

**THE CITY OF PARK HILLS, KENTUCKY
ORDINANCE NO. 6, 2014**

**AN ORDINANCE OF THE CITY OF PARK HILLS, KENTUCKY,
AMENDING CHAPTER 92 OF THE PARK HILLS CODE OF
ORDINANCES TO ADD A NEW SECTION RELATING TO
CHRONIC NUISANCE PROPERTY, AMENDING THE
PENALTIES SECTION FOR VIOLATING CHAPTER 92, AND
DIRECTING THAT THIS ORDINANCE BE PUBLISHED BY
SUMMARY.**

WHEREAS, the City of Park Hills, Kentucky has the authority to enact ordinances for the public health, safety and welfare of its citizens;

WHEREAS, the City is mindful that from time-to-time there exists certain "Chronic Nuisances" in the City which are of such a nature and frequency that they cannot be controlled, deterred or abated under the existing nuisance ordinances;

WHEREAS, the City believes that the public health, safety and welfare or the citizens of the City will be best served by classifying certain recurring nuisances as Chronic Nuisances to be enforced under the provisions set forth below:

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:

Section One. Chapter 92 of the City of Park Hills Code of Ordinances is hereby amended to add a new Section 92.10, entitled *Chronic Nuisance*, to read in full as follows:

92.10 CHRONIC NUISANCE.

- A. Chronic Nuisance Property – Violations.
 - 1. Any Property within the boundaries of The City of Park Hills, Kentucky that becomes a Chronic Nuisance Property, as defined herein, is in violation of this Section and subject to its remedies.
 - 2. Any Person who permits Property under his or her ownership or control to be a Chronic Nuisance Property, as defined herein, shall be in violation of this Section and subject to its remedies.
- B. Definitions.
 - 1. "Chronic Nuisance Property." Property on which three (3) or more Nuisance Activities exist or have occurred during any sixty (60) day period or on which twelve (12) or more Nuisance Activities exist or have occurred during any twelve (12) month period.
 - 2. "Code Enforcement Officer." Shall mean a Code Enforcement Officer as defined in KRS §65.8805.

3. "Control." The authority to regulate, restrain, dominate, counteract, or govern Property, or conduct that occurs on Property.
4. "Good Cause." Circumstances beyond the ability of a Person acting with reasonable care and diligence to Control.
5. "Nuisance Activities."
 - a. Any of the following activities, behaviors or conduct:
 - i. Harassment, as defined in K.R.S. 525.070 through 525.080.
 - ii. Public Intoxication or Alcohol Intoxication, as defined in KRS §525.100 or KRS §222.202.
 - iii. Disorderly conduct, as defined in KRS §525.055 or KRS §525.060.
 - iv. Murder, Manslaughter, or Reckless Homicide, as defined in KRS §§507.020, 507.030, 507.040, or 507.050.
 - v. Rape, Sodomy, Sexual Abuse, Sexual Misconduct, Indecent Exposure, or Unlawful use of an electronic device to induce a minor to engage in sexual activities, as defined in KRS §§510.010 through 510.155.
 - vi. Assault, Menacing, Wanton Endangerment, Terroristic Threatening, Criminal Abuse, Stalking, or Disarming a Police Officer, as defined in KRS §508.010 through KRS §508.160.
 - vii. Burglary or Criminal Trespass, as defined in KRS §511.010 through KRS §511.090.
 - viii. Criminal Mischief, as defined in KRS §512.010 through KRS §512.060.
 - ix. Arson, as defined in KRS §513.010 through KRS §513.040.
 - x. Theft, as defined in KRS §514.010 through KRS §514.090.
 - xi. Receiving Stolen Property, as defined in KRS §514.110.
 - xii. Robbery, as defined in KRS §515.010 through KRS §515.030.
 - xiii. Prostitution, Promoting Prostitution, Permitting Prostitution, or Human Trafficking, as defined in KRS §529.010 through KRS §529.110.

- xiv. Endangering the Welfare of a Minor or Unlawful Transaction with a Minor, as defined in KRS §530.060 through KRS §530.080.
 - xv. Distribution of Obscene Matter, Promoting Sale of Obscenity, or Voyeurism, as defined in KRS §531.010 through 531.110.
 - xvi. Sexual Exploitation of Minors, as defined in KRS §531.300 through KRS §531.370.
 - xvii. Drug possession or trafficking, as defined in KRS §218A.010 through KRS §218A.1444.
 - xviii. Weapons related offenses, as defined in KRS §527.010 through KRS §527.210.
 - xix. Violations of protection orders, as defined in KRS §403.763.
 - xx. Alcohol related offenses, as defined in Chapter 114 of the Park Hills Code of Ordinances.
 - xxi. Noise violations, as defined in The City of Park Hills' Ordinances §92.03.
 - xxii. Any violation of any ordinance of The City of Park Hills, or a violation of any state or federal law, statute or regulation.
 - xxiii. Any attempt to commit and/or conspiracy to commit any of the activities, behaviors or conduct listed in this section.
- b. To qualify, all Nuisance Activities must be based on either:
- i. Personal observation of a Police Officer or Code Enforcement Officer; or
 - ii. A determination by a Police Officer or Code Enforcement Officer, either after an investigation or following a sworn statement of a person who personally witnessed the alleged incident that the alleged Nuisance Activities did, in fact, occur.
6. "Permit." To suffer, allow, consent to, or acquiesce by failing to prevent, or expressly assenting or agreeing to the doing of an act.

7. "Person." Any natural person, agent, association, firm, partnership, corporation, limited liability company, or any other entity capable of owning, occupying, possessing, or using Property in the City.
8. "Person Associated With the Property." Any Person who, on the occasion of a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Property or any Person present on a Property. Person Associated With the Property includes, without limitation, any officer, director, customer, agent, employee, or any independent contractor of a Property, the Person in Charge, or an owner of a Property.
9. "Person in Charge." Any Person with actual or constructive possession of a Property including, but not limited to, an owner or occupant of Property under his or her ownership or Control. When an owner of the Property and the occupant of a Property under his or her ownership or Control are not the same Person, the Person in Charge shall include both such Persons.
10. "Property." Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For Property consisting of more than one unit, Property may be limited to the unit or the portion of the Property on which any Nuisance Activity has occurred or is occurring, but includes areas of the Property used in common by all units of Property including, without limitation, other structures erected on the Property and areas used for parking, loading, and landscaping. Multi-dwelling units, motels, and hotels constitute one property for the purposes of Chapter 92 of the Code.
11. "Police Chief." The Chief of Police of The City of Park Hills, Kentucky.
12. "Police Officer." Shall mean a Police Officer as defined in KRS §15.420.
13. "Residential Landlord." Shall mean an owner of Property upon which is located one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, or a mobile home park or other permanent or semi-permanent site at which lots are leased or otherwise rented to tenants for the parking of a manufactured home, mobile home, or recreational vehicle that is used solely for residential purposes.

14. "Chapter 101 of the Municipal Code." Refers to Chapter 101 of the City of Park Hills' Code of Ordinances and includes the provisions of any Interlocal Agreement for Code Enforcement incorporated in Chapter 101 of the City of Park Hills' Code of Ordinances.
15. "Agreeable written abatement plan." An abatement plan approved by the Police Chief, Code Enforcement Officer, or other designee of the Mayor.

C. Procedure – City Enforcement.

1. When the Police Chief, a Code Enforcement Officer, or the designee of the Police Chief or Code Enforcement Officer receives information documenting the existence of activities which qualify as Nuisance Activities:
 - a. The Police Chief or a Code Enforcement Officer shall independently review such report(s) to determine whether a Chronic Nuisance Property, as defined in 92.10(B)(2), is established by the information.
 - b. Upon a determination that a Chronic Nuisance Property Exists, the Police Chief or Code Enforcement Officer shall issue a notice of violation to the Person in Charge, that the Property has been determined to be a Chronic Nuisance Property and request an abatement plan from the Person in Charge.
 - c. The notice to the Person in Charge, shall contain the following information:
 - i. The street address or a legal description sufficient for identifying the Property.
 - ii. A statement that the Police Chief or Code Enforcement Officer has determined the Property to be a Chronic Nuisance Property with a concise description of the Nuisance Activities leading to this determination.
 - iii. A demand that the Person in Charge respond in writing within ten (10) calendar days to the Police Chief or Code Enforcement Officer by either describing the actions the Person in Charge intends to take to abate the Nuisance Activities (i.e., an abatement plan), or demonstrating Good Cause as to why the Person in Charge cannot abate the Nuisance Activities.