

ORDINANCE 05-2005

AN ORDINANCE ESTABLISHING CERTAIN CONDITIONS AS NUISANCES AND PROVIDING FOR PENALTIES FOR VIOLATION OF SAME.

WHEREAS, The City of Grand Rivers has and will continue to experience significant population growth,

WHEREAS, certain conditions cause annoyance, harm and/or material interference with the peaceful enjoyment to all persons and businesses residing or operating in the City of Grand Rivers,

WHEREAS, the City of Grand Rivers wishes to implement an ordinance defining said nuisances and providing penalties for violation of same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GRAND RIVERS, KENTUCKY,

Section

- 1 Definitions
- 2 Common law and statutory nuisances
- 3 Certain conditions declared a nuisance
- 4 Abatement procedures
- 5 Nuisance created by others
- 6 Suspension of license
- 7 Penalties

Section 1. DEFINITIONS

For the purpose of this chapter the following definitions 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.

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 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. Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, 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. "

UNFIT FOR FURTHER USE. In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance. Section 2. 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 is provided in this chapter or in accordance with any other provision of law. Penalty, see sec. 7

Section 2. 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 (KRS 381.770) and Livingston County Ordinance as public nuisances may be treated as such and be proceeded against as is provided in this chapter 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. 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.

B. 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 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, or blow rubbish into any street, sidewalk, or property of another.

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

D. Weeds and grass.

1. It is unlawful for any person owning property or having property in their possession to fail to cut, mow, and remove weeds, bushes, and grass or any other thing that might grow in, around, and on the streets and alleys of the city adjoining and adjacent to the property or over or above the sidewalks that interfere with traveling or that shall grow exposed within their yards and open lots within the city other than flowers, shrubs, roses, or things that are ornamental and add to the beauty of the city, longer than three days after being notified by the authorized city official.

2. Any person failing or refusing to have cut, mowed and removed from the places herein designated, after receiving the requisite notice from the authorized city official, shall be guilty of violating this section.

E. 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.

F. Trees and shrubbery obstructing streets, sidewalks, and drainage. The growing and maintenance of trees or shrubbery, which in any way interfere with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

G. Keeping of animals. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

H. Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits and which are unsightly and/or materially interfere with the peaceful enjoyment of the owners of adjacent property, except on premises authorized by the city for such purposes.

I. General prohibition of noise. It shall be unlawful for any person to make, continue, or cause or allow to be made or continued any noise disturbance.

J. Excavation. Except for ordinary construction and construction-related activities, it shall be unlawful for any person, firm, or corporation to tunnel under, excavate, bore, or mine inside the city without a permit, bond and requirement to landscape excavation in proper order.

K. Odor. It shall be unlawful for any person, firm, or corporation to cause or allow to be made offensive or unsanitary odors.

Section 4. ABATEMENT PROCEDURE.

A. 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, health hazard, or source of filth to develop thereon.

B. Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, or petition to bring the matter before the city council, the authorized city official is authorized to send employees upon the property to remedy the situation.

C. The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The 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 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be noticed to all persons from the time of its recording and shall bear interest at the annual rate established by the City Council from time to time until paid. The lien created shall take precedence over all other subsequent 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 owner of a property upon which a lien has been attached pursuant to this sections shall be personally liable for the amount of the lien,

including all interest, 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.

Section 5. NUISANCE CREATED BY OTHERS.

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.

Section 6. SUSPENSION OF LICENSE.

- A. Whenever it is brought to the attention of the City Council that a nuisance exists and the City Council deems that there is an immediate threat to the public health, safety, welfare, the City Council may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.
- B. The city clerk/administrator shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.
- C. Upon application of the licensee, the city council may remove the suspension upon such terms as it may direct.

Section 7. PENALTY.

- A. Whoever violates any provision of this chapter for which another penalty is not otherwise provided, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500 or imprisonment for not more than 30 days, or both, for each offense. Each day's continued violation shall constitute a separate offense.
- B. Whoever violates any provision of Section 3 (D) shall be deemed guilty of a violation and shall be fined not less than \$25 or more than \$250 for each offense. Each day that any person shall fail or refuse to comply with this section after receiving the notice herein referred to, shall constitute a separate offense.

Date of First Reading: June 14, 2005

Date of Second Reading: June 21, 2005

Adopted this 21st Day of June, 2005

Published: Livingston Ledger: June 29, 2005

Referenced Minutes Book 1, Page 172


B.T. Moodie, Mayor

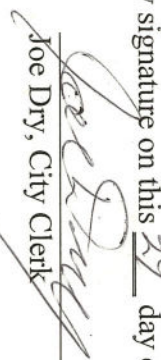
ATTEST:


Joe Dry, City Clerk

Certification

I, Joe Dry, do hereby certify that I am the duly appointed clerk of the City of Grand Rivers, Kentucky, that the foregoing Ordinance is a true and correct copy of an ordinance duly adopted at a meeting of the City Council on June 29, 2005, that the Ordinance referred to therein is in the form presented to said meeting and in the form executed, and the said ordinance appears as a matter of public record in the Official City Ordinance Book and is still in full force and effect.

IN TESTIMONY WHEREOF, witness my signature on this 29 day of June, 2005.


Joe Dry, City Clerk