

ORDINANCE NO. **BG2022 - 41**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE APPROVING AMENDMENTS TO
CHAPTER 27 (PROPERTY CODE) OF THE CITY OF
BOWLING GREEN CODE OF ORDINANCES

WHEREAS, the Neighborhood and Community Services Department regularly reviews Chapter 27 (Property Code) to determine if changes need to be made; and,

WHEREAS, the Department recommends that various administrative revisions be made to the Chapter, which include but are not limited to removal of code sections now enforced by other agencies and departments, clarification of definitions, enhancement of current language to best suit the needs of the City and its residents, and updates to outdated information and references; and,

WHEREAS, it is in the best interest of the City to approve these amendments.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 27 (Property Code) is hereby amended as follows:

27-1 GENERAL PROVISIONS.

27-1.01 Title.

This Chapter shall be known and may be cited as the "Property Code."

27-1.02 Scope.

This Chapter shall apply to proposed and existing buildings or structures or appurtenances connected or attached to such buildings or structures, vacant lots, premises and other private and public property in the City as identified herein.

27-1.03 Definitions.

"Abandoned" shall mean any structure that is vacant, unoccupied or not in use for a period of one (1) year or more and which is any of the following: neglected, dilapidated, unsanitary, vermin infested, not serviced by public utilities, dangerous to the safety of person, unfit for its intended use by

(Ordinance No. BG2022 - 41)

reason of neglect or lack of maintenance, has become a place for the accumulation of trash or debris or is the subject of a building permit requirement and has not satisfactorily passed building inspection in the last six (6) months or more.

“Abatement Costs” shall mean the City’s necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any City ordinance.

“Code Enforcement and Nuisance Board” shall mean the administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839 and as created in Chapter 2 of this Code of Ordinances.

“Code Official” shall have the same meaning as a Code Enforcement Officer as set forth in Subchapter [2-23] 2-21 and a Citation Officer in Subchapter 2-22 of the Code of Ordinances with the authority to issue citations.

“Controlled Substance” is as defined in the Controlled Substances Act published annually in Title 21 Code of Federal Regulations (C.F.R.) §§ 1308.11 through 1308.15.

“Final Order” shall mean any order:

- a. Issued by the Code Enforcement Board following a hearing in accordance with the provisions of Subchapter 2-2[3]1 of the Code of Ordinances;
- b. Created because a violator neither paid nor contested the citation within seven (7) days as provided in Subchapter 2-2[3]1 of the Code of Ordinances, or
- c. Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Subchapter 2-2[3]1 of the Code of Ordinances.

“Graffiti” shall mean any inscription, drawing or design that is scratched, painted, sprayed

(Ordinance No. BG2022 - 41)

or otherwise applied on any surface of any structure or object so as to be seen by the public, placed there by a person other than the owner, manager or person having lawful control of the property, and without the consent of the owner, manager or other person having lawful control of the property.

“Imminent Danger” shall mean a condition which is likely to cause serious or life-threatening injury or death at any time.

“Improved Parking Surface” shall mean any existing gravel, [concrete], contiguous area of pavers, concrete or asphalt surface generally used for parking motor vehicles. Such surfaces shall be maintained in good and safe condition, capable of performing the intended use, and give the visual appearance of a location for parking motor vehicles.

“Junk Motor Vehicle” is any inoperable motor vehicle, whether repairable or not, ~~[without]~~ not displaying a current valid license plate, and/or which is [rusty,] wrecked, [discharged], partially or totally dismantled, or [abandoned] cannot otherwise be safely or legally operated on a public roadway.

~~“Material Recyclers” shall mean any place of business, including junk yards, solid waste transfer stations and sanitary fills which are operated or used for storing, buying or selling of old, scrap or recyclable material, including but not limited to steel, copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or motor vehicle parts. Excluded from this definition are containers such as trash dumpsters which are used for storing garbage for regular pick up by an approved sanitation service.]~~

“Notice of Violation” shall mean notification to a person violating a specified City ordinance providing the violator with an opportunity to ~~[cure the]~~ remedy a violation without fines, fees or remedy charges being assessed.

“Nuisance” shall mean a problem structure as defined hereinbelow and any condition or use of ~~[public or]~~ private property or premises, or of building exteriors which substantially annoy, injure or endanger the comfort, health, repose or safety of the public which is detrimental to the

(Ordinance No. BG2022 - 41)

property of others, or which causes ~~[or tends to cause]~~ substantial diminution in the value of other property in the ~~[neighborhood]~~ area in which such premises are located, or which creates an ~~[stench or]~~ odor noxious and offensive to those in the ~~[neighborhood]~~ area or passers~~[-]~~by, and is noticeable from public streets or ways, or from the ground of ~~[neighboring]~~ adjacent properties.

~~["Operator" shall mean a person operating a vehicle, machinery, parts or material recycling establishment or the allowing of such establishment to be operated on premises owned or controlled by such person.]~~

"Owner" shall mean a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

"Person" shall mean any individual, firm, agency, establishment, business, company, association, partnership, business trust, joint stock company, body politic or corporation.

"Premises" shall mean a lot, plot or parcel of land, including any structures upon it.

"Public Road" or "Road" shall mean any municipal, county, state, federal or limited access highway or turnpike, or platted street located within a subdivision which has been approved by the Planning Commission and recorded in the Warren County Court Clerk's office. This term shall also include bridges and bridge approaches.

~~["Recycling Establishment" shall mean any place operated, maintained, or allowed to exist by any vehicle, machinery, parts or material recycler.]~~

"Repeat Offender" shall mean a person violating the provisions of Subchapter[s] 27-4 (Property Maintenance Code)~~], 27-5 (Amendments to Property Maintenance Code) and / or 27-6 (Nuisances)]~~ set out hereinbelow who: (a) has been issued the fourth (4th) citation for any violations of the Subchapters listed above involving any of the person's properties within a two (2) year period; (b) has been issued the third (3rd) citation for any violation involving any of the person's properties within a twelve (12) month period; or (c) has been issued a second (2nd) citation for any violation of the

(Ordinance No. BG2022 - 41)

Subchapters above involving any of the person's properties within a two (2) year period and the previous citation involves fines or remedy charges that remain unpaid. Only those citations that are final orders, or orders from the Code Enforcement and Nuisance Board with all appeals concluded shall be counted, and the time periods shall commence from the date of the final order, or that of the Code Enforcement and Nuisance Board.

~~["Vehicle, Machinery or Parts Recycler" shall mean any zone approved place of business where junk motor vehicles, machines or other similar scrap or salvage materials are parked or otherwise located and material recyclers as defined herein, and includes the following, whether it is a principal or incidental activity:]~~

~~[a. ——— Salvaged automobile parts dealer;]~~

~~[b. ——— Salvaged heavy equipment dealer;]~~

~~[c. ——— Salvaged steel or metal dealer;]~~

~~[d. ——— Wholesale or retail material recycler;]~~

~~[e. ——— Body shop operator;]~~

~~[f. ——— Wrecker service operator;]~~

~~[g. ——— Auto repair operator; and;]~~

~~[h. ——— Salvaged office or household equipment dealer.]~~

~~[Excluded from this definition are the following:]~~

~~[a. ——— Storage of recyclable materials indoors on appropriately zoned property which complies with the Zoning Ordinance, Building Code, Property Code and other applicable laws and regulations; and;]~~

~~[b. ——— Temporary storage of recyclable materials for less than sixty (60) days if such storage is incidental to a use permitted in this Chapter.]~~

(Ordinance No. BG2022 - 41)

27-2.01 Adoption.

a. The City of Bowling Green hereby adopts and incorporates by reference, as if produced herein in full the current edition of the Zoning Ordinance prepared by the City-County Planning Commission, and all amendments thereto approved by the City of Bowling Green. A copy of the Zoning Ordinance is filed in the Office of City Clerk.

b. The City of Bowling Green hereby adopts and ratifies the current edition of the Subdivision Regulations prepared by the City-County Planning Commission [~~which are to be enforced within the City.~~]

27-2.02 Abatement; Penalties; Enforcement.

The Zoning Ordinance and Subdivision Regulations shall be enforced within the City through the imposition of civil penalties as set out in the Zoning Ordinance and as set out hereinbelow.

~~[27-3 — SCREENING REGULATIONS FOR RECYCLING ESTABLISHMENTS.]~~

~~[27-3.01 — Purpose.]~~

~~[Recycling establishments by definition contain items which are so visually offensive as to create a public nuisance which inhibits tourism and potential growth and development of this community. This Subchapter promotes and protects the visual aesthetic character of the land surrounding highways to persons residing in the vicinity and persons traveling thereon, while allowing each landowner to conduct business upon his own property, provided such business is conducted in such a manner as not to be injurious or offensive to others. This Subchapter provides an effective means, in the public interest, of controlling the offensive unsightly characteristics of recycling establishments without impeding the operation of such businesses from which the nuisance originates.]~~

~~[27-3.02 — General Provisions.]~~

~~[a. — The operation of any recycling establishment situated closer than one thousand (1,000) feet from the right-of-way line of any public road without a permit is hereby declared~~

(Ordinance No. BG2022 - 41)

~~to be a public nuisance;]~~

~~[b. — No person shall operate any recycling establishment which is situated closer than one thousand (1,000) feet from the right-of-way line of any public road unless a permit for such operation shall have been obtained from the City of Bowling Green Department of Neighborhood and Community Services, Building and Inspection Division.]~~

~~[c. — All recycling establishments, where permitted, shall comply with the following provisions:]~~

~~[1. — No junked, wrecked or inoperable vehicles, machinery or material scrap or parts shall be located on the right-of-way of any road;]~~

~~[2. — Every recycling establishment shall be hidden from view of the traveling motorist and from any adjoining residential zoning district for one thousand (1,000) feet in each direction from the outer perimeter of the establishment which is visible to the traveling motorist or adjoining a residential zoning district;]~~

~~[3. — If an operator begins a recycling establishment in a new location, the location shall be screened to comply with provisions of this Subchapter and the operator shall have obtained a permit prior to beginning operation;]~~

~~[4. — The screened area of the recycling establishment shall be set back the distance of the required building setback line along the front property line, except as permitted in the Zoning Ordinance;]~~

~~[5. — Recycling establishments which are side by side are not required to screen common areas, but must screen outer perimeters from view of the traveling public pursuant to this Subchapter; and,]~~

~~[6. — All recycling establishments shall comply with all federal, state and local stormwater management standards.]~~

~~[27-3.03 — Measurement of Control Distance for Screening.]~~

~~[In measuring the one thousand (1,000) feet control distance from the outer perimeter of the recycling establishment, in each direction a circumscribed polygon shall be created around the site with no distance less than one thousand (1,000) feet from the perimeter of the site.]~~

~~[27-3.04 — Standards for Screening].~~

~~[a. — The screening required by this Subchapter may be effected by the construction of a fence, either wooden, metal, synthetic or chain link with synthetic webbing or earth berm or combination thereof, so as to completely block the view of what is enclosed.]~~

~~[1. — Approval of a screening proposal] shall be obtained from the Building [and Inspection] Division of the Department of Neighborhood and Community Services prior to the erection of fencing to effect the screening required [to hide the recycling establishment from view of the traveling public and adjoining residential zoning districts. Failure to obtain such advance approval may result in the necessity of removing and re-erecting part or all screening in order to comply with standards for screening set forth in this Section].~~

~~[2. — Materials for screening shall present an attractive appearance.]~~

~~[3. — The completed screening shall present a neat and clean appearance.]~~

~~[4. — Screening shall not be made from:]~~

~~[a. — wrinkled or bent metal; or,~~

~~[b. — pieced together metal or wood panels or other patchwork materials.]~~

~~[5. — Unless a continuous overall neat design is created, all metal or wood panels shall be erected vertically.]~~

~~[6. — Fencing used for screening shall be of uniform height of at least eight (8) feet unless a variation in height is approved by the Building and Inspection Division of the Department of Neighborhood and Community Services. Screening heights of less than eight (8) feet will be permitted~~

(Ordinance No. BG2022 - 41)

~~only in such instances where the reduced height is adequate to fully screen the property from the view of the traveling motorist or any adjacent residential district.]~~

~~[7. — Completed screening shall blend with the surrounding area as much as possible.]~~

~~[8. — Fencing materials must be painted in order to blend with the surrounding area. The color shall be a neutral color and shades of buildings and other structures in the area may be taken into account in determining the color to be used on fencing materials.]~~

~~[9. — If a building or other structure is used as a portion of the screening, the Building and Inspection Division of the Department of Neighborhood and Community Services may require it to be painted in order to blend with the other portions of screening and the surrounding area.]~~

~~[10. — Screening shall be maintained in good repair at all times.]~~

~~[11. — All recyclable material shall be arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water. No recyclable materials shall be piled to a height of more than eight (8) feet.]~~

~~[12. — Any set back area shall be kept free of weeds and scrub growth.]~~

~~[13. — No recyclable material shall be burned on the premises.]~~

~~[14. — Fencing used for screening shall not be used for bill posting, signage or other advertising purposes, except that a space no larger than six (6) feet by twelve (12) feet may be used to advertise the recycling establishment. When a recycling establishment fronts on more than one (1) street, space for advertisement shall extend to each street on which the recycling establishment abuts.]~~

~~[15. — Screening shall comply with local, state and federal regulations and laws for environmental protection.]~~

~~[16. — Entrance gates shall be sufficient to block the view, and shall be closed so as to block the view at all times when the recycling establishment is not in operation. Where frontage is less than two hundred (200) feet, one (1) forty (40) foot entrance is allowed; where frontage is greater than~~

(Ordinance No. BG2022 - 41)

~~two hundred (200) feet, the recycling establishment may have two (2) entrances with a maximum area forty (40) feet each. All entrances shall meet the City street access standards.]~~

~~[b. ——— Wherever screening faces a road, landscaping shall be provided which meets all applicable landscaping codes and/or ordinances at the location of the recycling establishment, as well as any property maintenance codes.]~~

~~[c. ——— Any recycling establishment which cannot as a practical matter be screened shall be removed within six (6) months of receipt of notice of violation.]~~

~~[27-3.05 — Requirements for Recycling Establishment Permit and Fee.]~~

~~[a. ——— Every material, vehicle, machinery or parts recycler as defined herein shall at all times hold a valid recycling establishment permit.]~~

~~[b. ——— The recycling establishment permit shall be issued in accordance with the standards set forth in this Subchapter and when the applicant has demonstrated that the recycling establishment, if located closer than one thousand (1,000) feet from the right-of-way line of any road, is hidden from the view of motorists.]~~

~~[c. ——— Application for a permit to locate or operate a recycling establishment shall be prepared by the operator and record owner of property where the recycling establishment is or will be located on forms prescribed and furnished by the Building and Inspection Division of the Department of Neighborhood and Community Services which shall contain the following information:]~~

~~[1. ——— The name and address of the record owner of property, along with the name and address of the operator and the street address of the location of the recycling business;]~~

~~[2. ——— A plat detailing the area to be used as a recycling establishment describing the locations, height, length, kind of material to be used for screening and color of paint if required;]~~

~~[3. ——— A letter from the City County Planning Commission that the location is properly zoned and a copy of the conditional use permit if applicable;]~~

(Ordinance No. BG2022 - 41)

~~[4. Any additional information required by the Department of Neighborhood and Community Services and other appropriate City departments; and,]~~

~~[5. A sworn statement by the applicant that the recycling establishment shall comply with local, state and federal environmental protection laws.]~~

~~[d. The completed application shall be filed with the Department of Neighborhood and Community Services.]~~

~~[e. The permit fee shall be fifty (\$50.00) dollars.]~~

~~[27-3.06 Revocation of Recycling Establishment Permits.]~~

~~[a. Failure to comply with this Subchapter shall be cause for the refusal to issue or revocation of a permit.]~~

~~[b. If a recycling establishment is found to violate this Subchapter, the Department of Neighborhood and Community Services may extend the time to bring the recycling establishment into compliance for a reasonable time period which shall not exceed thirty (30) calendar days from the date of the notice of violation.]~~

27-[4]3 PROPERTY MAINTENANCE CODE.

27-[4]3.01 Adoption.

The City hereby adopts and incorporates by reference as if produced herein the International Property Maintenance Code, current edition, as published by International Code Council, Inc. (ICC), and all amendments thereto and regulations promulgated thereby, except as set out hereinbelow. A copy of the Code is filed in the Office of City Clerk. Any conflicts between the provisions of the International Property Maintenance Code and the provisions of the City's Code of Ordinances shall be resolved in favor of the provisions of the City's Code of Ordinances. Violations of any of the provisions of the International Property Maintenance Code, and of any of the provisions of the Code amended by the City hereinbelow shall be deemed a nuisance enforceable by any and all

(Ordinance No. BG2022 - 41)

provisions of this Chapter.

27-[4]3.02 Standards.

This Subchapter shall govern and control the conditions and maintenance of all property, buildings and structures in the City by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and that premises are clean and sanitary. This Subchapter shall also govern and control the condemnation of buildings and structures found to be unfit for human occupancy and use, and establish procedures for the demolition of such structures. This Subchapter shall also establish what constitutes a nuisance on public and private properties, prohibit such nuisances, fix the responsibilities of owners, operators and occupants of property and provide for administration, enforcement and civil penalties. The provisions of this Subchapter shall not be construed to prevent the enforcement of other ordinances or regulations.

27-[5]4 AMENDMENTS TO PROPERTY MAINTENANCE CODE.

27-[5]4.01 Means of Appeal.

In that a Code Enforcement and Nuisance Board has been established for the City of Bowling Green, the appropriate sections of the International Property Maintenance Code dealing with means of appeal is deleted in its entirety and that Section shall henceforth read as follows:

a. Correction time. The International Property Maintenance Code is amended to provide that any request for additional time to come into compliance shall be made by written application to, or verbal agreement with the code official within the time allowed in the correction order except as set out hereinbelow. The City may extend the correction time, in its sole discretion, if it determines that the correction time is not reasonable given the facts of a particular violation. It shall be the duty of the violator to notify the City that additional time is needed and to provide justification why the correction time is inadequate. Code officials are not authorized to grant requests for

additional time to correct an unsafe / problem structure as defined in Subsection 27-[5]4.02 (a) below and any request for additional time to correct such a problem structure shall take the form of an appeal to the Bowling Green Code Enforcement and Nuisance Board. An appeal may be filed by any party with an equitable interest in the property and any such appeal must be filed within the remedy period specified in Subsection 27-[5]4.02 (b).

b. Appeals. The International Property Maintenance Code is amended to provide that all appeals of a citation issued by the code official shall be made pursuant to the requirements hereinbelow.

27-[5]4.02 Unsafe / Problem Structures.

In that there is a need to establish a period of time an unsafe / problem structure may remain standing, the International Property Maintenance Code [S]section [108] dealing with unsafe structures and equipment is amended to add the following:

a. An unsafe / problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to the definition in the International Property Maintenance Code, as well as the following:

1. A building damaged by fire, wind, seismic or other causes so as to cause the building to become dangerous to life, limb or property of the occupants or to the public;
2. A building that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease or injury to health, safety or general welfare of those living therein;
3. A building having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
4. A building having inadequate facilities for egress in case of fire or other

(Ordinance No. BG2022 - 41)

events, or having insufficient stairways, fire escapes or other means of travel;

5. A building characterized by disconnected utilities, extensive broken glass, peeling or flaking paint on the exterior walls, loose or rotting materials on the roof or the exterior walls; or,

6. Any vacant building or structure not secured from entry or the elements.

b. When an unsafe / problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed sixty (60) days from the date of the condemnation, fire or damage from other means, or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within sixty (60) days of the date of the issuance of the permit. If a demolition permit is requested and approved, demolition must be initiated within five (5) days and must be completed within thirty (30) days of the date of the issuance of the demolition permit.

c. Failure of the property owner to obtain the required permit(s) in the specified time and/or to keep the structure closed and secured from entry shall constitute permission to an official, employee or other authorized agent of the City to enter upon the property to remedy the situation by boarding or otherwise temporarily securing the structure(s) and to abate the nuisance by demolition and removal of the unsafe / problem structure.

27-[5]4.03 Motor Vehicles.

The appropriate section of the International Property Maintenance Code dealing with motor vehicles is amended to read as follows:

a. ~~[No inoperative or unlicensed motor vehicle, whether repairable or not, shall be parked, kept or stored on any public right-of-way.]~~ No junk motor vehicle shall be parked, kept or stored on any private premises longer than three (3) calendar days unless contained within an [approved] enclosed building. ~~[No motor shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless contained within an approved enclosed building.]~~

1. This Section shall not apply to business-zoned property where two inoperable vehicles may be located, or to industrial zoned property which must comply with other ordinances of the City and the laws of the Commonwealth.

2. This Section shall not apply to a historic motor vehicle registered and licensed pursuant to KRS 186.043, unless it is ~~[inoperative]~~ inoperable and remains in an ~~[inoperative]~~ inoperable condition for more than three (3) calendar days and is not contained within an [approved] enclosed building.

3. No motor vehicle on business or residential zoned property shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless contained within an enclosed building.

b. A vehicle of any type shall not be permitted to undergo painting and major overhaul, including body work, unless such work is performed inside a building designed, zoned and approved for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

c. A motor vehicle marked and intended for use in a racing occupation or hobby shall not be permitted to be stored at an outdoor location unless the vehicle is located on a trailer approved for highway transport. A racing motor vehicle shall not be permitted to undergo major overhaul, including body work, unless such work is performed inside a building designed, zoned and

(Ordinance No. BG2022 - 41)

approved for such purposes.

27-[5]4.04 Electrical Facilities.

The appropriate section of the International Property Maintenance Code dealing with Electrical Facilities is amended to substitute one hundred (100) amperes in place of sixty (60) amperes in that Section to comply with the Electrical Code as adopted by the Commonwealth of Kentucky [City].

27-[5]4.05 Abatement; Penalties; Enforcement.

The International Property Maintenance Code is hereby amended to add the provisions related to abatement, penalties and enforcement as set forth hereinbelow.

27-[5]4.06 Application of Other Codes.

Section 102.3 of the International Property Maintenance Code is replaced as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, Kentucky Plumbing Code, Kentucky Mechanical Code, Kentucky Standards of Safety, National Fire Code, the National Electric Code and any other codes adopted by the Commonwealth of Kentucky or the City of Bowling Green now and in the future. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Bowling Green-Warren County Zoning Ordinance.

27-[5]4.07 Weeds / Grasses.

Section 302.4 of the International Property Maintenance Code is amended to designate ten (10) inches as the maximum height of weeds or plant growth on properties located in the City except for those parcels or portions of parcels being used for agricultural purposes and properly maintained as such. The presence of any weeds or plant growth, including grass, but excluding maintained crops, trees, bushes, flowers or other ornamental plants, in excess of ten (10) inches in height is hereby declared a nuisance. The property owner is responsible for weeds or plant growth on [their] his/her

(Ordinance No. BG2022 - 41)

property including easements and rights-of-way~~[- Rights-of-way]~~, which includes the property line to the curb/street [or if no curb exists, from the property line to the street]. Undeveloped property (acreage or platted lots larger than two (2) acres without structures) shall be mowed and maintained below ten (10) inches within fifty (50) feet of any surface improvement, roadway, structure and/or property line.

27-~~[5]~~4.08 Insect Screens.

Section 304.14 of the International Property Maintenance Code is amended to designate the period from April 1 to October 31 as the appropriate time period requiring insect screens.

27-~~[5]~~4.09 Heat Supply.

Section 602.3 of the International Property Maintenance Code is amended to designate the period from ~~[September 1]~~ October 15th through April 30 as the appropriate time period requiring heat supply by every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units ~~[on terms to furnish heat to the occupants]~~.

27-~~[5]~~4.10 Occupiable Work Spaces.

Section 602.4 of the International Property Maintenance Code is amended to designate the period from ~~[September 1]~~ October 15th through April 30 as the appropriate time period to supply heat to indoor occupiable work spaces.

27-4.11 Premises Identification.

Section 304.3 of the International Property Maintenance Code is amended to designate the required height of address numbers to be no less than three (3) inches in height.

27-~~[6]~~5 NUISANCES.

27-~~[6]~~5.01 Purpose.

Nuisances have the potential to create environments which annoy, injure or endanger the comfort, health or safety of the public~~[- Nuisances]~~ and hinder neighborhood development ~~[and~~

(Ordinance No. BG2022 - 41)

~~possibly diminish neighboring property values~~]. It is the City's desire to promote its neighborhoods and ensure that property is maintained in accordance with this Code. For the purposes of this Subchapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant or persons having control or management of the property or 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 persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware.

27-[6]5.02 Common Law and Statutory Nuisances.

In addition to what is declared in this Subchapter to be a public nuisance, those offenses which are known to the common law and in the statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this Subchapter or in accordance with any other provisions of law.

27-[6]5.03 Duty of Maintenance of Private Property.

It shall be unlawful to place, leave, deposit or keep discarded and/or dilapidated items or objects, trash, garbage, junk and/or rubbish on any private property in the City. Such discarded and/or dilapidated items or objects, trash, garbage, junk and/or rubbish are declared to be a public nuisance. No person owning, leasing, occupying or having charge of any property or premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such property or premises in a manner which could cause a substantial ~~[diminution]~~ reduction in the value of the other property in the area ~~[neighborhood]~~ in which such property or premises are located.

27-[6]5.04 Duty of Maintenance of Streets, Sidewalks, Drainage Areas and Public Ways.

a. No person shall place, throw, deposit or allow to accumulate or grow or cause to be erected or placed on any street, alley, sidewalk, gutter, ~~[storm sewer, public or private drainage ditch or drainage structure]~~ or any other public right-of-way, easement or public property, any

(Ordinance No. BG2022 - 41)

building, brick mailbox, column, rubbish, garbage, construction or demolition debris, landscaping debris, furniture, signs, large rocks or boulders, fences, posts, stakes, weeds, inoperative or unlicensed motor vehicle, junk or scrap metal as hereinabove declared to be a public nuisance, abandoned property or any other obstruction or encroachment of any nature and any other materials which may do injury to any person, animal or property, including any person traveling on the street, alley, sidewalk or other public property, except for premises authorized by the City for such purposes. ~~[The presence of such liquids or substances in or upon any street, alley, sidewalk, gutter, storm sewer, public or private drainage ditch or any public right-of-way or easement or property shall constitute a nuisance and is a violation of this Subchapter.]~~

b. Every person owning, occupying or having control or management of any building or lot in the City shall also keep the sidewalk adjacent to such building or lot open and free from all obstructions, barriers and impediments of every description and shall not allow or permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or vehicular traffic within the public right-of-~~ff~~-way or to permit any tree, brush, hedge or other vegetation to become diseased to such an extent that it becomes a hazard to persons or property using the sidewalk or streets adjacent to such property.

c. No person owning, occupying or having control or management of any building or lot shall deposit snow on any city streets, sidewalks or public ways. No person owning, occupying or having control or management of any building or lot shall allow any drainage appurtenances to cause ice accumulation on any city streets, sidewalks or public ways.

d. In addition to any other remedies in this Chapter, any materials in violation of this Section found on City streets, sidewalks, public ways, public or private drainage areas and other public property may be removed immediately by the City ~~with or~~ without notice to the property owner. Notwithstanding the above provisions, public utility infrastructure shall be allowed. ~~[In addition,~~

(Ordinance No. BG2022 - 41)

~~temporary signs advertising the sale or lease of real estate shall be allowed in City rights-of-way pursuant to the provisions herein below.]~~

~~[1. ——— Temporary real estate signs advertising the sale or lease of real estate shall be allowed in city rights of way under the following conditions:]~~

~~[a) Only one sign shall be allowed per parcel of real estate, except for corner lots where two signs shall be allowed with one sign allowed per street. Each sign shall advertise only the parcel of real estate that it adjoins.]~~

~~[b) The authorized sign shall be located on the street frontage adjoining the parcel of real estate that is for sale.]~~

~~[c) If the authorized sign is located in a non-paved area, the lawn/grass shall be maintained in compliance with applicable City ordinances.]~~

~~[d) The authorized sign shall be temporary in nature and may be located in city rights-of-way only while the real estate is for sale or lease. The sign shall be removed within ten (10) days after the closing of the sale or lease.]~~

~~[e) The authorized sign shall comply with all other traffic laws, rules and regulations and shall not obstruct the sight triangle or line of sight for the traveling public.]~~

~~[f) The authorized sign shall be located a minimum of ten (10') feet from the edge of the pavement. The authorized sign shall be no more than sixteen (16') square feet in sign face area.]~~

~~[g) Any authorized sign located more than twenty (20') feet from the edge of the pavement may be increased in size not to exceed thirty-two (32 ft²) square feet in sign face area.]~~

~~[h) Any person installing a temporary real estate sign pursuant to these provisions shall be responsible for locating underground utilities and the City shall assume no responsibility or liability for damages or injuries caused by the sign or its installation.]~~

[2-][i]e. Any unauthorized or prohibited sign as defined in Article 4 of the Zoning Ordinance, or which is constructed, located or situated on city rights-of-way may be ~~[impounded or]~~ removed by the City. The City, within its discretion, may destroy such signs.

27-[6]5.05 Certain Conditions Declared a Nuisance.

It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to the following conditions:

a. Junk; scrap metal. The storage of junk motor vehicles, motor vehicle parts, storage tanks, ~~[dumpsters,]~~ refuse/trash containers not being served by ~~[the County's]~~ garbage collection franchisees, junk machinery, machinery parts, abandoned, discarded or unused appliances, objects neglected and not being used for their intended purpose, unused containers, objects or equipment in unusable condition such as stoves, refrigerators, washers, dryers and similar equipment, or scrap metal ~~[(whether recyclable or unrecyclable)]~~ within the City limits, except on premises authorized by the City for such purposes;

b. Accumulation of construction, demolition, landscaping debris or other waste materials. All exterior property and premises shall be free from any accumulation of combustible and noncombustible waste materials, including any material resulting from maintenance, demolition, repair, alteration or construction of buildings, structures or grounds.~~;~~ Exterior property and premises shall be free from ~~[or]~~ landscaping debris or natural damage of grounds, including; but not limited to ashes, stones, glass, concrete, unused piles or bags of rock/mulch/soil, fallen trees, tree branches, limbs, brush and yard trimmings;

c. Exterior use or storage of indoor furniture. The use or storage of furniture which is upholstered or not designed for outdoor use in an uncovered or exposed area in which it is likely to decay, decompose or retain moisture causing a health hazard;

d. Compost piles. All compost shall be contained to compost bins and all material included in the bin shall originate from the property where it is located. Compost bins must not exceed one hundred twenty-five (125) cubic feet and must be made of permanent materials, including but not limited to wood, fiberglass, wire or metal. Compost bins should be constructed to prevent the harborage of rodents and insects and to mitigate noxious odors. Compost bins are not allowed in the front or side yards and must be at least five (5) feet from the property line with a maximum of three (3) bins per residence;

e. Nauseous substances or odors. The permitting of any ~~[offal,]~~ manure, rubbish or filth, animal carcass, decaying animal or vegetable matter, excessive animal excrement or any foul or nauseous substance, or nauseous or offensive odor to be emitted or to be discharged out of or flow from the premises;

f. Dangerous trees or ~~[stacks]~~ objects adjoining streets. The permitting of any tree, shrubbery, hedge or other object adjoining public rights-of-way to grow or stand in such a condition that it interferes with the use, construction or maintenance of streets or sidewalks, that could cause ~~[injury]~~ damage to streets or sidewalks, or that causes an obstruction to drainage or poses a danger to life, limb or property of persons using the sidewalks or rights-of-way. No ~~[such]~~ person shall allow any dead tree adjoining public sidewalks or rights-of-way ~~[to stand more than three (3) feet in height]~~;

~~[g. Obstructions of storm water and drainage facilities. The permitting of any limbs, leaves, grass clippings or other objects to be placed in a manner that interferes with the use or maintenance of any storm water and drainage facilities;]~~

~~[h]g.~~ Visual obstructions of streets. The permitting of any hedge, shrubbery, fence, structure, object or other visual obstruction on any lot to ~~[attain a height which]~~ prohibit[s] proper sight distance ~~[as stated in the Sight Distance Triangle section of the Zoning Ordinance and/or the Sight~~

~~Distance Regulations in the City of Bowling Green Traffic Management Manual;~~] to such an extent it presents a hazard to persons or property using the sidewalks, streets or public ways adjacent to such property.

[i]h. Dilapidated structures. All buildings, walls and other structures including, but not limited to greenhouses, smokehouses, antennas, retaining walls, mailboxes and fences, which have been damaged by fire, decay or otherwise and which are in a state of dilapidation, deterioration or decay so as not to provide shelter, sufficient sewer, plumbing, electrical or heating facilities or which are unsound or in danger of collapse or failure and which are a danger to the safety of the public or which are vacant or abandoned and open or accessible to vagrants or passersby or which are otherwise built, erected or maintained in violation of any ordinance.

1. All fences and walls shall be structurally sound and maintained in good repair. Repair of fences and walls shall be made with materials that are comparable in composition, color, size, shape, design and quality to those originally used to construct the fence or wall being repaired. Materials for new fence or wall construction shall be insect and/or weather resistant or have protective treatment applied ~~[soon after the construction or repair is completed]~~. Materials such as pallets, slabs, reclaimed or repurposed construction refuse, or similar materials are not an acceptable construction material;

~~[j. Obstructions over streets. All hanging signs, awnings, canopies, wires and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to ordinance, unless approved in the Central Business District by the City Engineer or designee];~~

[k]i. Standing or Stagnant water. All standing or stagnant water in which mosquitoes, flies or other insects can multiply, or which causes nauseous or offensive odor;

[l]j. Accumulation of refuse/trash and placement of trash/recycle

(Ordinance No. BG2022 - 41)

containers~~[/recycle containers]~~. The storing or permitting the accumulation of refuse/trash, unless such refuse/trash is kept separately in standard refuse/trash containers or dumpsters which are covered by solid, tight fitting lids and which have no uncovered holes, and the storing or permitting the accumulation of refuse and trash for which removal of refuse and trash is not provided. Trash/recycling containers~~[/recycle containers]~~ in residential areas are permitted more than five (5) feet past the front corner of the residence only on the assigned trash/recycling pickup date for the residence where they are placed;

[m]k. Scattered~~[ing]~~ garbage~~[-ete]~~. The throwing, placing or scattering of any garbage, rubbish, trash or other refuse over or upon any premises,~~[-street or alley,]~~ ~~[either public or private,]~~ or ~~[adjacent thereto, and either with or without the intent to later remove or burn]~~ the allowing of any scattered garbage, rubbish, trash or other refuse to remain on a property. No refuse/trash shall be stored or accumulated in a manner that allows for blowing or scattering onto adjacent properties;

[n]l. Attractive nuisances. The allowing of any physical condition, use or occupancy of any property or premises to be an attractive nuisance to children, or for illicit purposes, crime, drugs and/or vagrancy, including, but not limited to abandoned buildings, vacant lots, wells, shafts, standing pools of water, sinkholes, basements, excavations, retaining walls, and unsafe fences, ~~[and]~~ ~~[f]~~Refrigerators, freezers, ice chests, ice boxes or any similar airtight box or container at an outdoor location which has a locking device inoperable from within, ~~[without]~~ shall first unhinge~~[ing]~~ and remove~~[ing]~~ the door or lid and detaching the locking device from the door or lid. Refrigerators, freezers, ice chests, or ice boxes in use at an outdoor location shall be equipped with an exterior locking device to prevent unintended access;

[o]m. Graffiti. The allowing of any graffiti to remain on a property or premises ~~[which is defined as any inscription, drawing or design that is scratched, painted, sprayed or placed on any surface of any structure that has no redeeming artistic, moral or social value];~~

~~[p. ——— Hoarding of pet animals. The keeping of more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners or others and without constituting a nuisance to the occupants or neighboring properties, characterized by failure to provide proper food, water, shelter, veterinary care and sanitation to the animals and resulting in squalid living conditions for the animals and the keeper and by complaints from neighbors including, but not limited to mistreated or neglected animals, stench from the property and rodent and insect infestations;]~~

[q]n. Hoarding of materials. The accumulation of materials, trash, food, newspapers, magazines, old clothes and other items that create a serious fire or health hazard that can cause disease, contribute to vermin and/or insect infestations, affect the occupants of the building, neighbors, public safety personnel and the general public, or ~~[violate any other City safety code]~~ contribute to an unsanitary environment unfit for human habitation;

[r]o. Parking in yards. The parking or storage or allowing another to park or store a motor vehicle in the front, side or rear yard of any property upon any surface other than an improved parking surface.

1. For the purposes of this Section “motor vehicle[s]” is defined as a licensed means of motorized transportation for the movement of people and goods along public roadways including, but not limited to cars, trucks, vans, RVs and motorcycles[;].

2. Trailers of all types, including travel, boat, camping and hauling, may be parked or stored on back or side yards of residential property without requirement of an improved parking surface, but shall not be parked in front yards upon any surface other than an improved parking surface.

[s]p. Junk Mobile or Manufactured Homes. The allowing of one (1) or more mobile or manufactured home or recreational vehicle as defined in KRS 227.550 that ~~[are]~~ is junked,

wrecked or ~~[non-operative]~~ inoperable and which are abandoned or not inhabited;

[f]g. Tires. The outdoor storage of unused, scrap or waste tires in any amount is deemed a hazard to public health and safety and a fire hazard, and is prohibited within the City limits, except on premises authorized by the City for such purposes[and,].

1. Unused, scrap or waste tires shall not be placed at the curb or placed with refuse awaiting collection, and shall be properly recycled or disposed of by the owner.

[h]i. Abandoned Structures. It shall be unlawful to allow any building or structure to become abandoned.

27-[6]5.06 Criminal Activity as a Nuisance.

a. Any building or premises where law enforcement officers have on more than one (1) occasion in the preceding twelve (12) month period criminally cited, executed a court-issued search warrant or arrested persons for crimes on the premises involving assault, weapons, prostitution, controlled substances, or gambling, disorderly conduct, violent crime, or a felony is ~~[or executed a court-issued search warrant for violations of the laws governing prostitution, controlled substances or gambling on the premises are]~~ hereby declared a nuisance.

1. On occasions where the property owner or tenant is the victim of the criminal activity listed above, such citations or arrests shall not be considered in determining criminal activity as a nuisance.

b. The Bowling Green Police Department shall notify the ~~[Department of]~~ Neighborhood and Community Services Department of properties meeting the requirements of Section (a), where the criminal activity is a nuisance to the Police Department, public and/or adjacent properties. ~~[after criminally citing or arresting persons for crimes involving prostitution, controlled substances and gambling on the premises or after executing court-issued search warrants for the same offenses by providing in writing the specific violation, the address of the property on or in which the~~

(Ordinance No. BG2022 - 41)

~~violations or search warrants occurred and the circumstances of the violation or warrants. The Department of Neighborhood and Community Services shall then notify the property owner by first class mail of this violation.]~~

c. ~~[If the Department of Neighborhood and Community Services receives information that criminal citations or arrests involving prostitution, controlled substances or gambling have occurred or that court-issued search warrants were executed for the same offenses at the same location within twelve (12) months of the previous incidents, it]~~ After determining the criminal activity is a nuisance according to Section (a), the Neighborhood and Community Services Department shall send a [n]Notice of [v]Violation to the property owner describing the nuisance, and [requesting] requiring that the nuisance be abated [within a specified time]. [If a property owner or tenant reports such criminal activity, such citations or arrests will not be considered a criminal nuisance.]

d. Should the criminal activity nuisance not be abated, a citation may be issued pursuant to Subchapter 2-21 of the Code of Ordinances for additional occasions of nuisance criminal activity as defined in Section (a) which occur within a twelve (12) month period of the date of Notice of Violation~~[the procedures hereinbelow]~~.

e. In addition to other remedies set out in this Chapter, upon failure of the property owner to abate the nuisance pursuant to this Chapter, or to request a hearing before the Code Enforcement and Nuisance Board ~~[and to abate the nuisance, or the failure of the property owner to abate the nuisance pursuant to orders of the Code Enforcement Board, the [Department of] Neighborhood and Community Services Department staff shall present the case before the Code Enforcement and Nuisance Board to request the closing and vacating of the premises or portions thereof to abate the criminal activity nuisance after issuance of a citation pursuant to Section (d) above. Such closing and vacating shall be for a period of time as the Code Enforcement and Nuisance Board [or the Department of Neighborhood and Community Services] reasonably may direct, but in no event~~

(Ordinance No. BG2022 - 41)

may the closing and vacating be for a period of more than one (1) year from the date of closing. If the premises consist of multi-unit dwellings or mixed uses and the criminal activity nuisance has occurred solely with a unit or units, the authority to close and vacate is restricted to the unit or units in which the criminal activity nuisance has occurred and does not extend to any other unit in the premises. Upon the failure of the property owner to comply with an order from the Code Enforcement and Nuisance Board to close and vacate, the ~~[Department of]~~ Neighborhood and Community Services Department may prohibit the furnishing of utility service to the premises and may use any other legal remedy available.

f. It shall be a defense to a violation of this Section that the owner has instituted an eviction proceeding through Warren County District Court against the offending tenant or occupants of the ~~[offending]~~ premises in violation within thirty (30) days of the date of the ~~[n]~~Notice of ~~[v]~~Violation and the owner completes the eviction within sixty (60) days of the date of commencement of the action or as soon thereafter as court procedures allow.

27-~~[7]~~6 ABATEMENT.

27-~~[7]~~6.01 Issuance of Notice of Violation or Citation.

a. Enforcement proceedings for this Chapter shall be initiated by the issuance of a ~~[n]~~Notice of ~~[v]~~Violation or a citation by a ~~[Code Enforcement]~~ Citation Officer as set out in Subchapter 2-21 of the Code of Ordinances. The ~~[Code Enforcement]~~ Citation Officer is authorized to abate any violations of this Chapter upon a final order. Cases involving weeds and grass nuisances, closing of vacant structures, and circumstances involving Emergency Measures or Imminent Danger as defined by the International Property Maintenance Code may be abated immediately upon issuance of a citation.

~~[b. Enforcement proceedings involving weeds and grass nuisances shall initiate with a letter to the alleged violator. The letter shall inform the alleged violator that a Code~~

(Ordinance No. BG2022 - 41)

~~Enforcement Officer will inspect the property after a seven (7) day period. If the weeds and grass nuisance still exists, the City shall issue a citation and shall abate the violation. If the alleged violator timely appeals the citation and, after having considered the evidence in the matter, the Code Enforcement Board dismisses the citation or that portion of the citation alleging weeds or grass violations, the City may not recover the abatement costs to remedy the alleged weeds or grass violations which were dismissed.]~~

~~[e. After determining that compliance has been achieved in the allowed correction time, the code official shall report that statistic to the Code Enforcement Board.]~~

27-[8]7 PENALTIES.

27-[8]7.01 Property Code Fine Schedule.

Violations of this Chapter and other provisions as set out in other specified chapters of this Code shall be subject to the following schedule of civil fines which shall be in addition to any remedy or abatement costs, filing costs and other costs incurred by the City:

a. If a citation for a violation of this Chapter is not contested by the person charged with the violation, the ~~[maximum]~~ applicable penalties below shall apply. ~~[The penalties listed below are for each day a violation continues, beginning on the first day after the ending date of the correction period given in the citation.]~~ A second offense is an offense that occurs within five (5) years of the ~~[determination by the Code Enforcement and Nuisance Board]~~ of a prior offense for which a citation is issued against the same property owner at the same property. All others are those that occur within five (5) years of ~~[the determination by the Code Enforcement and Nuisance Board]~~ of two (2) or more prior offenses for which a citation is issued against the same property owner at the same property.

Violation

1st Offense

2nd Offense

All Others

[Recycling Establishments]

(Ordinance No. BG2022 - 41)

[Screening Violations	\$ 100.00	\$ 250.00	\$ 500.00]
Property Maintenance and Nuisances			
Structural Violations	\$ 150.00	\$ 300.00	\$ 600.00
Non-Structural Violations	\$ 100.00	\$ 200.00	\$ 400.00
Zoning Ordinance/Subdivision Regulations			
[Use Violations	\$ 100.00	\$ 200.00	\$ 300.00]
[Yard/Dimensional Violations	\$ 50.00	\$ 100.00	\$ 200.00]
Sign Violations	\$ 50.00	\$ 100.00	\$ 200.00
Violation of General			
Development Standards	\$ 100.00	\$ 200.00	\$ 300.00
Violation of Development			
Review Procedures	\$ 100.00	\$ 200.00	\$ 300.00
Violation of Overlay			
District Standards	\$ 250.00	\$ 500.00	\$ 750.00
Obstructions on City Right-of-Way	\$ 250.00	\$ 500.00	\$ 750.00
Damage to City Property/Infrastructure	\$ 500.00	\$1,000.00	\$2,000.00
Storm Water			
Erosion Prevention and Sediment Control	\$ 500.00	\$1,000.00	\$2,000.00
Illicit Discharge	\$1,000.00	\$2,000.00	\$4,000.00
Post Construction BMP Maint.	\$ 500.00	\$1,000.00	\$2,000.00
Construction, Repair, Permitting and Maintenance			
Infrastructure Requirements	\$1,000.00	\$2,000.00	\$4,000.00
Maintenance Responsibility	\$ 500.00	\$1,000.00	\$2,000.00
Cuts and Excavations	\$ 500.00	\$1,000.00	\$2,000.00

(Ordinance No. BG2022 - 41)

Chapter 21 Violations Not Specifically Listed	\$ 100.00	\$ 200.00	\$ 400.00
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[Cemeteries]

[Unleashed Animal]	\$ 25.00	\$ 50.00	\$ 100.00
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[Animal Waste Removal]	\$ 25.00	\$ 50.00	\$ 100.00
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[Animal on Grass]	\$ 25.00	\$ 50.00	\$ 100.00
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Contractors Licensing

Expired License	\$ 100.00	\$ 200.00	\$ 300.00
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No License	\$ 250.00	\$ 500.00	\$ 750.00
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Expired Insurance	\$ 100.00	\$ 200.00	\$ 300.00
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No Insurance	\$ 250.00	\$ 500.00	\$ 750.00
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Mobile Food Units and Pushcarts	\$ 100.00	\$ 200.00	\$ 300.00
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b. If the citation is contested and a hearing before the Board is required, the following ~~[maximum]~~ applicable penalties may be imposed at the discretion of the Board:

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
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[Recycling Establishments]

[Screening Violations]	\$ 200.00	\$ 500.00	\$1,000.00
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Property Maintenance and Nuisances

Structural Violations	\$ 300.00	\$ 600.00	\$1,200.00
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Non-Structural Violations	\$ 200.00	\$ 400.00	\$ 800.00
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[Zoning Ordinance/Subdivision Regulations]

[Use Violations]	\$ 200.00	\$ 400.00	\$ 600.00
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[Yard/Dimensional Violations]	\$ 100.00	\$ 200.00	\$ 400.00
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Sign Violations	\$ 100.00	\$ 200.00	\$ 400.00
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Violation of General

(Ordinance No. BG2022 - 41)

Development Standards	\$ 200.00	\$ 400.00	\$ 600.00
Violation of Development			
Review Procedures	\$ 200.00	\$ 400.00	\$ 600.00
Violation of Overlay			
District Standards	\$ 500.00	\$1,000.00	\$1,500.00
Obstructions on City Right-of-Way	\$ 500.00	\$1,000.00	\$1,500.00
Damage to City Property/Infrastructure	\$1,000.00	\$2,000.00	\$4,000.00
Storm Water			
Erosion Prevention and Sediment Control	\$1,000.00	\$2,000.00	\$4,000.00
Illicit Discharge	\$2,000.00	\$4,000.00	\$8,000.00
Post Construction BMP Maint.	\$1,000.00	\$2,000.00	\$4,000.00
Construction, Repair, Permitting and Maintenance			
Infrastructure Requirements	\$2,000.00	\$4,000.00	\$8,000.00
Maintenance Responsibility	\$1,000.00	\$2,000.00	\$4,000.00
Cuts and Excavations	\$1,000.00	\$2,000.00	\$4,000.00
Chapter 21 Violations Not Specifically Listed	\$ 200.00	\$ 400.00	\$ 800.00
[Cemeteries]			
[Unleashed Animal]	\$ 50.00	\$ 100.00	\$ 200.00
[Animal Waste Removal]	\$ 50.00	\$ 100.00	\$ 200.00
[Animal on Grass]	\$ 50.00	\$ 100.00	\$ 200.00
Contractors Licensing			
Expired License	\$ 200.00	\$ 400.00	\$ 600.00
No License	\$ 500.00	\$1,000.00	\$1,500.00
Expired Insurance	\$ 200.00	\$ 400.00	\$ 600.00

(Ordinance No. BG2022 - 41)

No Insurance	\$ 500.00	\$1,000.00	\$1,500.00
Mobile Food Units and Pushcarts	\$ 200.00	\$ 400.00	\$ 600.00

c. When a third citation for a violation of this Chapter has been issued as part of the same case, and the property remains in violation, the Code Official shall bring the property before the Code Enforcement and Nuisance Board to request authorization to issue a per-day fine citation. The fine shall not exceed one hundred (\$100) dollars per day, and the timeframe shall not exceed sixty (60) days.

27-[9]8 REPEAT OFFENDER.

27-[9]8.01 Designation.

A person shall be classified as a [f]Repeat [e]Offender only by the recommendation of the [code-enforcement] Code Compliance staff and action by the Code Enforcement and Nuisance Board. [The code-enforcement] Code Compliance staff shall recommend that a person be classified as a [f]Repeat [e]Offender with no less than [fourteen-(14)] seven (7) days' notice to that person prior to the next Code Enforcement and Nuisance Board meeting. That person may appear at the Board meeting to contest the recommendation. The [f]Repeat [e]Offender designation shall be determined at the sole discretion of the Code Enforcement and Nuisance Board and the Code Enforcement and Nuisance Board will establish a period of time a person will remain in repeat offender status of no less than twelve (12) months, but no longer than twenty-four (24) months [A person will remain as a repeat offender for the appointed amount of time and until all outstanding fines/fees are paid]. Citations used as justifications for deeming a person a [f]Repeat [e]Offender cannot be used as justification for future recommendations of [f]Repeat [e]Offender status.

27-[9]8.02 Enforcement.

In addition to all of the procedures set forth above, enforcement action shall be enhanced against designated [r]Repeat [e]Offender. No personal contact or [n]Notices of [v]Violation shall be

(Ordinance No. BG2022 - 41)

required of the ~~[code enforcement]~~ Code Compliance staff, and the staff may cite designated [r]Repeat [e]Offenders immediately upon confirmation of a code violation. ~~[The code enforcement]~~ Code Compliance staff may also institute a program of regular inspections involving properties of [r]Repeat [e]Offenders without the necessity of complaints. ~~[The names of designated repeat offenders may be made public by use of the City's website or other appropriate means.]~~

27-[9]8.03 Penalties.

If a designated [r]Repeat [e]Offender is cited for a violation of the provisions of ~~[Subchapters 27-4]~~ Chapter 27 (Property Maintenance Code)~~[- 27-5 (Amendments to Property Maintenance Code) and / or 27-6 (Nuisances)]~~ set out hereinabove and the citation is not contested, a maximum fine of one thousand two hundred (\$1,200) dollars shall apply as predetermined by the Code Enforcement and Nuisance Board ~~[; however, the Code Enforcement Board may waive any or all of that fine for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with this Chapter]~~. If the designated [r]Repeat [e]Offender contests the citation and a hearing before the Board is required, the Board may impose a maximum fine of two thousand four hundred (\$2,400) dollars at the discretion of the Board. The Code Enforcement Board may also classify all such civil fines as daily fines until the violation is remedied. ~~[The Code Enforcement Board findings that assess the civil fines and remedy charges against Repeat Offender shall also authorize the City to file civil actions in the appropriate Warren County court against the repeat offender to collect the civil fines and remedy charges, including foreclosure actions if deemed appropriate by the City.]~~

27-[10]9 ENFORCEMENT.

The International Property Maintenance Code is amended to provide that this Chapter shall be enforced by any Code Official or ~~[Code Enforcement]~~ Citation Officer designated by the City Manager.

(Ordinance No. BG2022 - 41)

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on August 16, 2022, and given final reading on September 6, 2022, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: September 6, 2022

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager
Ordinance No. BG2022-41 was tabled at the August 2, 2022 Board of Commissioners meeting.