

ORDINANCE NO 00-005

AN ORDINANCE RELATING TO REMOVAL OF ENVIRONMENTAL NUISANCES LYING WITHIN THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY AS FOLLOWING:

SECTION ONE DEFINITIONS: For the purposes of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"APPLIANCE" Stoves, refrigerators, freezers, washing machines, dryers, or dishwashers.

"ENVIRONMENTAL NUISANCE"

- (1) Every unlawful, unwarrantable, dangerous, or unreasonable use of property in such a way as to render the ground, air, water, or food, a material annoyance, hazard, or injury to human health, or which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the property is located. The term includes, but is not limited to the following:
- (a) The keeping of waste, rubbish, or abandoned appliances in such a manner as can be seen from any public or private way or properties;
 - (b) The keeping, placing, or storage outside of any building or dwelling on any property owned or occupied by such person, or the keeping, placing, or storage in any other place accessible to children of any abandoned, unattended, or discarded icebox, ice chest, or refrigerator;
 - (c) Any weeds, grass, or unhealthful plant growth other than crops, trees, bushes, flowers, or other ornamental plants at a height exceeding 12 inches;
 - (d) The disposal or accumulation of any foul, decaying, or putrescent substances or other offensive materials dangerous to public health in or on any lot, tract of land, street, highway, or any sidewalk or alley abutting any of these which shall by reason of offensive odors become injurious to the health of any person;

- (e) The deposit or accumulation of manure, unless it is in fly proof receptacles;
 - (f) Any tree which is in danger of collapse or which poses a danger of contamination because of disease, decay, injury, infestation, or damage;
 - (g) All out buildings that are or hereafter become unsafe, unsanitary, dilapidated, or which constitute a fire hazard, or are otherwise dangerous to the public welfare;
 - (h) An abandoned or dangerous sign. An on-premises or off-premise sign is deemed abandoned when the sign advertises an activity, business, product, or service no longer conducted or available on the premises on which the sign is located or on the premises referred to in the off-premises business sign: and a temporary sign is deemed to be abandoned when the sign has not been removed with ten (10) days after the event advertised has taken place. A sign is deemed dangerous when it becomes insecure, unsafe, dilapidated, or in danger of falling or collapsing, or when it constitutes a fire hazard or otherwise endangers human life or the public welfare; or when it is deemed unsafe by reason of illegal or improper use or maintenance.
- (2) An environmental nuisance involving substances in amount less than or equal to the capacity of a standard 20-gallon container shall constitute littering; violations involving substances in greater amounts, including violations involving abandoned appliances shall constitute dumping.

“OUTBUILDING” Any attended structure including but not restricted to, storage bin, garage, stable, carport, hut, workshop, or shed.

“RUBBISH” Any combustible and noncombustible waste materials, except garbage, including but not restricted to paper, rags, boxes, cartons, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning or combustible materials.

“SIGN” Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point plane, Marquee sign, design poster, pictorial picture stroke, line, trademark, reading matter, or illuminating device, constructed, attached erected fastened, or manufactured in any manner whatsoever so that it is used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner out-of-doors for recognized advertising purposes.

"TREES" A woody perennial plant having a single usually, elongate main stem generally with few or no branches on its lower part.

"WASTE" Ashes, discarded wood, abandoned, discarded, or unused objects or equipment such as furniture, appliances, cans, or containers; garbage or refuse of any kind, whether liquid or solid; or any accumulation of any foul, decaying, or putrescent substances.

"WEEDS" Any unhealthful plant growth such as, but not limited to, jimson, burdock, rag weed, thistle, cocklebur, or any other similar growth.

SECTION TWO: ENVIRONMENTAL NUISANCE PROHIBITED:

It shall be unlawful for any person, firm or corporation, in person or by its authorized agent, to cause an environmental nuisance or allow or permit an environmental nuisance to exist on any property owned or occupied or under the control of that person.

SECTION THREE: LITTERING AND DUMPING; ABANDONED OR DANGEROUS SIGNS:

- (A) It shall be unlawful for any person, firm, or corporation, in person, or by its authorized agent, to cast, throw, sweep, sift, or to permit or acquiesce in the depositing or scattering in any manner in or on any private property or place in the city, any ashes, rubbish, garbage, letter, or solid. Nor shall any person, firm, or corporation, cast, throw, sweep, sift, or deposit any of the aforementioned items anywhere within the City limits in such a manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain, or snow, so as to be scattered on any of the aforementioned places. Violations of the section involving substances in an amount less than or equal to the capacity of a standard 20- gallon container shall constitute littering; violations involving substances in greater amounts shall constitute dumping.
- (B) This section shall not apply to the deposit of material under a permit authorized by any ordinance of the city or to goods, wares, or merchandise deposited on any public way or any public place temporarily in the necessary course of trade and removed therefrom within two (2) hours after being so deposited.
- (C) It shall be unlawful for any person, firm, or corporation who owns an abandoned or dangerous sign to allow the sign to remain on property owned, occupied, or under the control of the person or any other person, or any public or private property located within the public right-of-way.

**SECTION FOUR: MAINTENANCE OF PRIVATE PROPERTY
REQUIRED:**

- (A) No person owning, leasing, occupying or having charge of any premises or property shall maintain or keep any nuisance thereon, not shall any such person keep or maintain the premises in a manner causing substantial diminution in the value of other property located in the neighborhood in which the premises are located.
- (B) It shall be the duty of all persons, firms or corporations owning or occupying property abutting a public street or alley within the city to remove as soon as practicably possible all refuse, weeds, trash, waste, or litter from the sidewalks, curbing, and to the center line of such streets or alleys as are adjacent to or about the property. Where the property is occupied by other than the owners thereof, the duty mentioned shall devolve on the owners or the tenant and either may be proceeded against for the violation thereof.

SECTION FIVE: COMPLAINTS: It shall be the duty of all departments and agencies of the city to forward to the City Clerk any complaints, reports, or information relative to the excessive accumulation on any lot, place, or area within the city, of weeds, grass, unhealthful plant growth, or other noxious matters.

SECTION SIX: NOTIFICATION: ABATEMENT OF NUISANCE:

- (A) It shall be the duty of the City Police Department and/or any City Enforcement agent authorized by the Mayor to serve or cause to be served a notice on the owner, authorized agent, occupant, or person responsible, of any premises on which there is kept or maintained any nuisance in violation of the provision of Section One thru Five. Such notice shall describe the nuisance so maintained and shall demand abatement of the nuisance within five (5) days of notice, unless the nuisance constitutes an immediate danger to the health, safety, and well-being of the community, in which case notice shall demand abatement within 24 hours of notice.
- (B) Notice in writing shall be served on responsible persons as stated above by first class mail. If the whereabouts of the owner is unknown and cannot be ascertained by the City Official set forth in paragraph A herein, by the exercise of reasonable diligence the City Official shall make a referral to the Office of the County Attorney for abatement of the violation.

- (C) If the owner or occupant so served does not abate the nuisance within the prescribed time, notice in writing shall be served on the responsible person as stated above by certified mail, return receipt requested, or by personal service.
- (D) If the owner or occupant so served does not abate the nuisance within the prescribed time, the city may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense, including an administrative fee, shall be charged to and paid by the owner or agent, occupant, or responsible person.
- (E) After the cutting, destroying, or removal of such weeds, grass, unhealthful plant growth, or other noxious matter, by the City, the City Clerk shall cause to be prepared a demand for payment showing the cost and expense incurred for the work and the date and the place or property on which the work was done. The City Clerk shall bill the property owner or occupant of the premises at least once following abatement, and no notice of lien shall be filed against the property until two (2) weeks have elapsed from the time the bill is sent.
- (F) The city shall have a lien against the property for its cost insured in such nuisance abatement. The lien shall be evidenced by a notice of lien claim filed with the Clerk of the Bullitt County Court. This notice shall include an affidavit from the City Clerk, setting forth the property in question, the amount of the City's cost of abatement, and the date of abatement, stating that the notice provisions of this section were complied with before abatement.
- (G) Property subject to a lien for unpaid nuisance abatement charges shall be sold for nonpayment of same and proceeds of the sale shall be applied to pay the charges after deduction costs, as in the case of foreclosure of a statutory lien. Such foreclosure shall be in equity in the name of the city.
- (H) The Mayor is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matter against any property for which such bill has remained unpaid sixty (60) days after it has been rendered.

SECTION SEVEN PENALTY:

- (A) (1) Any person who violates this Ordinance, or any person who shall continue any violation of any section of this ordinance beyond the time limit provided for in Section Six, shall for every offense, be guilty of a misdemeanor, and shall be fined not less

than \$25 nor more than \$250. For offenses which constitute littering as defined in Section One, shall be fined not less than \$250 nor more than \$1,000, or imprisoned for not more than 50 days, or both, for offenses which constitute dumping as defined in Section One, shall be fined not less than \$25 nor more than \$100 for offenses which do not constitute littering or dumping. Each day in which any such violation occurs, or in which such person fails to perform the duties required of him or to comply with the provisions of those section, shall constitute a separate offense.

(2) Any person who violates any provisions of this Ordinance shall become liable to the City for any expenses, loss, or damage occasioned by the City by reason of such violation.

(3) These penalty provisions are in addition to the remedies and the abatement procedures set out in Section Six.

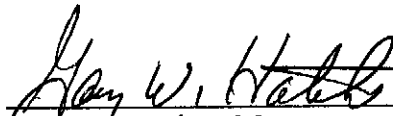
SECTION EIGHT: This Ordinance shall take effect upon publication.

SECTION NINE: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION TEN: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

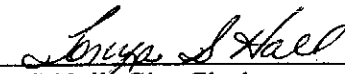
Given first reading at a _____ meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 6th day of Sept., 2000. Given second reading, voted upon, and passed at a meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 5th day of Dec., 2000.

Votes for 15 Votes against 0 Not Voting 0



Gary W. Hatcher, Mayor

ATTEST:



Tonya S Hall, City Clerk