

AN ORDINANCE PROHIBITING NUISANCE AND ABATEMENT OF ABANDONED PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY.

BE IT ORDAINED by the City Commission of the City of Hebron Estates, Bullitt County, Kentucky, as follows:

Section I: The City of Hebron Estates, Bullitt County, Kentucky, does hereby prohibit the creation of a nuisance within the corporate limits of the City of Hebron Estates.

Section II: Definitions.

"NUISANCE" - Public nuisance.

"PRIVATE PROPERTY" - Any real property in the city which is privately owned.

"PUBLIC PROPERTY" - Any real property to which the general public has a right to resort.

"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 III: 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 IV: 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) NOXIOUS ODORS OR SMOKE. 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.

(D) STORAGE OF EXPLOSIVES. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(E) 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 12 inches.

(F) 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.

(G) TREES AND SHRUBBERY OBSTRUCTING STREETS AND SIDEWALKS. The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight feet over sidewalks, or the growing and maintenance of shrubbery in excess of three 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.

(H) 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.

Section V: ABATEMENT PROCEDURE.

(A) It shall be the duty of the Mayor to give five (5) days written notice to remedy the situation upon the owner of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance within the time specified unless the nuisance constitutes an immediate danger to the health and well-being of the community. If such danger is present, the nuisance may be abated immediately by the city. Notice shall be mailed to the last known address of the owner of the property, as it appears on the current tax assessment roll.

(B) If the person so served does not abate the nuisance within the specified time, the City may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged to and paid by the owner or occupant. The affidavit of the Mayor shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and shall be recorded in the office of the County Clerk. The said lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid.

(C) Charges for nuisance abatement shall be a lien upon the premises. Whenever a bill for charges remains unpaid for 60 days after it has been rendered, the City Clerk/Treasurer may file with the County Clerk a statement of lien claims. This 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 this 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 60 days after it has been rendered.

Section VI: NUISANCE CREATED BY OTHERS.

For the purposes of this section, 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 VII: UNNECESSARY NOISE PROHIBITED.

(A) It shall be unlawful for any person within the city to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise which either annoys, injures, or endangers the comfort, repose, health, or safety of others; unless the making and continuing of the noise is necessary for the protection or preservation of the property, health, safety, life, or limb of the person.

(B) It shall be unlawful to:

(1) Sound any horn or signal device on any vehicle not in motion, except as a danger warning if another vehicle is approaching apparently out of control;

(2) Sound any horn or signal device on any vehicle in motion except as a danger warning after or as an attempt is made to decelerate the vehicle by the application of brakes;

(3) Sound any horn or signal device on any vehicle for an unnecessary and unreasonable period of time or in such manner as to create an unreasonably loud or harsh sound.

(4) Use or operate any vehicle which produces, or use or operate any vehicle so out of repair or so loaded with any material as to cause any loud and unnecessary grating, grinding, rattling, or other loud and excessive noise;

(5) Discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(6) Create any loud and excessive noises in connection with loading or unloading any vehicle;

(7) Use any mechanical loudspeaker or amplifiers on any moving or standing vehicle for advertising or other purposes.

Section VIII: PENALTY.

Whoever violates any provision of this Ordinance for which another penalty is not provided shall be fined not more than \$500 for each offense. Each day's continued violation shall constitute a separate offense. Any person violating Section VII of this

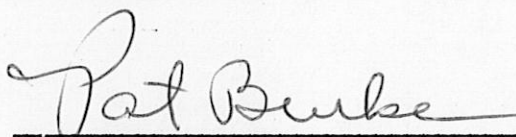
ordinance shall be fined not less than \$10 nor more than \$25 for each offense. Should the offender fail to pay the fine, he shall be forthwith imprisoned and shall be kept in custody until bail be given, or until the time fixed by the judgment shall have expired and the fine be paid or satisfied by labor as provided by law.

Section IX: This Ordinance shall take effect upon publication.

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

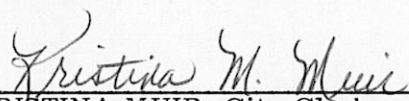
Section XI: Any ordinance or part of ordinance in conflict with this Ordinance or any part of this Ordinance is hereby repealed.

Given first reading at a regular meeting of the City Commission of the City of Hebron Estates, Bullitt County, Kentucky, on the 6th day of September, 1988. Given second reading, voted upon and passed at a regular meeting of the City Commission of the City of Hebron Estates, Bullitt County, Kentucky, on the 4th day of October, 1988.



PAT BURKE, Mayor

ATTEST:


KRISTINA MUIR, City Clerk

	<u>Votes For</u>	<u>Votes Against</u>	<u>Abstentions</u>
George Riedling	<u>✓</u>	_____	_____
Barbara Atherton	<u>✓</u>	_____	_____
Tom Usher	<u>✓</u>	_____	_____
Herschel Ricketts	<u>✓</u>	_____	_____