

ORDINANCE NO. 9, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS,
KENTUCKY AMENDING SECTION 91.12(B) OF THE CODE OF ORDINANCES
REGARDING PUBLIC NUISANCES

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

SECTION I

That Section 91.12(B) of the Code of Ordinances shall be and is hereby amended to read, as follows:

SECTION 91.12 NUISANCES DESCRIBED AND PROHIBITED

(B) Public nuisances include, but are not limited to:

(1) Any unreasonable or unlawful condition or use of or upon any lot or parcel of real estate in the city or any structure thereon that is detrimental to the value, use or enjoyment of the property of other in the vicinity of that lot or parcel of real estate, for which, after inspection, a citation may issue, including, without limitation:

- (a) Those in violation of the provisions of the International Property Maintenance Code, published by the International Code Council, Inc. as amended from time to time and enacted by City Ordinance;
- (b) Those structures that are designed and intended for human habitation, occupancy or use that become unfit and unsafe for human habitation, occupancy or use or have conditions in them that are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures or other resident of the City;
- (c) Those in violation of the standards of safety promulgated pursuant to KRS 227.300, which are hereby adopted by the City pursuant to the requirements of KRS 227.320; and,
- (d) Those in violation of the provisions of the NFPA 1 Uniform Fire Code published by the National Fire Protection Association, as amended from time to time and enacted by City Ordinance.

(2) The accumulation of any rubbish or any portion of any lot or parcel of real estate outside of any building.

(3) Use of any portion of any residential lot or parcel of real estate outside of a building for the location of any broken, inoperable or otherwise non-functional vehicles, equipment, machinery or furniture or any parts thereof, or the location of any scrap or salvage material, or the location of any other tangible personal property.

(4) The location of one or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or non-operative and which are not inhabited.

(5) The growth of weeds or grass in excess of four inches above the surface of the ground on any lot or parcel of real estate that is less than four acres in areas and developed with the public utilities of water, electricity and sewers.

(6) The parking of any recreational vehicle, boat or trailer anywhere in any residential area except for only one of any such vehicles:

- (a) In the rear yard of any lot or parcel of real estate;
- (b) In any area of a side yard that is continuously paved with blacktop or concrete, provided that no part of such vehicle is within one foot of any point in the nearest boundary line; or,
- (c) In any driveway during the period after May 1 and before October 15 of any calendar year, provided that:
 - 1. The area thereof occupied by any such vehicle is in addition to all off street parking areas required by this chapter;
 - 2. There is no more than one of any such vehicles parked, stored or otherwise located in any portion of any driveway or on any one lot or parcel of real estate at any one time; and,
 - 3. No part of any such vehicle is within one foot of any point in the nearest boundary line.
- (d) Under no circumstances may any recreational vehicle, boat or trailer be permitted to remain in a residential area more than five consecutive days and no more than a total of 25 days per year.
- (e) However, a recreational vehicle, boat or trailer less than 20 feet in length from tongue to bumper may remain indefinitely provided it rests on a paved surface below the front-most portion of the home. The paved surface may also be in the rear of the house.

(7) The accumulation of any municipal solid waste anywhere unless it is enclosed within a covered municipal solid waste container.

(8) The location of any municipal solid waste or recycling container in the front yard of any lot or parcel of real estate in the City at any time other than that period of time that begins at 6:00 p.m. on the day before that day that municipal solid waste or recycling is scheduled by the City for collection from that real estate and ends at 6:00 a.m. on the following day.

(9) The occurrence of any sound, odors, or anything else from any animal or animals on any lot or parcel of real estate in the City that unreasonably interferes in any way with the occupation, use or enjoyment of any other lot or parcel of real estate in the City by any owner, tenant, occupants, resident or user thereof.

(10) The location of any rubbish on any public sidewalk or rights-of-way and the failure of those with any ownership or possessory interest in any lot or parcel of real estate abutting thereon to remove it within a reasonable period of time after such rubbish has been deposited thereon.

(11) Any commercial sign that isn't in a condition of good repair, and in a clean, neat and safe and functional condition in compliance with all applicable laws, including, without limitation, all building and property maintenance codes.

(12) The occurrence, existence or continuation of any graffiti.

(13) The outside storage or other location of any equipment in any front or side yard where it may be seen from a public street, while the equipment is in a position or condition in which the design and purpose of that equipment may not be accomplished.

- (14) Any outdoor swimming pool in which:
- (a) The water in the pool is contaminated with dangerous disease causing pathogens, including bacteria, however
 - (b) Water may be retained or impounded in the pool to a depth of 24 inches or more at any one point, so long as the pool area is surrounded by a fence that is at least four feet in height. The fence must limit access to the pool, except that it may have one or more gates. Each gate must have an automatic self-closing mechanism.
- (15) Any fowl or livestock within 500 feet of any neighboring residence.

Roosters are entirely prohibited.

- (16) The distribution or accumulation of any unsolicited written material on any lot or parcel of real estate in the City outside of a building other than:

- (a) On a porch, if one exists, nearest to the front door;
- (b) Securely attached to a door;
- (c) Between an exterior door and an interior door; or,
- (d) Personally with any occupant of the lot or parcel or real estate.

- (17) The use of any residential lot or parcel of real estate outside of a building for the storage or other location of any inoperable motor vehicle or any motor vehicle parts.

- (18) The use of any lot or parcel of real estate, or any portion thereof, including, without limitation, any building or any portion thereof located on that lot or parcel of real estate, for any criminal activity involving disorderly conduct, alcoholic beverages, firearms, menacing, physical injury to person or property, deadly weapons, gambling prostitution, or controlled substances, or any other felony or misdemeanor to such an extent that there have been documented responses to any of them by peace officers or other personnel of the City on five or more separate occasions within any one period of 12 consecutive calendar months provided that an owner of that lot or parcel of real estate has been notified at least once during that period of 12 consecutive calendar

months of the occurrence of any such criminal activity, and provided further that the eviction of any tenants of that lot or parcel of real estate who were involved in such criminal activity shall be a defense to any civil or criminal prosecution for a violation of this section.

(19) The use of any paved area other than sidewalks within the right-of-way of any street within the City for any athletic or other recreational activity.

(20) The location of any apparatus for the athletic or other recreational use of any area within the right-of-way of any street within the City, whether the apparatus is located within or outside of that right-of-way.

(21) Any tree, shrub, or bush located on private property, which endangers any public street or highway, any vehicle or person, any public sidewalk or any public property.

(22) The location of any motor vehicle in any manner that any portion of it is on or above any portion of any sidewalk in the City, potentially blocking the pedestrian use thereof.

(23) The location of any inoperable motor vehicle anywhere within the right-of-way of an street in the City.

(24) Being the owner of a dog, to permit or to allow his or her dog to do any of the following:

- (a) To run at large within the City. AT LARGE means on or off the premises of the owner and not under the immediate effective control of the owner or custodian either by leash, cord, or chain, or effectively confined within a fenced area on the owner's premises.
- (b) To trespass upon another person's real property or to in any manner injure or destroy any real or personal property belonging to another person.

(c) To bark, howl, cry, whine or make any other noise or do anything else in such a manner that it unreasonably interferes with the occupation, use and enjoyment of any other property in the City.

(25) Any loud, unreasonable or excessive noise in violation of any of the provisions of Section 96 of Title IX of this Code and referred to as the Noise Ordinance.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, be published and effective upon publication.

Passed: 1st Reading: August 9, 2021

Passed: 2nd Reading: August 23, 2021

KATHY ZEMBRODT
Mayor

ATTEST:

JULIE ALIG, City Clerk