

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2007-05**

AN ORDINANCE AMENDING ORDINANCE 94-9, "AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY ENACTING A PROPERTY MAINTENANCE CODE AND STATING ITS PURPOSES; PROVIDING DEFINITIONS, IMPOSING DUTIES ON OWNERS AND OPERATORS; CREATING ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT; IMPOSING PENALTIES; WITH SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE" BY PROVIDING A NEW SECTION ADDRESSING PROBLEM STRUCTURES, AND PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

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WHEREAS, City of Russellville has previously enacted Ordinance 94-9, as amended from time to time, and a new amendment is now proper to address problem structures; and

WHEREFORE, City Council deems this Ordinance to be in the best interests of the health, safety and welfare of the citizens of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, as follows:

I. THE AMENDMENTS.

Article IV is amended to create Section 3 to read as follows:

SECTION 3. PROBLEM STRUCTURES

- A. A problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to, the following:
1. A building whose interior or exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of the base;
 2. A building, exclusive of the foundation, that shows 33% or more damage or deterioration to its supporting members or 50% or more damage or deterioration to its non-supporting members or to the enclosing or outside walls or coverings;

3. A building having improperly distributed loads on the floors, or roofs, or in which same are overloaded or have insufficient strength to be reasonably safe to occupants or the public;
 4. A building damaged by fire, wind, seismic or other causes so as to cause the building to become dangerous to life, limb or property of the occupants or to the public;
 5. A building that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease or injury to health, safety or general welfare of those living therein;
 6. A building having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
 7. A building having inadequate facilities for egress in case of fire or other events, or having insufficient stairways, fire escapes or other means of travel;
 8. A building that has parts or elements that are attached or not attached in such a way that they may fall and cause injury to persons or property;
 9. A building characterized by disconnected utilities, extensive broken glass, peeling or flaking paint on the exterior walls, loose or rotting materials on the roof or the exterior walls; or,
 10. Any vacant building or structure not secured from entry or the elements.
- B. When a problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed sixty (60) days from the date of the fire, the date of damage from other means or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within sixty (60) days of the date of the issuance of the permit. If a

demolition permit is requested and approved, demolition must be initiated within five (5) days and must be completed within thirty (30) days of the date of the issuance of the demolition permit.

C. Failure of the property owner to keep the structure closed and secured from entry and the elements or to obtain the required permit in the specified time shall constitute permission to an official, employee, or other authorized agent of the City to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the problem structure.

D. Issuance of Notice of Violation or Citation

1. The notice of violation or citation shall be delivered to the violator at his last known address as it appears from the current tax assessment roll. Such notice of violation or citation shall be deemed to be properly served if given by certified mail, return receipt requested, by personal delivery or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Service by certified mail shall be presumed to have been served on the third day following mailing. A copy shall also be posted in a conspicuous place in or about the structure or premises affected by such notice of violation or citation.

2. When the violation involves a fire damaged structure, a copy of the notice of violation or citation shall also be delivered to any mortgage company and any insurance company with verified interest in the Property. Every reasonable attempt shall be made to determine all verified interest.

E. Permit to Repair Does Not Extend Compliance Time.

When abatement of a violation by repair requires a permit obtained from the City Building Inspector, the completion time shall correspond to the correction time allowed in the notice of violation issued by the code official or the correction time established by this Ordinance. It shall be the duty of the violator to notify the code official that additional time is needed and to provide justification why the completion time is inadequate. The City Building Inspector may extend the completion time, in his sole discretion, if he determines that the completion time is not reasonable given the facts of a particular violation. Any request for an extension of time, and all decisions by the City Building Inspector to extend, or not extend time, shall be in writing. Code officials are not authorized to grant requests for additional time to correct a problem structure as established in Part IV, Section 3(B) of this

Ordinance and any request for additional time to correct such a problem structure shall take the form of an appeal to the City of Russellville Code Enforcement Board. An appeal may be filed by any party with an equitable interest in the property and any such appeal must be filed within the remedy period specified in Part IV, Section 3(B) of this Ordinance.

F. Required Permit to Demolish Does Not Extend Compliance Time.

When abatement of a violation is achieved through demolition, a permit shall be obtained from the City Building Inspector. The completion time shall correspond to the correction time allowed in the notice of violation issued by the code official or the correction time established by this Chapter. It shall be the duty of the violator to notify the code official that additional time is needed and to provide justification why the completion time is inadequate. The City Building Inspector may extend the completion time, in his sole discretion, if he determines that the completion time is not reasonable given the facts of a particular violation. Any request for an extension of time, and all decisions by the City Building Inspector to extend, or not extend time, shall be in writing. Code officials are not authorized to grant requests for additional time to demolish a problem structure as established in Part IV, Section 3(B) of this Ordinance and any request for additional time to demolish such a problem structure shall take the form of an appeal to the City of Russellville Code Enforcement Board. An appeal may be filed by any party with an equitable interest in the property and any such appeal must be filed within the demolition period specified in Subsection Part IV, Section 3(B) of this Ordinance.


II. SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

III. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

IV. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.


FIRST READING conducted the 8th day of May, 2007.

SECOND READING AND PASSAGE on the 22nd day of May, 2007.



GENE ZICK, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK

Ayes: Davenport, Lanny; Jones, Russell; McPherson, Lanny; Philips, Chuck; Stratton, Mark; Whipple, Jack.

Nays: none.

Absent: none.

Abstaining: none.

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2007-05 entitled "AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY ENACTING A PROPERTY MAINTENANCE CODE AND STATING ITS PURPOSES; PROVIDING DEFINITIONS, IMPOSING DUTIES ON OWNERS AND OPERATORS; CREATING ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT; IMPOSING PENALTIES; WITH SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE" BY PROVIDING A NEW SECTION ADDRESSING PROBLEM STRUCTURES, AND PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE.

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted create a new Section 3 to the original Ordinance 94-9 to address "problem structures" within the city limits of the City of Russellville, Kentucky.
2. The definition of "problem structure" is contained in the Ordinance, which specifically regulates those structures which are a nuisance, or pose a danger, in the city. "Problem structures" include those which are in danger of collapsing due to structural problems; and structures that have been damaged by fire, wind or seismic activity; and others.
3. Under this Ordinance, the City may order a "problem structure" to be demolished or repaired by the owner within a certain frame of time.
4. This Ordinance defines when, and to whom, a citation may be issued, and this may include the owner's mortgage company and/or insurance company.
5. One who receives a demolition permit, or a building permit, for work to be done on a problem structure will still be given time constraints to complete the demolition or repair.
6. This Ordinance contains a Severability clause and Repealer Clause, and the full text of this Ordinance, including a metes and bounds description of the property, is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on May 8, 2007 and a second reading conducted on May 22, 2007.

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2007-05.

C. Robert Hedges
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