

CITY OF WINDY HILLS

ORDINANCE NO. 89-01

AN ORDINANCE RELATING TO TRIMMING OR REMOVAL OF SHRUBS, TREES AND OTHER ENCROACHMENTS IN PUBLIC RIGHT OF WAY OR AREA ADJACENT TO STREETS AND SIDEWALKS, AND PROVIDING FOR LIENS AND PENALTIES.

BE IT ORDAINED BY THE CITY OF WINDY HILLS:

Section 1. No person shall permit any shrub, tree or other plant to grow over or on any sidewalk in such manner as to obstruct the sidewalk or area of pedestrian travel adjacent to a roadway where a sidewalk is not present. All shrubs, trees or other plants shall be trimmed so that there will be at least eight feet of clearance over any sidewalk, or over any adjacent driveway.

Section 2. Any tree or shrub, whether planted after the effective date of this ordinance or before the effective date of this ordinance, shall be kept trimmed so that there will be at least twelve feet of clearance over any part of the street pavement, and not less than 1 foot of clearance adjacent to such pavement.

Section 3. The person owning or occupying the property on which the tree, shrub, or other plant is located or owning or occupying the property adjacent to the tree, shrub, or other plant, shall be responsible for such trimming.

Section 4. No fence, wall, shrub, tree, or other plant shall be permitted that is over 3 feet in height above the established elevation of the curb level within the right of way of any street (including sidewalk area), provided, however the trunk of trees (exclusive of branches) shall be permitted within such area where otherwise in compliance with the terms of this ordinance.

Section 5. No person shall be prosecuted for any violation of this ordinance without first having been informed, in writing, by any city officer or employee of the violation, and having been given seven calendar days to correct the violation. Nothing contained herein shall relieve such person from liability to the public for failure to trim trees and shrubs to the specifications contained herein.

Section 6. Any shrub, tree or other plant, or any fence or wall maintained in violation of this ordinance is hereby declared to be a public nuisance within the meaning of KRS 381.770. The city shall have the authority at any time to remove or trim any shrub or tree encroaching upon any sidewalk or roadway or may

remove any fence or wall in violation hereof, and may file a lien against the property owner whose responsibility it is to correct the situation.

Section 7. The provisions of this ordinance are severable, and the invalidity of any part of this ordinance shall not affect the remaining provisions.

Section 8. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

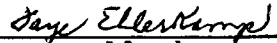
Section 9. This ordinance shall take effect upon its adoption and publication as required by law.

First Reading held December 12, 1988.

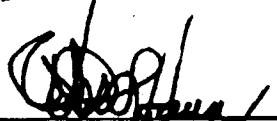
Second reading and adoption January 9, 1989.


Betty Walsh, Mayor

ATTEST:


Faye Ellerkamp, City Clerk

Approved as to form and legality:


Foster L. Haunz, Attorney for City
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