

COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE
SPENCER COUNTY, KENTUCKY

373
ORDINANCE NO. ~~372~~

AN ORDINANCE HEREINAFTER REFERRED TO AS THE
NUISANCE ABATEMENT ORDINANCE, DECLARING
CERTAIN ACTIVITIES OR CONDITIONS REGARDING
REAL ESTATE AND PERSONAL PROPERTY WITHIN
THE CITY OF TAYLORSVILLE A PUBLIC NUISANCE
AND PROHIBITED AND REMEDIAL ACTION AND
PENALTIES, APPEALS AND REPEALING OTHER SUCH
ORDINANCES.

WHEREAS, pursuant to the police powers in the City of Taylorsville including, but not limited to, Section 156b of the Kentucky Constitution, KRS 82.082 referred to as the "Home Rule" and KRS 65.8840 (formerly KRS 381.770), referred to as the Public Nuisance Statute and, to promote the public health safety and general welfare of the residents of the City of Taylorsville,

THEREFORE, BE IT ORDAINED by the City of Taylorsville as follows:

GENERAL PROVISIONS

A. Common Law and Statutory Nuisances

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as provided in this chapter or in accordance with any other provision of law.

B. Certain Conditions declared a nuisance and are prohibited

It shall be unlawful for the owner, occupant, or person having control or management of

any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances and are prohibited.

(1) Unsafe Trees and Shrubbery

Any tree or shrubbery or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof and/or obstructing streets, sidewalks, and drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

(2) Rubbish, Tall Weeds, Tall Grass and Junk, etc. and providing "garbage can"

An accumulation on any premises including but not limited to: filth, refuse, trash, garbage, rubbish, paper, rags, scrap metal, salvaging of machinery, the excessive growth of weeds or grass (12 vertical inches in height within a 30 days period) or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, pathogens or blow rubbish into any street, sidewalk, or property of another.

This provision includes the failure to provide and maintain adequate solid waste containers (garbage cans) to hold the solid waste regarding the property in question.

(3) Storage of explosives

The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(4) Open Wells

The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(5) Livestock and certain other animals

Animals such as, but not limited to: sheep, cattle, horses, pigs, hogs, goats, jack, jenny, donkeys, burrows, mules, poultry, exotic animals including but not limited to: Llamas, Alpacas or Monkeys, or other such animals and/or any non-domestic animal, other than what may be allowed by the Planning & Zoning Regulations for that property.

(6) Dilapidated and/or unsafe structures

Any dwelling including but not limited to: a house, apartments unfit for human habitation and/or any building or structure which is so out of repair that it constitutes a fire hazard or, which due to inadequate maintenance or neglect, endangers the public's health, welfare and safety or materially interferes with the peaceful enjoyment by owners or occupants of an adjacent property and/or creates a dangerous condition in regard to the construction, maintenance and/or use of public streets, sidewalks, etc.

This Ordinance may enforced separately or in conjunction with the Unsafe Structure Ordinance #373.

(7) Inoperable, unlicensed and abandoned motor vehicles

The parking, storage or abandonment of any kind of motor vehicle on any private or public property for a period of time in excess of thirty (30) days which is rusted, wrecked, junked, partially dismantled, inoperative and/or abandoned condition and/or unlicensed for the current year, whether attended or not, except on premises as may be authorized by the Planning & Zoning Regulations for such purposes, this section shall not apply to such vehicles in an enclosed building or out of sight.

C. Nuisance created by other individuals than the owner of the property

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

D. Abatement procedure

- (1) Whenever a nuisance situation is discovered, the authorized city official shall give 10 day's written notice to the violator(s) to contact said official regarding remedying the nuisance situation. If an agreement to remedy the situation is not reached within 10 days following the 10 day's written notice, between the City official and the alleged violator remedying the situation then the City official may, as set forth herein, have the City remedy the situation by abating the violations and placing a lien on the land where the violation occurred in accordance with section

C (2) of this Ordinance and/or proceed to cite the alleged violator to the Spencer District Court under KRS 24A.110(1) and section D of this Ordinance.

The notice shall be mailed to the last known address of the violator(s) of the property, as it appears on the current tax assessment roll or as otherwise known.

- (2) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. An affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8840 (formerly KRS 381.770) and this section and another appropriate law, and the lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate of 12% per annum thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board and city taxes, and may be enforced by judicial proceeding.

In addition to this remedy or any other remedy authorized by law, the violator(s) shall be personally liable for the amount of the cost the City may incur in abating the violation including filing fees, interest at the rate of 12% per annum, 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 including Court costs and attorney's fees the City may incur.

E. Suspension of business license and other City licenses

- (1) Whenever it is brought to the attention of the City Commission, that a nuisance exists and the City Commission deems that there is an immediate

threat to the public health, safety, or welfare, the City Commission may by majority vote suspend the business license of any person conducting business upon the premises where the nuisance exists.

- (2) The City Clerk shall cause notice of the suspension to be served personally upon the business licensee or at the premises where the nuisance exists.
- (3) Upon application of the business licensee, the City Commission may remove the suspension upon such terms as it may direct.

F. Penalties

In addition to the above, at the option of the City, the City may enforce this Ordinance pursuant to KRS 81A.065 against any person or legal entity who violates any portion of this ordinance and said violator(s) shall be guilty of a Class A Misdemeanor under KRS 534.040(2)(a) and shall be fined not less than \$10.00 and not more than \$500.00 for each offense and/or imprisoned not to exceed twelve (12) months as a Class A Misdemeanor under KRS 632.090(1), each day the violation(s) continues, shall constitute a separate offense,. In addition, the violator(s) shall be responsible for all costs including but not limited to: filing fee, court costs, legal costs the City may incur in the enforcement of this ordinance, with any and all such fine, fees, costs or forfeitures to accrue to the benefit of the City of Taylorsville and payable to the City Treasurer, to be deposited into the City General Fund.

G. Appeals procedures to the City and to the Spencer District Court

Any person aggrieved by any notice and/or order of the City from which there is no other express administrative or judicial procedure provided by law for a violation of any provision of this Ordinance may request a hearing before the City. Such request shall be

taken within 20 days after service of the Notice of Violation and/or order on such person by filing with the City Clerk a Notice of Hearing specifying the grounds thereof and stating the appellant's name, address and telephone number. Enforcement of such notice and/or order shall thereupon be suspended pending the hearing. The City Clerk shall forthwith deliver copies of said notice of hearing to the City. The City shall fix a reasonable time for the hearing and shall give public notice in accordance with KRS 424.130, as well as written notice to the appellant at least one week prior to the hearing. The appellant may appear at the hearing in person and/or by counsel, and may present relevant evidence. The City may administer oaths and affirmations, issue summons, receive evidence, and examine witnesses. The City may affirm, reverse, vary, or remand the Notice of Violation and/or Order, but in any event shall render its findings and decision in writing within thirty days after the notice of hearing shall have been filed. Signed copies of the City's findings and decision shall be recorded with the Spencer District Court Clerk, filed with the City, and served by personal delivery or by certified mail return receipt requested to appellant at the address stated in the notice of appeal. The City's decision shall be final and appealable to the Spencer Circuit Court within thirty days after service to the appellant.

H. Repealing Ordinances

Any and all Ordinances inconsistent herewith, particularly Ordinance #353, #295 and #254 and Ordinance dated December 6, 1918, effective April 1, 1919, are hereby repealed except the Unsafe Structure Ordinance #373, which may be enforced separately or in conjunction with this Ordinance.

I. Severability

Any section or subsection of this ordinance determined by a Court of law to be unlawful

shall not affect the validity of the remaining sections or subsections of this ordinance.

This Ordinance shall take effect from and after its passage and publication.

Enacted this the 13 day of December, 2016, by the City of Taylorsville.

CITY OF TAYLORSVILLE


DON PAY, Mayor

ATTESTED BY:


STEPHEN A. BIVEN, City Clerk

Date of First Reading	December 6, 2016
Date of Second Reading	December 13, 2016
Date Published	December 21, 2016

and the bank, financial institution or finance corporation offering the lowest and best interest rate, as lessor for financing certain public improvements and provides a general obligation pledge to assess and levy sufficient taxes to comply with the obligations to make lease payments, establishes and maintains a sinking fund for the deposit and application of tax revenues, and makes certain designations regarding the Lease.

A complete copy of the ordinance may be reviewed at the office of the County of Spencer, Kentucky at 12 West Main Street, Taylorsville, Kentucky 40071.

John Riley,
Spencer County Judge Executive

(a) and/or imprisonment pursuant to KRS 532.090(1) up to 12 months.

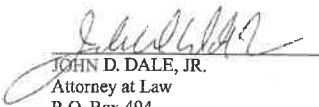
This summary is made pursuant to the authority of KRS 83A.060(9), which allows the City to prepare for reading and for publication, a summary of an Ordinance in lieu of the reading and the publication of the full Ordinance itself.

The Ordinance becomes effective upon the final reading and publication.

THE FULL TEST OF THE ORDINANCE AND PLAT DESCRIPTION WILL BE ON FILE AFTER ITS FINAL ENACTMENT AND PUBLICATION, AND MAY BE REVIEWED AT TAYLORSVILLE CITY HALL, LOCATED AT 70 TAYLORSVILLE ROAD, TAYLORSVILLE KENTUCKY, BETWEEN THE NORMAL WORKING HOURS OF 8:00 A.M. TO 4:30 P.M., MONDAY THROUGH FRIDAY, FOLLOWING ENACTMENT AND PUBLICATION.

I certify that I am a licensed and practicing attorney in the Commonwealth of Kentucky and the foregoing summary was prepared by myself in accordance with KRS 83A.060(9).

WITNESS my hand this the 13th day of December, 2016.


JOHN D. DALE, JR.
Attorney at Law
P. O. Box 494
Taylorsville, KY 40071
(502) 477-2296

Date of First Reading	December 6, 2016
Date of Second Reading	December 13, 2016
Date Published	December 21, 2016

COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE
SPENCER COUNTY, KENTUCKY

SUMMARY OF NUISANCE ABATEMENT ORDINANCE NO. 372

This is a Summary of Ordinance No. 372, hereinafter known as the Nuisance Abatement Ordinance pursuant to KRS 65.8840 (formerly KRS 381.770) declaring certain activities or conditions regarding real and personal property located on property within the City of Taylorsville a public nuisances and prohibited, such as:

- Unsafe Trees and Shrubbery;
- Rubbish, Tall Weeds, Tall Grass and Junk. etc.;
- Storage of explosives;
- Open Wells;
- Livestock and certain other animals;
- Dilapidated and unsafe structures;
- Inoperable, unlicensed and abandoned motor vehicles;
- Nuisance created by other individuals than the owner of the property;
- Abatement procedure; Notice and opportunity to abate a violation by the violator(s) and for the City to abate the violation and place a lien against the property and take legal action against the violator(s) who do not abate the violation, including costs and interest at 12% per annum, attorney's fees. etc.;
- Suspension of business license and other City licenses;
- Penalties;
- Further sets forth Penalties, making a violation of any provision of the Ordinance a Class A misdemeanor with a fine of not less than \$10.00 nor more than \$500.00 for each offense under KRS 534.040(2)(a) and/or imprisonment pursuant to KRS 532.090(1) up to 12 months with each day the violation(s) continues constituting a separate offense, and including attorney's fees.

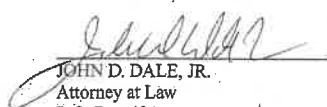
- Appeal procedure to the City and to the Spencer District Court;
- Repealing other such Ordinances;
- Severability.

This summary is made pursuant to the authority of KRS 83A.060(9), which allows the City to prepare for reading and for publication, a summary of an Ordinance in lieu of the reading and the publication of the full Ordinance itself. The Ordinance becomes effective upon the final reading and publication.

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I certify that I am a licensed and practicing attorney in the Commonwealth of Kentucky and the foregoing summary was prepared by myself in accordance with KRS 83A.060(9).

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NOTICE

Spencer County on the 4th day of January 2017
second reading and adoption:

Glascoc requesting a zone change from
5.22 acre tract of land located at 2144

Advertising in the
Spencer Magnet is
the best way to make
your advertising
dollars work for you.
We reach Spencer
County.
Call 477-2239,
ext. 25

CER CIRCUIT COURT
MASTER COMMISSIONER SALE

Court in the below listed actions, I shall proceed to offer for sale,
to the highest and best bidder at the Spencer County Courthouse,
10:00 A.M., EDT, which real estate is located in Spencer County,

A. V. DRE A. DESPAIN AKA DEIDRE ANN DESPAIN
ENY HOUSING CORPORATION, ET. AL., Civil
Swan Way, Taylorsville, Kentucky, Spencer County (for more
1, refer to Deed Book 232, Page 173, in the Spencer County Clerk's
108).

ASSOCIATION V. KRISTINA M. JOHNSON, ET AL., Civil
Mattie Drive, Taylorsville, Kentucky, Spencer County (for more
1, refer to Deed Book 260, Page 99, in the Spencer County Clerk's
32.33.34). Sale includes manufactured home.

K MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE
OLDERS COWALT, INC., ALTERNATIVE LOAN TRUST 2005-
THROUGH CERTIFICATES, SERIES 2005-86CB V. JULIANA
BANK (LOUISVILLE) AND MORTGAGE ELECTRONIC
S, INC., ET. AL., Civil Action No. 10-CI-00116 Consolidated
hell Lane, Mount Eden, Kentucky, Spencer County (for more
1, refer to Deed Book 157, Page 419, in the Spencer County Clerk's
4).

J.C D/B/A SHELLPOINT MORTGAGE SERVICING V.
ROBERTA L. SLINSKY, BANK OF AMERICA, N.A., ET. AL.,
, 230 West Main Street, Taylorsville, Kentucky, Spencer County
description, refer to Deed Book 193, Page 373, in the Spencer County
12-03-05).

FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN
FY, BUT SOLELY AS INDENTURE TRUSTEE OF
LOAN TRUST 2014-C V. BERNARD STONE, ET. AL., Civil
Gor Road, Mount Eden, Kentucky, Spencer County (for
iptic 1, refer to Deed Book 208, Page 330, in the Spencer County
46-30-30).

shall be sold on terms of cash deposit, cashier's check or certified
down at the time of sale and the balance thereof due and payable in
real estate shall have the right to pay all or any part of the purchase
certified check. If the purchaser does not elect to pay the entire
from the purchaser the sum of 10% down and a good and sufficient