

ORDINANCE NUMBER 2026-002

AN ORDINANCE RELATING TO IMPROVEMENT OF REAL PROPERTY AND THE PLACEMENT OF QUALIFIED MANUFACTURED HOMES IN THE CITY OF EUBANK, KENTUCKY;

WHEREAS, the City of Eubank has deemed it appropriate to adopt an Ordinance pertaining to improvement of real property and the placement of Manufactured Homes in the City of Eubank in conformity with recent changes to KRS 100.348; and

THEREFORE, BE IT ORDAINED BY THE EUBANK CITY COUNCIL:

SECTION 1. OTHER ORDINANCES.

All other Ordinances currently in effect pertaining to the Building Code and Enforcement, Planning and Zoning, Land Usage, and Nuisances, Environment, and Sanitation, are included in this chapter by reference, and shall be construed consistently insofar as is possible with this chapter. If any of said Ordinance(s) are in conflict with this present Ordinance, the more specific and strict shall have precedence over the lesser.

SECTION 2. TITLE.

This Ordinance shall be known and may be cited as the "Real Property Improvement Ordinance."

SECTION 3. DEFINITIONS.

"Qualified Manufactured Home." As used in this Ordinance the term "Qualified Manufactured Home" shall be construed to have the meaning ascribed to it at KRS 100.348 and the standards applied to Qualified Manufactured Homes in this Ordinance shall in all instances be equivalent to, and not more stringent than, those applied to on-site-constructed ("stick-framed") single-family residences in the City of Eubank.

SECTION 4. QUALIFIED MANUFACTURED HOMES PERMITTED. On and after the date of this Ordinance, only Qualified Manufactured Homes shall be permitted to be placed in the corporate City limits of the City of Eubank. Provided, however, that all single-family residences, whether on-site constructed or Qualified Manufactured Homes, located within the corporate City limits of the City of Eubank shall conform to the contextual compatibility standards set forth in this Ordinance.

SECTION 5. CONTEXTUAL COMPATIBILITY STANDARDS.

A. PURPOSE AND AUTHORITY:

This section is adopted pursuant to KRS 100.348(4) and the City's general zoning authority for the limited purpose of establishing contextual architectural compatibility standards applicable to all single-family residential dwellings, including on-site constructed ("stick-framed") and Qualified Manufactured Homes, in the City of Eubank.

These standards are intended solely to ensure compatibility, in terms of assessed value, between new single-family residential dwellings and existing single-family residential structures located within a one-eighth (1/8) mile radius of the proposed location as permitted under KRS 100.348

B. APPLICABILITY:

1. The contextual compatibility standards set forth in this section shall apply uniformly to all new single-family residential dwellings, including on-site constructed ("stick-framed") dwellings and Qualified Manufactured Homes.

2. These standards shall be equivalent to and no more stringent than those applied to any other single-family residential structure within the City of Eubank.

3. This section shall not apply to any Planned Unit Development (PUD) District now or hereafter established, as those districts establish architectural standards specific to each approved development.

4. Nothing in this section shall be construed to impose additional requirements on Qualified Manufactured Homes beyond those permitted by KRS 100.348.

5. Where specified herein, the contextual compatibility standards set forth in this section shall likewise apply to multi-family dwellings and commercial structures.

C. REFERENCE AREA:

For purposes of this section, contextual compatibility shall be evaluated by comparison to existing single-family residential structures located within a one-eighth (1/8) mile radius of the proposed dwelling. The reference area is intended to reflect the existing residential context for purposes of assessed-value compatibility.

D. PERMITTED CONTEXTUAL COMPATIBILITY STANDARDS:

Contextual compatibility standards adopted pursuant to this section shall be limited exclusively to the architectural features authorized by KRS 100.348(4)(a)(b)(c)(d)(e)(f) and shall be applied uniformly to all single-family dwellings as follows:

1. ROOF PITCH:

The roof pitch of a new single-family residential dwelling shall fall within the range of roof pitches commonly found on existing single-family residential structures within the one-eighth (1/8) mile reference area.

Roof pitch shall be measured as the vertical rise in inches per twelve (12) inches of horizontal run (X:12), as verified by construction plans, manufacturer specifications, or on-site measurement using a manual or digital pitch gauge.

For purposes of compliance, the roof pitch of the proposed dwelling shall fall between the minimum and maximum roof pitch observed among existing single-family residential structures within the reference area. At a minimum, all new single-family residential dwellings shall in any event have no less than a 5:12 roof pitch.

2. SQUARE FOOTAGE OF LIVABLE SPACE:

All new single-family residential dwellings shall contain not less than One Thousand (1,000) square feet of living space. All new multi-family dwellings shall contain not less than Eight Hundred (800) square feet of living space per unit and must contain a minimum of two (2) units per structure.

3. EXTERIOR FINISHING MATERIALS:

The type and quality of exterior finishing materials shall be contextually equivalent to those commonly found on existing single-family residential structures within the reference area. Exterior finishing materials may include brick, stone, fiber cement, or vinyl materials of comparable quality.

4. FOUNDATION TREATMENT:

All new single-family residential dwellings shall utilize permanent foundation treatments that are contextually equivalent to foundation treatments commonly found on existing single-family residential structures within the reference area and, at a minimum, must be underpinned with either brick or split face block.

5. ATTACHED STRUCTURES:

All new single-family residential dwellings shall feature a covered front porch that is contextually equivalent to those commonly found on existing single-family residential structures within the reference areas and, at a minimum, must contain at least Eighty (80) square feet of space.

6. LOT DIMENSIONS:

All new single-family residential dwellings, as well as new commercial structures, shall be constructed on a lot having not less than Twenty-One Thousand Seven Hundred Eighty (21,780) square feet, or 0.5 acres, of area. However, previously platted lots and lots containing existing structures are exempt from the foregoing provision.

E. PROHIBITED STANDARDS:

No zoning regulation, ordinance, condition, or requirement shall be imposed under this section that:

1. Is not expressly authorized by KRS 100.348(4);
2. Is based on subjective aesthetic judgment or architectural preference;
3. Is applied in a discretionary or non-objective manner; or
4. Results in more stringent requirements for Qualified Manufactured Homes than for other single-family residential dwellings.

F. PRIVATE RESTRICTIONS:

Nothing in this section shall be construed to affect, modify, or abolish restrictions contained in recorded deeds, covenants, or developers' subdivision restrictions, consistent with KRS 100.348(6).

G. STATUTORY COMPLIANCE:

Any zoning regulation, ordinance, or requirement that violates KRS 100.348 is void and unenforceable pursuant to KRS 100.348(8). This section shall be interpreted and enforced in a manner consistent with that statutory mandate.

SECTION 6. BUILDING PERMITS REQUIRED.

A building permit shall be obtained from the Office of the Clerk of the City of Eubank for any new construction of a residential or commercial structure, or for the placement of any Qualified Manufactured Home, occurring within the City limits whether intended for occupancy or not and for any addition to any structure, including to any Qualified Manufactured Home, which results in an increase to the square footage. A building permit shall also be obtained for any outbuildings, porches, garages and other appurtenant structures not primarily intended for occupancy. Such building permits shall be issued at a cost of \$25.00 for any new residential structure or Qualified Manufactured Home used primarily as a residence, or any additions thereto; \$0.00 for any structure appurtenant to a residential structure or Qualified Manufactured Home if not constructed at the same time as the residential structure, or at the same time as the placement of the Qualified Manufactured Home, as the case may be, and not primarily intended for occupancy; and \$100.00 for any new commercial structure, for any additions thereto, or for any structure appurtenant to a commercial structure. Such building permits shall be issued upon proper application and submission of a building plan for such construction approved by the City of Eubank. Once issued, all permits shall be posted at the construction site until construction is complete.

SECTION 7. DRIVEWAYS TO BE TILED.

All driveways on residential or commercial property shall be placed over 1' x 20' tile as needed to prevent runoff of water onto City streets, including driveways for lots upon which a Qualified Manufactured Home is to be placed.

SECTION 8. ABATEMENT.

A. Issuance of Notice of Violation or Citation.

1. Enforcement proceedings for this Ordinance shall be initiated by the issuance of a Notice of Violation by a Code Enforcement Officer, or a Citation by a Police Officer.

2. Except as provided below, if a Code Enforcement Officer and/or Police Officer believes, based on his/her personal observation or investigation, that a person has violated this Ordinance, he/she is authorized to issue a

Citation to the violator. In lieu of a Citation, the Code Enforcement Officer and/or the Police Officer may give the violator a Notice of Violation stating that a violation has occurred, and allow the violator a specified period of time to remedy the violation without assessing a fine. The time allowed by the City shall depend on the nature of the violation and time necessary the remedy the violation. If the violator fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer and/or a Police Officer are authorized to issue a Citation. Informal settlement/mediation of matters under this Ordinance is encouraged.

3. The Notice of Violation or Citation shall be delivered to the property owner violator at his/her 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. Every reasonable attempt shall be made to determine all verified interest through the City Attorney.

4. Any Notices of Violation and/or Citations issued by the proper City official shall contain the following information:

- a. A description of the real estate sufficient for identification;
- b. The name and address of the person to whom the Notice/Citation is issued;
- c. The date and time the violation was observed and the date and time of issuance of the Notice/Citation;
- d. The facts constituting the violation;
- e. The section of the Ordinance or other Code violated;
- f. The name of the code official and/or officer issuing the Notice/Citation;
- g. The procedure for the person to follow in order to pay the civil fine or to contest the Notice/Citation;
- h. A notice that the civil fine may be imposed per day for the violation if the person does not contest the Notice/Citation;
- i. The maximum civil fine that may be imposed per day for the violation if the person elects to contest the Notice/Citation; and
- j. A statement that if the person fails to pay the civil fine set forth in the Notice/Citation, or to contest the Notice/Citation within the time allowed, the person shall be deemed as having waived the right to an appeals hearing before a hearing officer as designated by the City, and the determination that a violation was committed shall be final.

5. Emergencies; Safety and/or Welfare of the Public Determined to be an Imminent Danger. Nothing in this Section shall prohibit the City from correcting a violation through self-help, or taking immediate action to remedy a violation of Ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible. The City may file liens on the property to recover the City's costs of labor and material, civil fines, and other expenses including reasonable attorney's fees. In such cases, after issuing a Notice/Citation, the Code Enforcement Officer shall deliver a copy of the Notice/Citation to the City Attorney and the violator. Upon receipt of a said Notice/Citation, the violator shall respond to the Citation within seven (7) days by either paying the civil fine, or requesting in writing a hearing before an approved mediator, or other qualified contract attorney, hereinafter referred to as the "hearing officer" as appointed by the City of Eubank, in order for the violator to contest the Citation before a neutral third party. If the violator responds by paying the civil fine, the violator shall still be required to remedy the violation. If the violator fails to remedy the violation or to request a hearing within the designated time, the City is authorized to issue another Citation and to remedy the violation. After determining that compliance has been achieved in the allowed correction time, the Code Enforcement Officer shall report such to the City Attorney and/or the Mayor.

B. Permit to Repair Does Not Extend Compliance Time. When abatement of a violation by repair requires approval to be obtained from the City of Eubank, the completion time shall correspond to the time allowed in the Notice of Violation issued by the City of Eubank, or the correction time established by this Ordinance. It shall be the duty of the violator to notify the City of Eubank that additional time is needed and to provide justification why the completion time is inadequate. The City may extend the completion time if it is determined that the completion time is not reasonable given the facts of a particular violation. Any cessation of the normal construction or repairs may cause the permitted extension of time to be revoked.

C. Required Permit to Demolish Does Not Extend Compliance Time. When abatement of a violation is achieved through demolition, permission shall be obtained from the City of Eubank by and through the Code Enforcement Officer. The completion time shall correspond to the correction time allowed in the Notice of Violation issued by the City, or the correction time established by this Ordinance. Any cessation of the demolition may cause the permitted extension of time to be revoked.

D. City May Correct Violation. If the violation does not request a hearing before a hearing officer as defined herein, and the property is not brought into compliance, or if the Code Enforcement Officer orders the property to be brought into compliance and the violator refuses, failure to so comply 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 violation.

E. Lien, Fines, Charges and Fees.

1. The City shall possess a lien on property owned by the person found by a final appealable order of a hearing officer as defined herein, or by a final judgment of a court of competent jurisdiction, to have committed a violation of a City Ordinance for all fines assessed for the violation and for all charges, fees, and costs incurred by the City in connection with the enforcement of the Ordinance, including court costs and reasonable attorney's fees.

2. The lien shall be recorded in the office of the County Clerk and shall be notice to all persons from the time of its recording, and shall bear interest at twelve (12%) percent per annum thereafter until paid.

3. The lien shall take precedence over all other subsequent liens except state, county, school board, and city taxes, and may be enforced by judicial proceedings as permitted under the laws of the Commonwealth of Kentucky.

4. In addition to the remedy prescribed above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of this Ordinance, including court costs and reasonable attorney's fees. The City may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

SECTION 9. PENALTIES.

Violations of this Ordinance shall be subject to the following schedule of civil fines:

1. If a Citation for a violation of this Ordinance is not contested by the person charged with the violation, the maximum penalties below shall apply; however, the City may waive any or all of a penalty for an uncontested violation, if in its discretion, the City determines that such waiver will promote compliance with this Ordinance. The penalties listed below are for each day a violation continues, beginning on the first day after the ending date of the correction period given in the Citation. A second offense is an offense that occurs within five (5) years of the determination by the City, and/or upon a determination through an Appeal of a violation under this Ordinance, that there was qualifying prior offense(s). All others are those that occur within five (5) years of the determination by the City, and/or upon a determination through an Appeal of a violation under this Ordinance, that there were two (2) or more qualifying prior offenses.

Real Property Improvement Violations	1st Offense	2nd Offense	All Others
Structural Violation	\$75.00	\$150.00	\$300.00
Non-Structural Violation	\$50.00	\$100.00	\$200.00

2. If the Citation is contested and a hearing before a hearing officer as defined herein is required, the following maximum penalties may be imposed at the discretion of the ruling party:

Real Property Improvement Violations	1st Offense	2nd Offense	All Others
Structural Violation	\$150.00	\$300.00	\$600.00
Non-Structural Violation	\$100.00	\$200.00	\$400.00

SECTION 10. GENERAL ENFORCEMENT.

This Ordinance shall be enforced by any Code Enforcement Official and/or Code Enforcement Officer as designated by the City.

SECTION 11. APPEAL OF FINAL ORDERS/FINDINGS BY CODE ENFORCEMENT OFFICER/CITY OF EUBANK OF VIOLATION(S).

Any finding that a violation has occurred, and/or other final order, officially issued by the City of Eubank, may be appealed by the alleged violator by submitting a written request to the City of Eubank asking that a hearing by held before a qualified attorney who shall serve as a hearing officer, and who shall be designated by the City of Eubank. Said qualified attorney may be the City Attorney, or at the choice of the City, may be another qualified attorney licensed to practice law in the Commonwealth of Kentucky, as determined by the City of Eubank. Any findings/orders issued by a hearing officer as set forth herein shall be deemed final and appealable for purposes of seeking review by a court of competent jurisdiction in Pulaski County. If the hearing officer's order/findings are upheld by the court, or any court thereafter acting in the capacity of an appeals court, then the violator may be responsible for the costs of the action, including, but not limited to, the City's reasonable attorney's fees, and any other costs and/or expenses incurred by the City as a result of the violator's appeals.

SECTION 12. REPEALS.

All ordinances of the City of Eubank in conflict with the provisions of this Ordinance are hereby repealed including, without limitation, Ordinance No. 82 and Ordinance No. 90.

SECTION 13. SEVERABILITY; EFFECTIVE DATE.

If any of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

This Ordinance shall become effective upon publication. Passed this the 8th day of June, 2026.