

**ORDINANCE NO. 5, SERIES 2003**

**CITY OF HURSTBOURNE ACRES, KENTUCKY**

**AN ORDINANCE REGULATING THE ERECTION OF GARAGES ON PROPERTIES  
WITHIN THE CITY BOUNDARIES**

**WHEREAS**, it is the responsibility of the City Commission to pass ordinances and regulations as a matter of public necessity, public welfare and public interest, and

**WHEREAS**, the Mayor and Commissioners of the City of Hurstbourne Acres, Kentucky have the authority pursuant to statute to enact Ordinances relating to the City so as to protect the existing drainage, sidewalks, streets, aesthetics, ambiance, property values, and health and safety of its citizens, and

**WHEREAS**, the City Commission has determined that an Ordinance regulating the erection of any and all garages within the city boundaries does serve this public interest,

**THEREFORE, BE IT NOW ORDAINED THAT:**

**SECTION 1.** Any property owner desiring to erect a garage on any property within the boundaries of the City of Hurstbourne Acres, Kentucky, is required to obtain a garage permit, prior to commencing construction of said garage, in accordance with the provisions and procedures set forth in this ordinance.

**SECTION 2.** Application for the garage permit shall be made to the City Clerk of the City of Hurstbourne Acres, Kentucky on a form furnished by the City Clerk, and shall be accompanied by a permit fee of \$25.00 (Twenty-Five Dollars and no cents). Each application for a garage permit shall also be accompanied by a scaled drawing showing the intended garage location in

relation to all proximate physical structures, streets and all sidewalks.

**SECTION 3:** The following garage restrictions will apply to all residential properties within the City:

- A. No garage will be erected which is in violation of any applicable deed restriction.
- B. No garage will be erected on a dedicated right-of-way or easement.

**SECTION 4.** All existing garages erected prior to the passage of this ordinance, which may be in violation of any part of this ordinance's provisions, may remain as a non-conforming garage, if in good condition; notwithstanding this provision, any garage that was built prior to the passage of this ordinance that is, or remains, in violation of any applicable deed restriction shall be deemed a non-conforming use and all appropriate remedies and rights concerning enforcement of those deed restrictions shall be reserved by the City and any other appropriate enforcement authority. If any non-conforming garage is destroyed, damaged, and/or replaced, a permit as stated in Section 2, and the restrictions as provided in Section 3 hereof, will apply for the erection of a replacement or repaired garage.

**SECTION 5.** All applications for a garage permit under this ordinance will be referred by the City Clerk to the City Commission. If the application and drawing are in accord with the provisions of this ordinance, the Commission shall direct the Clerk to issue the permit and retain one (1) copy in the City files.

**SECTION 6.** Any property owner or other person violating any of the provisions of this ordinance, including, but not limited to the failure to obtain a permit prior to commencing construction, shall, for each day of said violation, be fined not less

than \$100 (One-Hundred Dollars), nor more than \$250 (Two-Hundred Fifty Dollars), plus the costs of removal, which costs shall become a lien against such property.

Upon a determination of a violation by a court of competent jurisdiction, unless, within ten (10) days thereof, the subject garage has been removed, the City may remove same, with such removal costs to be assessed against the subject property, upon which the garage has been erected, which costs shall become a lien against such property.

**SECTION 7.** This ordinance shall take effect and be in force from and after its passage and publication according to law, and summary publication is authorized.

First Reading: July 10, 2003

Second Reading: August 14, 2003

CITY OF HURSTBOURNE ACRES, KENTUCKY

  
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BY: SEAN FORE, MAYOR

ATTEST:

To be a true Ordinance enacted  
by the City of Hurstbourne Acres, Kentucky,  
on this \_\_\_14th\_\_\_ day of \_\_\_August\_\_\_, 2003

  
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CITY CLERK, CITY OF HURSTBOURNE ACRES, KENTUCKY