

ORDINANCE NO. 2001-06

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 COUNCIL OF THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY as follows:

SECTION I: The City Council 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.

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, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereon or on parts thereof.

(B) ACCUMULATION OR 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 on any open or unfenced lot or place.

(G) TREES AND SHRUBBERY OBSTRUCTING STREETS AND SIDEWALKS. The growing and maintenance of trees with less than fourteen (14) feet clearance over streets or less than eight (8) feet over sidewalks, or the growing and maintenance of shrubbery in excess of three (3) feet in height within the radius of twenty (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 twenty (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.

(I) GRASS. Permitting growth of any type of grass, excluding ornamental grasses, in excess of twelve inches (12") above the ground level of the real estate upon which the growth occurs.

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 or tenant 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 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 or tenant of the property, as it may appear on the current tax assessment roll maintained by the Bullitt County Property Valuation Administrator.

(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. That

said lien shall be notice to all persons from the time of this recording and shall bear interest at 12% 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 sixty (60) days after it has been rendered, the City Clerk/Treasurer may file with the County Clerk a statement of lien claim. 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 sixty (60) days after it has been rendered.

SECTION VI: NUISANCE CREATED BY OTHERS.

For the purpose 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 person 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: 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.

SECTION VIII: This Ordinance shall take effect upon publication.

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 X: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are repealed.

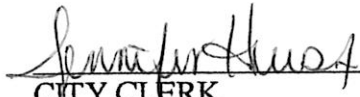
Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 4th day of December, 2001. Given second reading, voted upon and passed at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 5th day of February, 2002.

Votes for 3; Votes against 0; Not Voting _____.



HERSCHEL RICKETTS, MAYOR

ATTESTED BY:



CITY CLERK