

**AN ORDINANCE ESTABLISHING A NUISANCE CODE FOR THE CITY OF TAYLORSVILLE, KENTUCKY; DECLARING CERTAIN ACTIVITIES AND CONDITIONS TO BE A PUBLIC NUISANCE; ESTABLISHING REMEDIAL ACTIONS AND PENALTIES; AND REPEALING SPECIFIED PREVIOUSLY ENACTED ORDINANCES.**

COMMONWEALTH OF KENTUCKY  
CITY OF TAYLORSVILLE

**ORDINANCE No. 440**

WHEREAS, pursuant to the police and other powers granted cities by the Constitution of the Commonwealth of Kentucky, by KRS 82.082 commonly known as the "Home Rule" statute, and further by KRS 65.8840, along with all other applicable Statutes and regulations, and for the purpose of promoting the public health, safety, and general welfare of the citizens of the City of Taylorsville, Kentucky, the Commission of the City of Taylorsville has deemed it necessary and proper to establish a public nuisance code.

WHEREAS, for the purpose of consolidating and promoting more efficient access to and enforcement of City Ordinances, the City Commission has deemed it necessary and proper to repeal certain previously enacted Ordinances relating to public nuisances

**SECTION I:**

City of Taylorsville Ordinance No. 373, enacted on or about December 13<sup>th</sup>, 2016 and relating to Public Nuisances and the remediation thereof, IS HEREBY REPEALED IN ITS ENTIRETY.

**SECTION II:**

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF TAYLORSVILLE, as follows:

That a new City of Taylorsville, Kentucky Ordinance shall be created to read as follows:

**NUISANCE CODE**

Section 1 Definitions

Section 2: Common law and statutory nuisances

Section 3: Certain conditions declared a nuisance

Section 4: Abatement procedure

Section 5 Nuisance created by others

Section 6: Suspension of license

*Sections 7 & 8 are left open for future use.*

Section 9: Penalty

### **Section 1: DEFINITIONS.**

For the purpose of this Ordinance the following definitions as set forth herein and those set forth in KRS 65.8840(1) shall apply unless the context clearly indicates or requires a different meaning.

"AUTOMOBILE PARTS." Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

"DWELLING." Any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

"IMMINENT DANGER." A condition which could cause serious or life-threatening injury or death to any time.

"INOPERATIVE CONDITION." Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten (10) consecutive days.

"MOTOR VEHICLE." Any style or type of motor driven vehicle used for the conveyance of persons or property:

"NUISANCE." Public nuisance.

"SCRAP METAL." Any and all metallic material or alloy, including but not limited to pieces or parts of steel, iron, tin, zinc, copper, aluminum, and chrome, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

"STREET." Any street, alley, road-way, passway, paved or unpaved, which is utilized by the public for transportation or access and which maintained by the City or which has been designated by any developer or otherwise to be adopted into the City street system.

"UNFIT FOR FURTHER USE." In a condition; having defective or missing parts; or in such a condition generally as to be unfit for further use.

"UNFIT FOR HUMAN HABITATION." Dangerous or detrimental to life or health because of: want of repair; defects in the drainage, plumbing, lighting, ventilation, or roofing or other construction; infection with contagious disease or chemicals; or the existence on the premises of an unsanitary condition likely to cause harm or sickness among occupants of the dwelling.

## **Section 2: COMMON LAW AND STATUTORY NUISANCES.**

In addition to what is declared in this Ordinance 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 is provided in this Ordinance or in accordance with any other provision of law.

## **Section 3: CERTAIN CONDITIONS DECLARED A NUISANCE.**

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:

- (A) **Dwellings unfit for human habitation.** The erection, use, or maintenance of a dwelling which is unfit for human habitation.
- (B) **Dangerous buildings adjoining streets.** Any building, house, or structure so out of repair and dilapidated 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 using or being upon the streets or public way of the City adjoining the premises, by reason of the collapse of the building, house, or structure or by the falling of parts thereof or of objects therefrom.
- (C) **Dilapidated buildings.** Any building, house, or structure which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire, or which due to lack of adequate maintenance or neglect, endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment of other property or persons in the vicinity.
- (D) **Dangerous trees or stacks adjoining street.** Any tree, stack, 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.
- (E) **Accumulation of rubbish.** An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment of other property or persons in the vicinity because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents, or insects, or its blowing of rubbish into any street, sidewalk, or property of another. For purposes of this Ordinance, the term "rubbish" shall include, but is not limited to, material of any sort overflowing or emanating from a trash can, dumpster or other receptacle.
- (F) **Noxious odors, smoke or dust.** Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible or which unreasonably and materially interferes with the peaceful enjoyment of other property or persons in the vicinity.

(G) **Noise.** The causing, creation, emanation, or emission of noise which is noxious enough to substantially impair the enjoyment of dwellings or other uses of property in the vicinity by unreasonably interfering with the peaceful enjoyment of other property or persons in the vicinity.

(H) **Storage of explosives or combustible material.** The storage of combustible or explosive material which creates a safety hazard to other property or persons in the vicinity.

(I) **Weeds.** The existence of thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, and all other noxious weeds and rank vegetation in excess of a height of 10 inches.

(J) **Open wells, pits.** The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, cavity, or vault situated upon private premises in any open or unfenced lot or location.

(K) **Trees and shrubbery obstructing streets and sidewalks.** The growing and maintenance of trees with less than 14 feet clearance over streets or less than 8 feet over sidewalks, or the growing and maintenance of shrubbery in excess of 3 feet in height within the radius of 20 feet from the point where the curb line of any street intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street.

(L) **Keeping of animals.**

(1) The keeping of cattle, poultry, other livestock or exotic animal, regardless of whether the animal is kept within a barn or other structure or enclosure, within one hundred (100) feet of a dwelling other than the dwelling of the owner of the animal.

(2) The failure to keep the pen, yard, lot or other enclosure where any animal or pet is commonly kept, in a sanitary condition and free from preventable offensive odors.

(M) **Junk; scrap metal; motor vehicles.** The parking or storage of motor vehicles in an unlicensed condition; in an uninsured condition; or in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the City limits except on premises authorized by the City for such purposes.

(N) **Outdoor Furniture and Appliances:** Placing or allowing to be placed non-approved furniture or appliances on the exterior, including porches, on any property within the City.

(1) For purposes of this division, "non-approved furniture" shall be any furniture other than the following:

(a) Common non-absorbent outdoor furniture;

(b) Any other furniture designed solely for outdoor use.

(2) The prohibition against non-approved furniture or appliances in this division shall not apply to furniture or appliances that are placed on a fully enclosed or screened-in porch.

(O) **Noxious or unsightly growth.** The existence of weeds, grasses, trees, deleterious and unhealthful growth or other noxious or unsightly vegetation which has been allowed to grow unchecked or untended.

(P) **Barbed or electric fences.**

(1) Barbed wire fence. No person or entity shall, in any residential district within the City limits, install, construct, permit or maintain any fence composed in whole or in part, of barbed or razor wire or any similar material designed to cause injury to persons or animals.

(2) Electric fence. No person or entity shall, in any residential district within the City limits, install, construct, permit or maintain any fence composed in whole or in part, of any wire or other conductive material, which is charged with an electric current.

(3) Exceptions. The following listed types and uses of fencing are specifically exempted from this section and are declared not to be a public nuisance.

(a) Underground animal containment fences which require a "collar" for normal operation.

(b) Electric fences which a minimum of five (5) feet from the property boundary line and which are fully enclosed within another non-electric fence or containment such as a dog kennel.

(c) Barbed wire installed for security purposes which is a minimum of seven (7) feet above ground and attached on top of an otherwise approved fence.

(4) Special permits. Any person or entity aggrieved by this section may petition the Board of Zoning Adjustments for a special permit authorizing a specific and limited use of barbed wire or electric fencing. Upon a showing of convincing proof that a specific and well defined use of barbed wire or electric fence poses no danger or potential harm to the public, then the BOZA, in its discretion may authorize the use of such fence, subject to any terms and restrictions as the BOZA may deem necessary. Such authorization shall be granted with extreme caution.

(Q) **Outhouses / Outdoor Toilets:** Utilization of any portable toilet, portalet, outhouse or outdoor toilet facility on any property where the owner is required to connect to and utilize available sewer services.

(R) **Mud/ Debris on City Street or Right-of Ways**

(1) It is unlawful to deposit or cause to be deposited, mud, soil and/or debris on any street, road-way, pass-way, or alley located within the corporate boundary of the City of Taylorsville, or the right-of-way of any such City street, road-way, pass-way, or alley, whether directly or indirectly, intentionally or unintentionally, with or without the use of vehicular or mobile equipment, without the prior written approval from the City of Taylorsville.

(2) It is unlawful, to grade, manipulate, or disturb the soil in any area of the City in such a manner as to cause or allow mud or soil to wash, flow, or otherwise be moved from the graded or disturbed area and deposited onto any street within the City of Taylorsville.

(3) Written notice of violation.

(a) Any person(s), corporation, association or other entity found to be in violation of this section shall be issued a written notice by the City Citation Officer, Code Enforcement Officer, by any City of Taylorsville Police Officer, or any other agent of the City so authorized, ordering:

(i) Removal of mud/debris from the impacted street or right-of-way and cleaning, by pressure wash if found necessary, of such road or right-of-way; and/or

(ii) A "stop work" order until the street or right-of-way is cleaned.

(b) Any notice given under this section shall allow four hours for compliance, from the time such notice is given. Failure to comply within four (4) hours shall constitute a violation of this section and a citation may be issued.

(4) City clean-up at expense of violating party. Unless immediate corrective action is taken, the City, its agents or employees, may remove or clean the mud, soil and/or debris from the City street and/or right-of-way and any such removal or cleaning by the City under this section shall be at the expense of the violating party, jointly and severally, including, but not necessarily limited to, the developer, builder, contractor and/or home owner of the subject property. The City shall issue a bill for the actual cost incurred. This bill must be paid in full within fifteen (15) days of the date of issue. Failure to pay this bill shall result in the City having a lien on the owner's land from which the mud, soil or debris was caused, directly or indirectly, to be deposited on the City road and/or right-of-way.

(5) STOP WORK ORDER: It shall be unlawful to violate the conditions and restrictions of a City "stop work" order at any time. Each day that such a violation occurs or continues to occur shall be considered a separate violation for which the violator shall be penalized under the provisions of this chapter.

**(S) Improper Disposal of Animal Carcass**

It is unlawful for any person, person(s), corporation, association or entity to dispose of an animal carcass within the corporate limits of the City of Taylorsville in any manner not prescribed by KRS 150.722, as amended, to which statute specific reference is made, excepting that the remains of household pets may be buried on the property of their owner.

**Section 4: ABATEMENT PROCEDURE.**

(A) It shall be the duty of the Code Enforcement Officer, City Attorney, the Code Enforcement Board, Citation Officer, City Police Officer, or other responsible officer designated by the legislative body to serve or cause to be served a notice, or citation, upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this Ordinance and to demand the abatement of the nuisance within a reasonable time unless the nuisance constitutes an immediate danger to the health and wellbeing of the community, or if such delay in abatement would otherwise cause undue harm to the community or increased expense to the City. If such danger, or the possibility undue harm or expense, is present, the

nuisance shall be abated within seventy-two (72) hours of notice or, if warranted, the City may take immediate action as authorized by KRS 65.8838. Notice shall be served upon persons by certified mail, or by any other means as is authorized by KRS 65.8825(2), as amended. Any above listed official Officer is further authorized to post a “notice to abate” sign, of such size and design as may be approved by the City Clerk, on the property where any nuisance is found to exist and a citation has been issued relative thereto.

(B) If the person so served does not abate the nuisance within the time frame prescribed by the City and set forth in the notice of violation or citation, the City may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant.

(C) The City shall possess a lien on property for all fines, penalties, charges, abatement costs and fees imposed pursuant to this Ordinance. The lien shall be superior and have priority over all other liens on the property, except state, county, school board, and City taxes. 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 until paid. The lien statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated, and a notice that the City claims a lien for the specified amount. Notice of the lien claim shall be mailed to the owner of the premises if his address is known. However, failure to record the lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for charges as provided in division (D) below.

(D) Property subject to a lien for unpaid nuisance abatement charges shall be sold for nonpayment and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. This foreclosure shall be in equity in the name of the City.

(E) The City Attorney is authorized and directed to institute such proceedings, in the name of the City, in any court having jurisdiction over the matter, against any property for which the bill has remained unpaid sixty (60) days after it has been rendered.

**Section 5: NUISANCE CREATED BY OTHERS.**

For the purposes of this Ordinance, 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.

**Section 6: SUSPENSION OF LICENSE.**

(A) 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,

welfare, the legislative body may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) Whenever it is brought to the attention of the City Commission that a nuisance exists for which the City has issued a Citation and that the required remediation has not been completed within the time frame and under the conditions set by the City, the Commission may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(C) The Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(D) Upon application of the licensee, the City Commission may remove the suspension upon such terms as it may direct.

### **Section 9: PENALTY.**

(A) Any violation of a provision of this Ordinance is hereby classified as a civil offense pursuant to KRS 65.8808 and nothing contained herein or elsewhere in the Taylorsville City Ordinances, unless specifically so stated, shall prohibit the enforcement of this Ordinance by any other means authorized by law.

(B) Unless otherwise specified, whoever violates any provision of this chapter shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) if the violation is not contested and not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) if the violation is contested for each offense. Each day's continued violation shall constitute a separate violation.

(C) Any violation of Section 3 (S) of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) if the violation is not contested and not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) if the violation is contested for each offense. Each day's continued violation shall constitute a separate violation.

**SECTION III:** This Ordinance shall be in full force and effect upon its adoption, recordation, and publication as required by Law.

**PASSED AND APPROVED** by the Board of Commission of the City of Taylorsville, Kentucky at a special called meeting on this the 24<sup>th</sup> day of October, 2023, with the Yea and Nay votes of the Board of Commission as follows:

