fences*: These are generally higher fences of a closed design, limiting or preventing visibility through them. They are typically made of natural unfinished wood, but finished wood and vinyl fences will be considered in accordance with § 150.xxx. Designs include solid board fences, board-on-board fences and lattice fences.

(C) *Patio (Garden) Walls*: These are actually house wall extensions constructed as a free standing wall with matching material as the house. These walls are typically trimmed with a cap and a solid end.

(D) *Multiple Fence Styles*: Using more than one style of fence in the same yard is generally not permitted. Exceptions may be considered by the City Commission for special circumstances in accordance with § 150.xxx.

(E) *Prohibited Fence Types*: The following fences are not permitted: chain link, barbed wire, utility wire fences with metal posts, stockade fences (pointed wood picket privacy fence made from split untreated pine or other soft wood), and post and wire fences (fences with wood posts and rectangular mesh wire.)

§ 150.101 MAXIMUM FENCE HEIGHT

The maximum permitted height for each type of fence is shown below. Maximum heights relate to the top of the pickets, top of the framed lattice, or the top of the rails in a rail fence.

(A) *Landscape Fences*: 48 inches (4'-0"). Top of convex picket may extend to 54 inches (4'-6") and black iron or black aluminum fences may extend up to 60 inches (5'-0").

(B) *Privacy Fences*: 72 inches (6'-0")

(C) *Patio Walls*: No limit in height, but must integrate appropriately with the architecture of the house.

§ 150.102 FENCE LOCATIONS

(A) In any rear yard, a fence may enclose a portion of the yard or the entire rear yard. A rear yard is defined as that portion of the lot beginning at the rear corners of the house and extending to the side and rear property lines.

(B) In any yard, the City Commission may allow limited extensions for fences directly adjacent to a house wall up to a side door located not more than halfway between the rear and front corners.

(C) On flag lots, pie-shaped lots or any lot where the house is located substantially farther back than adjacent houses on either side, the City Commission may, at its discretion, use the rear plane of the adjacent houses to define the acceptable front setback for the fence on either side of the subject house; but in no case as far forward as the front corners of the subject house.

§ 150.103 FENCE ORIENTATION AND ADJOINING FENCES

Fences with supporting structure on one side shall be oriented with the finished board side facing out from the yard. Where a new fence is constructed on a lot with an adjacent fence already in place at a property line, the new fence shall abut the end of the existing fence, using the existing fence as a portion of the yard enclosure.

§ 150.104 PERMIT REQUIRED

The Permit required by § 150.020 shall be required in order to construct any fence.

PENALTY

§ 150.999 PENALTY

Any person who violates any provision of the state codes adopted in § 150.001, or any provision

of Chapter 150 of these Ordinances, shall be subject to the following penalties:

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 no more than \$1,000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of safety shall, upon conviction, be subject to a fine of not less than \$25 no more than \$1,000, imprisonment for not more than 60 days, or both for each offence. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)

(D) Violators of any provision of a provision of Chapter 150 of these Ordinances shall be subject to a fine of not less than \$50.00 nor more than \$100, with each day being considered as a continuing and new offense.

FIRST READING GIVEN BY THE CITY COMMISSION OF THE CITY OF SENECA GARDENS, KENTUCKY, ON THE ___ DAY OF OCTOBER, 2014.

PASSED BY THE CITY COMMISSION OF THE CITY OF SENECA GARDENS, KENTUCKY, AT THE SECOND READING ON THE _____ DAY OF _____, 2014.

ATTEST:

CITY CLERK

MAYOR

Approved as to Form and Legality:

Schuyler J. Olt, City Attorney

ORDINANCE NO. 2013-__
CITY OF SENECA GARDENS, KENTUCKY

AN ORDINANCE OF THE CITY OF SENECA GARDENS, KENTUCKY ADDING SECTION 35.06 TO THE SENECA GARDENS, KENTUCKY CODE OF ORDINANCES RELATING TO PROPERTY TAX RATES ON VACANT PROPERTY

WHEREAS, KRS 132.012 permits the imposition of a property tax rate upon vacant property which is higher than the prevailing property tax rate, and

WHEREAS, such higher tax rates will help to offset the incidental costs to the City caused by chronically vacant property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SENECA GARDENS, KENTUCKY:

1. Section 35.06 of the Code of Ordinances of Seneca Gardens is enacted to provide:

INCREASED TAX RATE FOR VACANT PROPERTY: For properties meeting the conditions of KRS 132.012, a property tax rate of 200 per cent (%) of the prevailing property tax rate shall be imposed on such property. Said tax shall be immediately due and payable, and shall otherwise carry interest and penalties as provided in Section 35.03 of the Code of Ordinances of the City of Seneca Gardens, Kentucky.

First Reading: November 18, 2013

Second Reading: December __, 2013

Enacted: December __, 2013

David Brown, Mayor

Attest: _____
Julia R. Olt, City Clerk

Approved As To Form:

Schuyler J. Olt, Esq, City Attorney

ORDINANCE NO. 2013--01

**CITY OF SENECA GARDENS, KENTUCKY
AN ORDINANCE OF THE CITY OF SENECA GARDENS, KENTUCKY
AMENDING
SECTION 150.008
RELATING TO BUILDING LIMITS**

WHEREAS, structures present a particular need for specific regulation, and

WHEREAS, the City desires to provide guidance and regulation concerning free-standing structures other than dwellings and detached garages.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SENECA GARDENS, KENTUCKY:

1. Section 150.008 is amended to read as follows:

No houses, building or structure may be erected so more than 30% of the area of any lot is occupied by houses, buildings or structures. Notwithstanding the foregoing, no structure shall be greater than 800 square feet, and be not more than 10 feet in height, even though not more than 30% of the area of any lot shall be occupied.

First Reading: January 21, 2013

Second Reading: February 18, 2013

Enacted: February 18, 2013

DAVID BROWN, MAYOR

DIANE GAHAFFER, CLERK

Approved As To Form:

Schuyler J. Olt, City Attorney

SENECA GARDENS, KENTUCKY

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 150
OF THE CODE OF ORDINANCES AND ESTABLISHING
PROCEDURES FOR THE ENFORCEMENT OF KRS 381.770
REGARDING THE ABATEMENT OF NUISANCES**

WHEREAS the City Commission has considered the problem of property maintenance and dilapidated structures within the City and has determined that KRS 381.770 offers effective and efficient alternatives for addressing such issues in addition to Chapter 150 of the current Seneca Gardens Code of Ordinances; and,

WHEREAS the City Commission has determined that the City Commission is best positioned and suited to make initial assessments and judgments with regard to property maintenance and dilapidated structures issues; and,

WHEREAS the City Commission has determined that the Seneca Gardens Property Committee is best suited to provide meaningful review and hearings upon decisions of the City Commission regarding property maintenance and dilapidated structures issues; and,

WHEREAS the City Commission has determined that the ordinance reflected below promotes the best interests of the citizens and constituents of the City of Seneca Gardens with regard to protecting the health and safety of the public as may from time to time be threatened by property maintenance and dilapidated structure conditions existing in the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF SENECA GARDENS, COMMONWEALTH OF KENTUCKY, that Chapter 150 of the Seneca Gardens Code of Ordinances hereby is amended by the following Ordinance.

CHAPTER 150: NUISANCES

Section

150.001 Authorization

150.053(A) Initial determination

150.053(B) Notice of violation

150.053(C) Creation of Property Committee

150.053(D) Right to appeal and hearing

150.053(E) Conduct of hearings

150.053(F) Abatement of nuisance

150.053(G) Lien and liability for costs of abatement

Sec. 150.001 AUTHORIZATION. This Section is amended by adding the following.

This chapter is also adopted pursuant to the authority granted by KRS 381.770 in order to establish procedures for the abatement of public nuisances, including but not limited to dilapidated buildings and structures.

New Sections of Chapter 150 are added as follows.

Sec. 150.053(A) INITIAL DETERMINATION.

Potential violations of KRS 381.770 initially shall be investigated and determined by the City Commission. The City Commission is authorized to consult with and seek the counsel and assistance of such certified building inspectors, engineers and other experts as the City Commission may deem reasonably necessary in order to determine the existence of a violation of KRS 381.770. Further, the City Commission and its designees hereby are authorized to enter upon any property on which it reasonably suspects a violation to exist in order to determine and confirm the relevant facts.

Sec. 150.053(B) NOTICE OF VIOLATION

In the event and at such time as the City Commission may deem a violation of KRS 381.770 to exist within the City, the Mayor shall notify the responsible party or parties (as identified in KRS 381.770) of the violation, in writing, delivered personally to the responsible party or mailed by first class mail, postage prepaid, to the current address of such party as same appears upon the available official records of the City and/or the records maintained by the Jefferson County Property Valuation Administrator. In the event the alleged violation pertains to a structure or building which has become unfit or unsafe for human habitation, occupancy, or

use, or permitting conditions to exist in the structure which are dangerous to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the City, such notice shall identify the violation and instruct the responsible party to remedy the violation or make adequate provision therefor by written agreement with and to the satisfaction of the City Commission, within thirty (30) days following the date of personal delivery or postmark of the notice. The notice further shall state that, in the absence of such remedy or adequate provision for same, demolition or other appropriate steps will be scheduled immediately thereafter (unless a request for a hearing before the Property Committee is filed in accordance with the procedures set forth below). In all other cases, the notice shall identify the nature of the violation and shall require the responsible party to remedy the violation or make adequate provision for same by written agreement with and to the satisfaction of the City Commission, within seven (7) days of the date of personal service or the postmark of such notice. All written notices by the Mayor pursuant to this section clearly shall apprise the responsible party of their right to a hearing before the Property Committee, as set forth below.

Sec. 150.053(C) CREATION OF SENECA GARDENS PROPERTY COMMITTEE.

There is hereby created the Seneca Gardens Property Committee, the purpose and function of which is to hear and determine all appeals taken with reference to violations arising under Sec. 150.053 of the Seneca Gardens Code of Ordinances. The Committee shall be comprised of not less than three or more than five individual residents of Seneca Gardens, who shall not be sitting City Commissioners or the Mayor. Members of the Committee shall be appointed by the Mayor subject to the approval of a majority of the City Commission, and may be removed by a vote of not less than sixty percent of the City Commission, including the vote of the Mayor. The Mayor and the City Commission may attend and participate in all meetings of the Committee, but may not vote. The City Attorney shall be an ex-officio, non-voting member of the Committee, who is authorized to chair Committee meetings at the Committee's request, and rule upon evidentiary matters. The City Commission may fix a reasonable amount of

compensation for Committee members, and may reimburse reasonable and necessary costs incurred by the Committee.

Sec.150.053(D) RIGHT TO APPEAL AND HEARING.

In all cases involving potential demolition of structures, the responsible party may request an appeal hearing before the Seneca Gardens Property Committee for purposes of contesting the City Commission's determination of such violation. Such request for appeal and hearing must be made in writing, must specify the grounds thereof, and must be delivered to the City Clerk and the Mayor prior to the expiration of thirty (30) days following the receipt or postmark of the written notice of such violation. In all cases not involving the potential demolition of structures, such hearing may be requested at any time prior to fifteen (15) days following the receipt or postmark of the written notice of such violation.

Sec.150.053(E) CONDUCT OF HEARINGS.

All hearings before the Property Committee pursuant to this Chapter shall be conducted within sixty (60) days following the request for same at either a regular or special called meeting of the Committee, scheduled for a reasonable time. The Committee shall give public notice in accordance with KRS Chapter 424, as well as written notice to the responsible party and the Mayor at least one (1) week prior to the hearing and shall decide the issues within sixty (60) days following the hearing. The Mayor shall forthwith transmit to the Property Committee all papers and reports constituting the record upon which the action was taken. At the hearing, the City Commission, or its designee, shall present to the Property Committee such testimony and other evidence as the City Commission shall deem pertinent and appropriate to allow the Board to adequately review and consider the City Commission's initial determination. The responsible party, or his attorney, may present such relevant evidence as he/she may wish, subject to control by the Property Committee with regard to issues of admissibility. Further, any interested party may appear and enter his appearance, and all shall be given an opportunity to be heard. Hearsay testimony may be admissible for purposes of this hearing. The ruling of the Property Committee

may be appealed to the Jefferson Circuit Court in accordance with the provisions of KRS 100.347.

Sec.150.053(F) ABATEMENT OF NUISANCE.

In the event that the responsible party shall fail to request an appeal and hearing upon the City Commission's ruling within the period allowed, or upon final confirmation of the City Commission's ruling by the Property Committee, the Jefferson Circuit Court or any other court properly exercising jurisdiction over a proper appeal of the City Commission's ruling, the City Commission shall, as soon as practicable thereafter, proceed with the demolition or other abatement, either directly or by means of contract with qualified third parties.

Sec.150.053(G) LIEN AND LIABILITY FOR COSTS OF ABATEMENT.

The City shall have a lien against the subject property for the reasonable value of labor and materials used in abating the nuisance, as provided in KRS 381.770(6). The owner of the property shall be personally liable to the City for the amount of the lien, including all interest and other charges, and the City may bring a civil action against such owner and shall have the same remedies as provided for the recovery of a debt owed, in accordance with KRSS 831.770(7).

**PASSED BY THE CITY COMMISSION OF THE CITY OF SENECA GARDENS,
KENTUCKY, AT THE FIRST MEETING ON THE _____ DAY OF
_____, 2011.**

**PASSED BY THE CITY COMMISSION OF THE CITY OF SENECA GARDENS,
KENTUCKY, AT THE SECOND READING ON THE _____ DAY OF
_____, 2011.**

PASSED: _____

CITY CLERK

MAYOR

Approved as to Form and Legality:

Schuyler J. Olt, Esq., City Attorney

ORDINANCE NO. 2008-__

CITY OF SENECA GARDENS, KENTUCKY
AN ORDINANCE OF THE CITY OF SENECA GARDENS,
KENTUCKY AMENDING SECTION 150.060 GRANTING
THE CITY LIEN RIGHTS FOR REPAIR AND MAINTANENCE

WHEREAS, in order to accomplish the goals and public policies of Sections 150.045 through 150.052 of the Seneca Gardens, Kentucky Code of Ordinances, and to provide for the public health, safety and welfare of the citizens and residents of the City of Seneca Gardens,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SENECA GARDENS, KENTUCKY:

SECTION 1. A new subparagraph D is hereby added to Section 150.050, reading as follows:

“In the event that an owner or occupant shall fail to promptly discharge a responsibility or obligation set forth in this chapter, the City, in its discretion, may enter onto the subject property thirty days after having given the owner thereof written notice of its intent to do so, sent via certified mail, return receipt requested, and discharge the obligations of the owner or occupant for which the owner or occupant is in violation of this chapter, and in the event the City shall do so, it shall have a lien against the subject property, in addition First to all other remedies the City shall have at its disposal at law or equity.”

Reading: August 18, 2008

Second Reading:

Passed:

David L. Brown, Mayor

Attest: _____
Barbara Weiting, City Clerk

Approved as to form:

Schuyler J. Olt, Esq., City Attorney

ORDINANCE NO. 2008-__

**CITY OF SENECA GARDENS, KENTUCKY
AN ORDINANCE OF THE CITY OF SENECA GARDENS,
KENTUCKY AMENDING SECTION 150.060 GRANTING
THE CITY LIEN RIGHTS FOR REPAIR AND MAINTANENCE**

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Reading: August 18, 2008

Second Reading:

Passed:

David L. Brown, Mayor

Attest: _____
Barbara Weiting, City Clerk

Approved as to form:

Schuyler J. Olt, Esq., City Attorney