

**CITY OF AUDUBON PARK  
ORDINANCE NO. 7, SERIES 2007**

**AN ORDINANCE PROVIDING FOR THE ENFORCEMENT OF CERTAIN ORDINANCES BY THE AUDUBON PARK CODE ENFORCEMENT BOARD; FURTHER PROVIDING THAT VIOLATIONS OF SAID ORDINANCES MAY BE CONSIDERED CIVIL OFFENSES; AND FURTHER PROVIDING FOR PROVISIONS RELATING TO UNSAFE AND UNFIT STRUCTURES.**

**WHEREAS**, the City Council of the City of Audubon Park (the "City") established by Ordinance No. 7, Series 2007 a Code Enforcement Board pursuant to KRS 65.8801, et seq. and

**WHEREAS**, the best interest of the City will be served by providing for the imposition of civil penalties and enforcement of certain ordinances hereinafter enumerated by said Code Enforcement Board; and

**WHEREAS**, the best interests of the City will be further served by the establishment of provisions relating to unsafe and unfit structures within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF AUDUBON PARK:**

**SECTION 1.** As set forth in Section 2 hereof, certain sections of the Code of Ordinances of the City of Audubon Park (the "Code") may be enforced through the assessment of civil penalties within the meaning and under the authority of KRS 65.8801, et seq. The amount of civil penalties to be assessed shall be determined by the provisions of Ordinance No. 5, Series 2007, an ordinance establishing a Code Enforcement Board for the City of Audubon Park. The civil penalty for the violation of any ordinance hereinafter cited for which no civil penalty is provided for in Ordinance No. 5, Series 2007 shall not be less than (\$10) dollars not more than five hundred (\$500) dollars. Each day's violation shall constitute a separate offense. Nothing in this Ordinance or in Ordinance No 5, Series 2007 shall be interpreted to repeal or invalidate criminal prosecution and penalties specifically provided for in the Code sections hereinafter set out. The civil penalties provided in Ordinance No. 5, Series 2007 and in this ordinance shall be deemed to supersede the amount of any civil penalties specifically mentioned in the Code sections hereinafter set out.

**SECTION 2.** All sections of the Code of Ordinances of the City of Audubon Park shall be subject to enforcement by the Code Enforcement Board of the City of Audubon Park pursuant to the authority of KRS 65.8801, et seq. and Audubon Park Ordinance No. 5, series 2007 **except the following.**

(a) The Sections of Article V of the Code set forth in this subsection (a)

Chapter 1: Definitions and Short Title

Sec. 5-1.01 Definitions  
Sec. 5-2.03 Short Title

Chapter 2: Violation, Enforcement, and Administration

Sec. 5-2-01 Application of Traffic Code to Animals or Bicycles  
Sec. 5-2.02 Exemptions; Emergency Vehicles  
Sec. 5-2.03 Traffic Duties of Chief of Police and Policemen  
Sec. 5-2.04 Issuing Summons in Lieu of Arrest  
Sec. 5-2.06 Waiver of Hearing  
Sec. 5-2.07 Notice of Illegally Parked Vehicle  
Sec. 5-2.08 Failure to Comply with Summons Attached to Parked Vehicle  
Sec. 5-2.09 Presumption in Reference to Illegal Parking  
Sec. 5-2.10 Authority to Impound Vehicles

Chapter 4: Speed Restrictions and Control Devices

Sec. 5-4.01 Speed Restrictions  
Sec. 5-4.02 Powers of Legislative Body; Designation of Traffic Control Devices and Signals  
Sec. 5-4.03 Placement of Official Traffic Control Devices  
Sec. 5-4.04 Obedience to Signs and Signals Required  
Sec. 5-4.05 Unauthorized Devices  
Sec. 5-4.06 Interference With Devices  
Sec. 5-4.07 Defective Devices

Chapter 5: Vehicular Equipment and Operation

Sec. 5-5.01 Equipment of Vehicle Not To Be Nuisance or Menace  
Sec. 5-5.02 Unsafe Motor Vehicle Not To Be Operated  
Sec. 5-5.03 Muffler Required  
Sec. 5-5.04 Front Lights  
Sec. 5-5.05 Horns and Other Sound Devices  
Sec. 5-5.06 Brakes  
Sec. 5-5.07 Reckless Driving  
Sec. 5-5.08 Motor Vehicle Races on Roadways Prohibited  
Sec. 5-5.09 Driving on Right Hand Side of Roadway

- Sec. 5-5.10 Passing
- Sec. 5-5.11 Passing Stopped School or Church Bus Prohibited; Exceptions
- Sec. 5-5.12. Escaping Contents
- Sec. 5-5.13 Obstructing Traffic
- Sec. 5-5.14 Vehicles Crossing Sidewalks
- Sec. 5-5.15 Right of Way At Intersections
- Sec. 5-5.16 Starting a Parked Vehicle
- Sec. 5-5.17 Unattended Vehicle; Locking and Braking
- Sec. 5-5.18 Failure to Stop for Police
- Sec. 5-5.20 Operating a Vehicle Under Influence of Intoxicants or  
Drugs Prohibited; Presumptions Concerning Intoxication
- Sec. 5-5.21 Renting Motor Vehicle to Drunk or Drug Addict Prohibited
- Sec. 5-5.22 Duty in Case of Accident
- Sec. 5-5.23 Emergency Vehicles to Have Right of Way

#### Chapter 7: Bicycles and Motorcycles

- Sec. 5-7.01 Traffic Laws Apply
- Sec. 5-7.02 Riding Bicycles and Motorcycles
- Sec. 5-7.03 Speed
- Sec. 5-7.04 Carrying Articles
- Sec. 5-7.05 Parking
- Sec. 5-7.06 Riding Bicycles on Sidewalks
- Sec. 5-7.07 Bicycles Emerging From Driveway
- Sec. 5-7.08 Brakes and Reflectors
- Sec. 5-7.09 Motorcycles

- Sec. 5-99.01 Violation of Traffic Code; Penalty

(b) The Sections of Article VII of the Code set forth in this subsection (b)

#### Chapter 4: Firearms

- Sec. 7-4.01 General
- Sec. 7-4.02 Minors

#### Chapter 5: Trespassing

- Sec. 7-5.01 Adults
- Sec. 7-5.02 Minors
- Sec. 7-5.03 Financial Responsibilities

#### Chapter 99: Penalty

- Sec. 7-99.01 Violation of this Title; Penalty

**SECTION 3.** A new Chapter 10 is hereby added to Title XV of the Code of Ordinances of the City of Audubon Park as follows:

**Chapter 10: Unsafe and Unfit Structures**

**Section 15-10.01. Definitions.** The following words, terms and phrases whenever used or referred to in this Chapter shall have the following respective meanings except where the context clearly indicates a different meaning:

- (a) **BUILDING.** Any combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any human occupancy, whether infrequent or regular, including all dwellings and nonresidential buildings. The word **BUILDING** shall be construed as if followed by the words "or part or parts thereof and all equipment and contents therein" unless the context clearly requires a different meaning.
- (b) **DEMOLISH.** To destroy a building and to remove all debris and waste materials from the lot on which the building stood.
- (c) **DWELLING.** Any building or structure or part thereof used and occupied for human habitation or intended to be so used and including any garages or other accessory buildings belonging thereto.
- (d) **DWELLING UNIT.** Any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities that are used or intended to be used for living, sleeping, cooking or eating.
- (e) **EXTERMINATE.** The control and elimination of vermin and other pests by eliminating their harboring places, by removing or making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping or by other legal methods.
- (f) **GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (g) **OCCUPANT.** Any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.
- (h) **OWNER.** Any holder of any legal or equitable title in the subject premises, whether alone or jointly with others, and whether in possession or not, and shall further include any person who shall have charge, care, or control of any structure as owner, or as agent of the owner, or as fiduciary for the owner's estate.
- (i) **PARTIES IN INTEREST.** All individuals, associations and corporations who have a mortgage or other interest of record in a structure or who are in possession thereof.

- (j) **PUBLIC RECORD.** Deeds, mortgages, and other instruments of record relating to land titles.
- (k) **RUBBISH.** All waste materials except garbage.
- (l) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building such as bearing walls, columns, beams or gutters, except repair or replacement of supporting members.
- (m) **STRUCTURE.** Any man made combination of materials, including but not limited to, buildings, dwellings, stadiums, reviewing stands, platforms, staging, observation towers, swimming pools above and below grade, radio towers, water tanks and towers, trestles, piers, wharves, sheds, coal bins, shelters, display signs, retaining walls, fences, and excavations. The term **STRUCTURE** shall be construed as if followed by the words "or part or parts thereof and all equipment and contents therein" unless the context clearly requires a different meaning.
- (n) **UTILITY PROVIDER.** Any municipal or private utility supplying water, electricity or natural gas.
- (o) **UNSAFE STRUCTURES.** The following conditions are hereby determined to be hazardous and shall warrant a finding that a structure or its premises is unsafe:

**(A) Structural hazards.**

1. Any structure whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members;
2. Any structure that has a support member or members that have deteriorated to such an extent as to be unable to safely support the applied loads or that have forty percent (40%) damage or deterioration of the non-supporting, enclosed or outside walls or covering;
3. Any structure that has improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used;
4. A stress in any materials, element, or member of any structure, or portion thereof, due to all dead and live loads, which is greater than the working stresses allowed by the Kentucky Building Code or Fire Safety Standards;

5. Any structure that has been damaged by fire, wind, earthquake, flood, or other causes in such a manner that the structural stability or strength thereof is appreciably less than the minimum requirements set forth by the Kentucky Building Code for new construction of a similar structure;
6. Any structure that has parts thereof so attached, dislodged, or detached that they may fall or collapse and injure person or property;
7. Any structure that has settled to such an extent that the walls or other structural portions thereof have been displaced or distorted and rendered structurally unstable or dangerous, or that the basic function of such element has been impaired;
8. Any structure that because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for its support, is likely to partially or completely collapse, or some portion of its foundation or underpinning is likely to fall or give way;
9. Any structure, exclusive of its foundation, showing damage or deterioration to thirty-three percent (33%) or more of its members, or fifty percent (50%) or more of its non-supporting enclosing or outside wall or covering;
10. Any structure that is for any reason whatsoever manifestly unsafe for the purpose for which it is used or intended to be used;
11. Any structure that has been so damaged by fire, wind, earthquake, flood, or has become so dilapidated or deteriorated from any cause whatsoever, as to become an attractive nuisance to children who might play therein, or as to afford a harbor for vagrants, criminals, disorderly persons, or others who are not lawful occupants of such structure, or as to enable person to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;
12. Any structure that when constructed was, and now exists or is maintained in violation of any specific requirement or prohibition under city building ordinances or other laws in effect at the time of such construction relating to the location, use, and physical condition of structures;
13. Any structure that, whether or not originally erected in accordance with all applicable laws and ordinances, because of dilapidation, deterioration, damage or other cause, has become so weakened or

defective as to have in any supporting member less than fifty percent (50%), or in any supporting member less than sixty-six percent (66%), of the strength, fire-resisting qualities or characteristics required by law or ordinance in the case of new construction of a similar structure.

14. Any structure that because of faulty construction, age, lack of proper repair, or other cause, is especially liable to fire and constitutes, contains or creates a fire hazard;
15. Any structure that for any reason whatsoever is dangerous to the public health or safety because of its condition, and that may cause or aid in the spreading of disease or injury to the health or the occupants of it or neighboring structures.

**(B) Faulty weather protection.**

1. Any structure that has deteriorated, crumbling or loose plaster;
2. Any structure that has deteriorated or ineffective water proofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
3. Any structure that has defective or ineffective weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering;
4. Any structure that has broken, rotted, split, or buckled exterior walls or roof covering.

**(C) Faulty construction materials.** Any structure that has construction materials that are not approved by the Kentucky Building Code and the Fire Safety Standards and that have not been adequately maintained in good and safe condition.

**(D) Fire Hazards.**

1. Any structure that is not of fire-resistive construction or provided with fire extinguishing systems or equipment required by the Fire Safety Standards, except those structures that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or additions, or any change in occupancy.

2. Any structure or combustible waste or vegetation that is in a condition likely to cause a fire or explosion or provide ready fuel to augment the spread and intensity of fire or explosion arising from any cause;
3. Any structure that has a door, aisle, passage way, stairway, or other means of exit of insufficient width or size, or not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to, or might use such means of exit;
4. Any structure that does not have any unobstructed means of egress leading to safe and open space at ground level;

**(E) Hazardous or unsanitary premises.** Any premises in which there is an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, refuse, vermin harborage, stagnant water, combustible materials, or similar materials or conditions, constituting fire, health, or safety hazards.

**(F) Electrical Hazards.**

1. Any structure that has permanent electrical wiring that is dangerous due to lack of insulation, improper fuses or circuit breakers, inadequate grounding, wire of inadequate capacity, obvious shock hazards, or other dangerous conditions;
2. Any structure that has temporary wiring, except extension cords that run directly from portable electric fixtures to convenience outlets and do not lie underneath floor covering materials or extend through doorways, transoms or other similar opening through walls, floor, or ceiling.

**(G) Plumbing Hazards.**

1. Any structure that has plumbing that permits contamination of the water supply through backflow, backsiphonage, or any other methods of contamination;
2. Any structure that has waster supply inlets below the flood level of any sink, lavatory, bathtub, or other fixture, or submerged inlets except those with a vacuum breaker complying with the Kentucky Building Code;
3. Any structure with a water using fixture whose waste line is not trapped.



**(H) Heating Hazards.**

1. Any structure that has fuel supply connection of material other than pipe or tubing of solid metal, or is not permanently fastened in place;
2. any structure that has equipment or vents so close to combustible materials or structural components, or so lacking in insulation, that there is danger of combustion;
3. Any structure that has equipment burning liquid or solid fuel that is not connected to chimneys or flues, or that is connected to vents suitable for natural gas only.

(p) **UNFIT STRUCTURES.** The following conditions shall warrant a finding that a structure or its premises is unfit:

**(A) Ventilation.**

1. Any structure that does not have the window area for each habitable room equal to at least ten percent (10%) of the total floor area of such room, excluding rooms abutting row houses and rooms not abutting exterior walls;
2. Any structure that does not have ventilation provided by operable doors or windows equal to four and one half percent (4 ½%) of total floor area of each room, except where there is supplied forced air ventilation complying with all applicable laws and ordinances;
3. Any structure that, from May 15 through October 15, does not have screens to effectively cover all operable windows, doors and other ventilation devices required under subsection (A) above, with mesh in good repair and of maximum gauge 14 by 18.

**(B) Below Ground Level.**

1. Any structure having a basement or cellar with windows or other openings that are not screened or otherwise protected to effectively prevent the entrance of vermin and other pests;
2. Any basement or cellar used as a habitable room or dwelling unit in which the floor and walls are not impervious to leakage of underground and surface runoff water and are not insulated against dampness, or in which the total window area in each room is not equal to at least the minimum window area sizes required by

subsection (A) (1) above, or in which such required minimum window area is not located entirely above the eared of the ground adjoining such window area, or in which the total operable window area in each room is not equal to at least the minimum required by subsection (A) (2) above, except where there is installed some other operable device affording adequate ventilation and approved by the Code Enforcement office, or in which exits are not adequate or do not comply with the Fire Safety Standards.

**(C) Ceiling Height.** Any structure having rooms with the ceiling height less than seven (7) feet throughout one-half (1/2) of the area of such room; any portion of a room having a ceiling height less than five (5) feet high shall not be considered in computing the total floor area of such room.

**(D) Plumbing.**

1. Any structure that does not have a potable water supply;
2. Any structure that does not have hot and cold running water with operable water heating facilities capable of heating water to such a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub or shower at a temperature of at least one hundred and twenty (120) degrees Fahrenheit;
3. Any structure that does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system;
4. Any structure that does not have an installed bathtub or shower and lavatory properly connected to the hot and cold water supply pipes and the sewer system, or in which the tub or shower is not located in a room affording privacy;
5. Any structure that does not have an operable flush type water closet located in a room affording privacy and properly connected to the water supply pipes and the sewer system;
6. Any structure in which all plumbing fixtures are not connected to sewer lines that discharge into a public sewage system, or if no public system is available, into a private or jointly owned system meeting the requirements of all public health authorities having jurisdiction.

**(E) Lighting.**

1. Any structure that does not have installed operable and safe electric lighting facilities consisting of at least two separate wall type convenience outlets or one ceiling type fixture and one wall type outlet for every habitable room, and at least one such wall outlet or ceiling fixture in each water closet compartment, bathroom, laundry room, furnace room, and public hall and stairway;
2. Any multiple dwelling of five (5) or more units in which all public halls and stairways are not adequately lighted at all times, and any multiple dwelling of four (4) units or less in which there is neither conveniently located switches controlling an adequate lighting system for public halls and stairways nor adequate full time lighting thereof.

**(F) Heating.** Any structure that does not have operable central or other heating facilities installed and maintained in accordance with the Fire Safety Standards, capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit, and is adequately vented.

**(G) Refuse and Pests.**

1. Any structure that does not have adequate rubbish storage facilities and garbage disposal facilities or garbage storage containers;
2. Any structure in which there has been accumulated extraordinary garbage, rubbish, and refuse, or in which there is an infestation of vermin or other pests, or other unsanitary conditions, any of which are hazardous to health; or

**(H) Miscellaneous substandard and hazardous conditions.** Any structure in which exist other conditions dangerous or injurious to the health, safety, or morals of the occupants thereof, or of the occupants or owners of neighboring structures, or of other residents of the city, including but not limited to any effects increasing the hazards of fire, accident, or other calamities, lack of adequate light, ventilation, or sanitary facilities, dilapidation, disrepair, structural defects, and uncleanness.

**Section 15-10.02. Unsafe and Unfit Structures Prohibited; Nuisances.**

It shall be unlawful to maintain or permit the existence of any unsafe or unfit structures or premises in the City. It shall be unlawful for the owner, occupant or person in custody of

any unsafe or unfit structural premises to permit the same to remain in an unsafe or unfit condition or to occupy of permit the occupancy of same while it is or remains in an unsafe o unfit condition. It shall be unlawful to occupy or permit the occupancy of such structures or premise after the time to appeal any adverse notice or order from the Code Enforcement Board of the City of Audubon Park has been entered. Vacating and closing structures or premises that are unsafe and unfit due to dangerous or unsanitary conditions shall not exonerate the owners without rendering the same safe and sanitary for neighbors and the general public. Any structure that is unsafe or unfit for human habitation as hereinbefore defined is hereby declared to be a public nuisance and shall be repaired, rebuilt or demolished as hereinafter provided.

### **Section 15-10.03. Responsibility of Occupants and Owners**

(a) The responsibilities of the occupants are as follows:

- (A) To keep the portion of the structure and premises he controls and occupies in a clean and sanitary condition.
- (B) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city ordinances;
- (C) To hang and remove screens provided by the owner except where the owner has agreed to supply such services;
- (D) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof; and
- (E) To exterminate in the following cases:
  - 1. The occupant of a single dwelling is responsible for extermination of any insects, vermin, or other pests therein or on premises.
  - 2. The occupant of a single dwelling unit in a multiple unit structure is responsible for extermination of insects, vermin, or other pests in his unit is the only unit infested.
  - 3. Notwithstanding the foregoing provisions of this section, wherever infestation is caused by the failure of the owner to maintain the dwelling in a vermin proof or reasonably insect proof condition, the occupant is not responsible for extermination of any insects, vermin or other pests therein.

(b) The responsibilities of the owner are as follows:

- (A) To have the structure and premises in a safe, clean, sanitary, habitable condition, free from infestation by insects, vermin, and other pests before renting, and to exterminate if necessary;
- (B) To provide with screens every window and door and other ventilation device opening directly from a dwelling unit to outdoor space, and to provide a self closing device for each such door;
- (C) To exterminate in the following cases:
  - 1. When infestation exists in two (2) or more units of a multiple unit structure;
  - 2. When infestation exists in shared or public areas of a multiple unit structure; and
  - 3. When infestation exists in a single unit of a multiple unit structure or in a single unit structure when infestation is due to failure of the owner to maintain the dwelling in a vermin proof and reasonably insect proof condition.
- (D) To perform the responsibilities of the occupant when the premises are vacant.

**Section 15-10.04. Irreparable Condition.**

Any structure within the city that shall have been damaged by fire, decay, or other causes to the extent that it would reasonably cost at least fifty percent (50%) of its fair market value to restore it to a condition that is safe and fit for human habitation shall be deemed to be irreparable and shall be demolished, or at the option of the owner shall be rebuilt to standards for new construction under the Kentucky Building Code and Fire Safety Standards.

**Section 15-10.05. Complaints and Investigation; Enforcement Proceedings; Notice and Final Order.**

Investigations and complaints shall be conducted and processed, enforcement proceedings shall be instituted, hearings held and notices delivered and final orders entered in accordance with the specific requirements of Audubon Park Codified Ordinance No. 5, an ordinance establishing a Code Enforcement Board for the City of Audubon Park.

**Section 15-10.06. Enforcement of Notice and Order.**

If remedial action, demolition or appeal shall not be timely undertaken by the property owner, the Code Enforcement Board may cause the structure or premises in violation to be:

- (a) Wholly or partially so remedied; or
- (b) Demolished, if the structure is irreparable as defined herein;
- (c) Vacated and closed or otherwise secured; and
- (d) Posted as being unfit or unsafe and condemned, and prohibiting occupancy.

**Section 15-10.07. Civil Penalties.**

Violation of any provision of this ordinance, and noncompliance with any order of the Code Enforcement Board, after all grace periods and appeal times shall have expired, shall be punishable by fines as set out in Audubon Park Codified Ordinance No. 5 establishing a Code Enforcement Board for the City of Audubon Park with specific reference to the fines itemized for Building and Housing codes.

**Section 15-10.08. Lien for Costs.**

A lien for costs shall exist and shall be asserted in accordance with the specific provisions of Audubon Park Codified Ordinance No. 5, an ordinance establishing a Code Enforcement Board for the City of Audubon Park, are incorporated herein by reference. "Costs" shall include expenses incurred by the Code Enforcement Board and the City of Audubon Park for actions taken pursuant to Section 15-10.06, above.

**Section 15-10.09. Emergencies.**

The powers reserved in Section 3-6.09 (c) of Audubon Park Codified Ordinance No. 5, an ordinance establishing a Code Enforcement Board for the City of Audubon Park, are incorporated herein by reference.

**Section 15-10.10. Variances.**

Where, because of conditions peculiar to a particular structure, it would unreasonably difficult to satisfy the literal requirements of this chapter, a variance may be granted by the Code Enforcement Board upon written application therefore. Such application shall state in writing the reasons why the variance should be made. A variance may be granted only where it shall be evident that reasonable safety and sanitation is assured, may include conditions not generally specified by this section in order to achieve that end, and may include an expiration date. Variance shall not become effective until all conditions are agreed to by the applicant. If not issued within thirty (30) days after written

application therefore is made to the Code Enforcement Board, the applicant shall be given a written statement of reason why the variance cannot be granted, provided that no application shall be considered after a structure shall have been condemned as unsafe or unfit unless the owner shall have made a reasonable attempt to effect the ordered remedies.

**Section 15-10.11. Personal Liability of Owner.**

In addition to other remedies prescribed herein or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section, shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges, and the City may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

**SECTION 4. Severability.**

The provisions of this ordinance shall be considered severable. If any provision of this ordinance is found to be invalid, that finding shall not necessarily invalidate the entire ordinance.


**SECTION 5. EFFECTIVE DATE.**

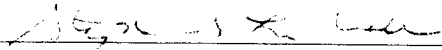
This ordinance shall become effective after passage, approval, and publication as required by law.

First reading: June 18, 2007

Second reading: July 4, 2007

Passed and approved the 12 day of July, 2007

  
Mayor

Attest:   
City Clerk

Council	Yea	Nay
Anne Braun	x	
Cindy Habeeb	x	
Al Huber	x	
Jonathan Leachman	x	
Stephen Miller	x	
Gary Vogel	x	