

SECTION ONE: DEFINITIONS.

(1) Garbage - The term garbage shall be interpreted to mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all substances from all public and private establishments and from all residences.

(2) Refuse - The term refuse shall include all non-putrescible wastes.

(3) Sanitary Inspector - The Garrard County Health Officer shall be the City Sanitary Inspector.

SECTION TWO: ACCUMULATION OF GARBAGE AND REFUSE.

(1) Requiring accumulation of garbage in approved containers - No owner, tenant or lessee of any public or private premises shall permit to accumulate upon its premises any garbage except in covered containers approved by the Sanitary Inspector. Such containers shall be constructed of metal in such manner as to be strong, not easily corrodible, rodent proof, shall have a capacity of not more than 20 gallons, the size to be designated by the Sanitary Inspector and Mayor and shall have tight covers, same to be in place at all times except when refuse is being deposited therein or removed therefrom. If one container is not sufficient to hold the quantity of garbage accumulated between collections, a sufficient number of containers shall be provided.

(2) Requiring accumulation of refuse in approved container - No owner, tenant or lessee of any public or private premises shall permit to accumulate upon its premises any refuse except in containers approved by the Sanitary Inspector. Such containers shall be constructed in such manner as to be strong enough to contain the refuse placed therein and so that such refuse may be easily handled by the City Garbage collectors. Containers for refuse may be open containers and but in no event shall be garbage placed in a refuse container. If one refuse container is not sufficient to hold the quantity of refuse accumulated between collections, a sufficient number of containers shall be provided.

SECTION THREE: COLLECTION OF GARBAGE AND REFUSE.

(1) Placing and maintenance of containers - No gar-

SECTION ONE: Any person or corporation found guilty of dumping refuse, trash, or garbage into a stream bed or onto land whether privately or publicly owned within the city limits of Lancaster, Kentucky shall be fined not less than \$25.00 nor more than \$100.00 or be sentenced to jail for not less than one day nor more than ten days or both.

SECTION FOUR: This ordinance supersedes and cancels and repeals those ordinances in effect for the City of Lancaster which were adopted June 13, 1975 and March 1, 1976. This ordinance shall take effect and be enforced from and after its passage and publication and signing by the Mayor and the Clerk.

ABATEMENT PROCEDURE

Whenever a nuisance is discovered, the authorized city official shall give twenty four (24) hours written notice to remedy the nuisance situation by either:

- (1.) Notice by certified mail of the violation to the property owner at the last known address as listed on the current tax assessment roll;
- (2.) Posting the written notice of the violation in a conspicuous place on the property; or
- (3.) Personally serving, or causing to be personally served, the property owner with the written notice of violation, or any combination hereof, at the discretion of the enforcement officer.

This notification shall serve as a warning to abate the nuisance. Upon failure of the owner or occupant of the property to comply, the enforcement officer is authorized to cite said individual.

Should the city be forced to abate the nuisance, a lien shall be placed against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this ordinance, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

NUISANCE CREATED BY OTHERS

For the purposes of this ordinance, 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 the 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.

SUSPENSION OF LICENSE

Whenever it is shown that a nuisance is associated with or caused by the conduct of a business or activity licensed by the city and that the existence of the nuisance presents an immediate threat to the public health, safety, or welfare, the City Council may suspend the license of the person or persons conducting the business or activity.

The enforcement officer shall cause a notice of the suspension to be served personally upon the licensee, or upon any responsible agent of the licensee, at the premises where the licensed business or activity is being conducted. The notice shall clearly inform the licensee of the reason for the suspension, and the conditions that must be met for the suspension to be removed.

Upon application of the licensee, and upon a showing that the nuisance has been satisfactorily abated and that any other reasonable conditions set forth in the notice have been met, the City Council may remove the suspension.

PENALTY

Whoever violates any provision of this ordinance shall be guilty of a misdemeanor and shall be fined not less than \$100.00, nor more than \$500.00 for each offense. Each day's continued violation shall constitute a separate offense.

The imposed fine may be prepaid at City Hall to the City Clerk in lieu of court proceedings.

Should the fine not be prepaid according to the above language within ten (10) days of issuance of the citation, the misdemeanor shall proceed through the courts, with the violator assuming all court costs, including the original fine or fines.

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Donna M. Powell
Donna M. Powell, Mayor Pro-tem

ATTEST:

Shari Lane
Shari Lane, City Clerk

City of Lancaster Ordinance No. 2006-7

**Ordinance for the Abatement of Nuisance
Condition on Private Property**

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

PUBLIC NUISANCE—Any act, thing, occupation, condition or use of property which shall continue for such a length of time as to:

- (1.) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
- (2.) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch or drainage;
- (3.) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of property of others;
- (4.) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (5.) In any way render other persons insecure in life or the use of property.

AUTOMOBILE PARTS—Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

INOPERATIVE CONDITION—Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten consecutive days.

MOTOR VEHICLE—Any style or type of motor driven vehicle used for the conveyance of persons or property.

SCRAP METAL—Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

CERTAIN CONDITIONS DECLARED A NUISANCE

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. **WEEDS AND GRASS**—The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, **excessive** shall mean growth to a height of 12 inches or more.
 - (1.) Weeds, grass, and other growth shall during the growing season from April 1st to November 1st each year be kept cut as close to the earth at all times as may be necessary to keep same not more than 12 inches in height, except for property used for agricultural purposes, with prior authorization from the city.
 - (2.) Each owner of the property in the city, abutting upon a public street, avenue, alley, or other public thoroughfare, shall keep clean and free of uncut grass, weeds, or other growth, except shade trees, the grass plot between the sidewalk and the curb line along his premises where sidewalks are constructed, and, where pavements or sidewalks are not constructed, the owner of abutting property shall be and is hereby required to keep the public street, avenue, alley, or thoroughfare free from such growth for a distance not exceeding 12 feet in front of and adjoining this property line.
- B. **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. Also the failure to comply with Lancaster Ordinance No. 84-04 providing for all dogs to be kept on a leash when off the premises of their owner.
- C. **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 the street, sidewalk, or property of another, or lower the market value of the adjacent property.
- D. **DEAD ANIMALS**—The carcasses of animals or fowl not disposed of within a reasonable time after death.
- E. **EXCESSIVE NOISE**—All unnecessary or unauthorized noises and annoying vibrations, including animal noises.

- (5.) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (6.) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the city.
- F. UNSAFE BUILDINGS—Any building or other structure which is in such dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- G. 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.
- H. STORAGE OF EXPLOSIVES—The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.
- I. OBSTRUCTIVE TREES AND SHRUBBERY—The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.
- J. 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 parts thereof.
- K. BOATS—Any boat, boat trailer or wagon parked on a residential street or in a front or side yard.
- L. TRUCKS—Any eighteen wheeler (cab and/or trailer) or any commercial or privately owned vehicle over 14,000 lbs. parked or kept in a residential neighborhood, unless it is completely enclosed in a garage off the street. Properly licensed recreational vehicles are exempt, but may not be parked on the street or in the front yard.
- M. ABANDONED, JUNKED AND INOPERATIVE MOTOR VEHICLES AND APPLIANCES—The presence of any junked or wrecked appliances, automobiles, vehicles, machines, or any other similar scrap or salvage material on any public or private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved within the city unless completely enclosed in a building.

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.

JUNKED APPLIANCES—Any unit, or part thereof, of machinery, furniture or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to stoves, refrigerators, television sets, beds, lamps, tools, objects of art, etc.; the condition of which is one of the following:

- (1.) Wrecked
- (2.) Dismantled
- (3.) Partially dismantled
- (4.) Inoperative
- (5.) Abandoned
- (6.) Discarded

JUNKED MOTOR VEHICLES—Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following:

- (1.) Wrecked
- (2.) Dismantled
- (3.) Partially dismantled
- (4.) Inoperative
- (5.) Abandoned
- (6.) Discarded

COMMON LAW AND STATUTORY NUISANCES

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.

- (1.) **ANIMALS:** Owning possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which creates excessive and unnecessary noise across a residential zoned or commercial zoned real property line. Notwithstanding the above-mentioned provision, the owning, possessing, or harboring of any barking dog, the sound from which creates excessive and unnecessary noise across any property line, is prohibited. For the purposes of this regulation, "barking dog" is defined as a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of ten (10) minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property.
- (2.) **DOMESTIC POWER TOOLS:** Operating or permitting the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, or similar tool between 10:00 P.M. and 7:00 A.M. the following day unless such equipment is operated inside a building or other structure so that the sound does not travel across any residential real property line. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.
- (3.) **LOUDSPEAKERS:** Using or operating for any purpose any loudspeaker, loudspeaker system or similar device in residential or commercial areas, except for any noncommercial public speaking, public assembly or other activity for which special permission has been issued by the city.

EXEMPT NOISES

The following noises are exempt:

- (1.) Lawn mowers, yard equipment and agricultural equipment during daylight hours (7:00 A.M. to 10:00 P.M.) when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and proper operating condition.
- (2.) Non-amplified crowd noises resulting from activities such as those planned by student, governmental or community groups.
- (3.) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with the manufacturer's specifications.
- (4.) Noises of safety signals, warning devices, emergency pressure relief valves, and bells and chimes of churches.