

**CITY OF WATTERSON PARK, KENTUCKY
ORDINANCE NO. 267, SERIES 2023**

SUMMARY

**AN ORDINANCE RELATING TO NUISANCES ON PRIVATE
AND PUBLIC PROPERTY**

This Ordinance relates to nuisances on public and private property within the City including but not limited to vehicular issues, vegetation issues, signage, trash etc. It further provides for fines of \$25 for each violation sanitation containers being left on the street after 24 hours and for fines of \$25 for each day that other nuisances continue to exist after notice periods.

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ORDINANCE NO. 267 SERIES 2023**

**AN ORDINANCE RELATING TO NUISANCES ON PRIVATE AND PUBLIC
PROPERTY**

BE IT ORDAINED BY THE CITY OF WATTERSON PARK:

Section I. In order to provide for the abatement of conditions which are hazardous or injurious to the health, safety and welfare of the general public of the City by promoting the maintenance of property to certain minimal standards which reduce the threat to health, safety, welfare, appearance and economic value decline, the City hereby adopts the following rules, regulations and penalties contained in this ordinance.

Section II. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Definitions.

(a) "Vehicle" shall mean every device in, on, or by which any person or property is or may be transported or drawn on a public highway, except vehicles moved by human power or used exclusively on stationary rails or tracks.

(b) "Large vehicle" shall mean bus, camper, tractor, mobile home, tractor trailer cab, boats on trailers, recreational vehicles and similar vehicles.

(c) "Abandoned vehicle" shall mean any vehicle or parts thereof which are left on public or private property within the City under the circumstances indicating a desertion, relinquishment, non-use, or divestment of the vehicle. A vehicle parked continuously in one place upon a public way for fifteen (15) consecutive days shall be deemed abandoned.

(d) "Junked vehicle" shall mean any vehicle or parts thereof which does not have lawfully affixed thereto an unexpired license plate, and which, in the judgment of a reasonably prudent man observing community standards, is in one or more of the following conditions: substantially rusted, wrecked, partially dismantled, or otherwise non-functional, except that vehicles which are being actively refurbished shall not be deemed to be junked vehicles. Junked vehicles may be deemed to include major parts thereof, including, but not limited to, bodies, engines, transmissions, and rear ends.

(e) "Owner" shall mean any individual, firm, corporation, or unincorporated association with a claim, either individual or joint, or ownership, or any legal or equitable interest in a vehicle, the person to whom tax is assessed on real or personal property, renter(s), lessor(s) and other occupants residing permanently or temporarily on the property where the vehicle is located.

(f) "Nuisance" shall mean 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, or interferes with the comfortable enjoyment of, 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 shall include, but is not limited to, the following:

i. the keeping of waste, rubbish, or abandoned appliances in such a manner as can be seen from any public or private way or properties;

ii. 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, discarded icebox, ice chest, or refrigerator;

iii. any weeds, grass, or unlawful plant growth other than growing crops, trees, bushes, flowers, or other ornamental plants at a height exceeding ten inches (10");

iv. 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; provided, however, that composted material may be used on residential gardens;

v. the deposit or accumulation of manure, unless it is in fly proof receptacles or is manure processed as garden fertilizer;

vi. any tree or portion thereof which is in danger of collapse or which poses a danger of contamination because of disease, decay, injury, infestation, or damage;

vii. any tree or portion thereof within six feet (6') of the curb next to a roadway or which have branches lower than ten feet (10') from the ground which interfere with the vehicular sight lines of other traffic at any roadway intersection;

viii. any shrub or plants which are within six feet (6') of the curb next to a roadway intersection which interfere with vehicular sight lines of other traffic;

ix. all outbuildings that are or hereafter may become unsafe, unsanitary, dilapidated, or which constitute a fire hazard, or are otherwise dangerous to the public welfare;

x. an abandoned or dangerous sign. An on-premises or off-premises sign is deemed abandoned when a 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 within 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.

(g) "Rubbish" shall mean 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 of combustible materials, except that the term shall not include grass trimmings, fertilizer and other accepted gardening material.

(h) "Sign" shall mean 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.

(i) "Trees" shall mean a woody perennial plant having a single, usually elongated main stem generally with few or no branches on its lower part.

(j) "Waste" shall mean 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.

(k) "Weeds" shall mean any unhealthful plant growth such as, but not limited to, jimson, burdock, ragweed, thistle, cocklebur, or any other similar growth.

(l) "Business Day" shall mean any weekday, Monday through Friday, that is not a legal holiday in Jefferson County, Kentucky.

Section III.

3.1 It shall be unlawful for any person to park, store, or leave or permit parking or storing of any vehicle of any kind or parts thereof, for a period of time in excess of fifteen (15) consecutive days, which is wrecked, junked, partially dismantled or inoperative, or in an abandoned condition, whether attended or not, on any private or public property within the City limits. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operating in a lawful place and manner when necessary to the operation of such business enterprise, or vehicle in an appropriate storage place or a depository maintained in a lawful place and manner by the City.

3.2 It shall be unlawful to park or store large vehicles closer to the street than the front façade of any single family residential home and in any back or side yard unless placed on a hard surface like an asphalt driveway. Large vehicles may not be parked on any residential street. Tractor trailer cabs with diesel engines may not be parked or stored on a residential home property.

Section IV. The accumulation or storage of one or more abandoned or junked vehicles or parts thereof on private or public property shall constitute a nuisance detrimental to the health, safety, and welfare of the inhabitants or the city and it shall be the duty of the registered owner of the vehicle, the owner of record of the property, or the person in possession of the private property upon which the vehicle or parts thereof is located, to abate the nuisance through removal of the vehicle from the city limits, or to have same housed in a building where it will not be visible from the street.

Section V. As defined herein, it shall be unlawful for any person, firm, or corporation, in person or by its authorized agent, to cause a nuisance or allow or permit a nuisance to exist on any property owned or occupied or under the control of that person.

Section VI.

6.1 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, litter, trash, refuse or waste of any kind, or other noxious matters, whether liquid 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 in any of the aforementioned places. Violation of this section involving substances in an amount less than or equal to the capacity of a standard twenty-gallon container shall constitute littering; violations involving substances in greater amounts shall constitute dumping.

6.2 No containers or carts for garbage, yard waste or recycling items shall be placed out for collection in view of a public street more than 24 hours prior to the collection day. The containers or carts for such items must be removed from view of any public street within 24 hours after the day of collection. A violation of this Section shall constitute a nuisance which, after three warnings, shall cause the owner of the property to be subject to a \$25.00 fine for each continuing violation after the third warning during a calendar year.

Section VII. Section VI of this Ordinance shall not apply to goods, wares, or merchandise deposited in any public way or any public place temporarily in the necessary course of trade unless it has not been removed therefrom within six (6) hours after being so deposited.

Section VIII. 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 IX.

(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 property or the 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 not 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 there from;
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.

(C) No person shall permit on his premises the loud and frequent or continued barking, howling or yelping of any dog so as to annoy and disturb the neighbors.

Section X. It shall be the duty of the Mayor, the attorney for the City or any contractually authorized representative of the City ("Enforcement Authority"), or such other person as the City Council designates to be Environmental Enforcement Officer to serve or cause to be served a written notice upon the owner, authorized agent, occupant, or person responsible, of any premises on which there exists a nuisance in violation of this Ordinance. Such notice shall describe the nuisance so maintained and shall demand abatement of the nuisance within five (5) Business Days of the notice, unless the nuisance constitutes an immediate danger to the health, safety, and well-being of the community or is an abandoned vehicle, in which case notice shall demand abatement within twenty-four (24) hours of notice. 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 administrative costs and attorney fees incurred in identifying and notifying the owner or occupant, preparing and filing any lien, bringing or defending any legal action hereunder, or otherwise in enforcing this Ordinance, which shall be charged to and be paid by the owner or agent, occupant, or responsible person. After the removal of nuisance by the City, the City Treasurer shall cause to be prepared a demand for payment showing the cost and expense incurred by the City and the date and place or property on which the work was done or the abatement occurred. The City Treasurer shall bill the property owner or occupant of the premises or, in the case of an abandoned vehicle, the owner of the vehicle or the property where

the vehicle is located at least once following abatement. No notice of lien shall be filed against the property until two weeks have elapsed from the time the bill is sent.

Section XI. The City shall have a lien against the property on which a nuisance exists and, in the case of an abandoned vehicle, also a lien against the vehicle for the City's costs and expenses incurred in nuisance abatement as provided in Section IX of this Ordinance. This lien shall be evidenced by a notice of lien claim filed in the office of the Jefferson County Clerk. This notice shall include an affidavit from the Mayor, the attorney for the City or Enforcement Authority setting forth the address or description of the property in question, the amount of the City's costs, and the date of abatement and stating that the notice provisions of this Ordinance were complied with before abatement.

Section XII. The property subject to a lien for unpaid nuisance abatement charges shall be sold for non-payment of the same and proceeds of the sale shall be applied to pay the charges after deducting costs, as in the case in foreclosure of statutory liens.

Section XIII. The Mayor is authorized and directed to institute such proceedings in the name of the City as the City deems appropriate 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 XIV. In addition to the foregoing costs and expenses for permitting the City to abate a nuisance, any person who violates this Ordinance shall be fined \$25.00 for each day such nuisance continues to exist after receiving such notice pursuant to Section X or a more specific section of this Ordinance; provided, however, that such fine shall be suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within five (5) business days, or within such shorter period provided for in Section X or other section hereof, of receipt of the notice, but such suspension of such fine shall not apply to fines administered under Section 6.2, and further, in the event that continuing nuisances occur in such a manner that they thwart the purposes of this Ordinance, the suspension of the fine shall not be available to such person.

Section XV. Pursuant to KRS 83A.065, the City hereby deems that each of the violations of a section of this Ordinance shall subject the offender to a civil penalty in such amount as specifically set forth in a specific section or, if not in a specific section, in Section XIV hereof. The City shall prosecute any violation in a civil action in a court of appropriate jurisdiction seeking injunctive relief, abatement or the collection of the penalty.

Section XVI. The City Clerk is authorized and directed to publish this Ordinance as required by law and it shall become immediately effective upon such publication.

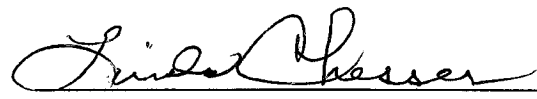
FIRST READING: January 9, 2023

SECOND READING: FEB 13, 2023

PUBLICATION: _____

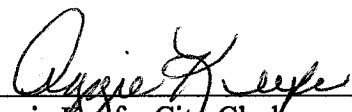
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Jay Bourke	<u>✓</u>	_____	_____
Becky Ewan	<u>✓</u>	_____	_____
Gina Garrett	<u>✓</u>	_____	_____
Phillip Johnson	<u>✓</u>	_____	_____
Marlene Welsh	<u>✓</u>	_____	_____
Steve Fortwengler	<u>✓</u>	_____	_____

Adopted this 13th day of FEB, 2023, by 6 ayes and 0 nays.



Linda Chesser, Mayor

ATTEST:



Aggie Keefe, City Clerk