

**CITY OF OAK GROVE KENTUCKY
ORDINANCE NO. 2001-27**

**AN AMENDMENT OF ORDINANCE 1994-16 RELATING TO THE
ABATEMENT OF PUBLIC NUISANCES, HEALTH HAZARDS,
SAFETY THREATS AND PERMITTING STRUCTURES TO BECOME
DILAPIDATED TO PROVIDE FOR ENFORCEMENT BY THE CODE
ENFORCEMENT BOARD.**

WHEREAS, on August 16, 1994, the City of Oak Grove passed Ordinance No. 1994-16 relating to the abatement of public nuisances, health hazards, safety threats and permitting structures to become dilapidated; and

WHEREAS, on July 10, 2001, the City of Oak Grove passed Ordinance No. 2001-13, which created a Code Enforcement Board; and

WHEREAS, it is the opinion of the City Council that this Ordinance is appropriate for enforcement by the Code Enforcement Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY, as follows:

SECTION I - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

(a) "City" means the City of Oak Grove or the City's authorized agent.

(b) "Dilapidated Structure" means any vacant structure, which, for want of repairs, lack of sufficient fire escapes, deterioration, the accumulation of trash, garbage, or debris, being a haven for insects, rodents, or other vermin, is unsafe, unsanitary, especially liable to fire loss, unfit for human habitation, occupancy, or use, or is dangerous or injurious to the health or safety of any prospective occupants of the structure, the occupants of neighboring structures, or other residents of the City.

(c) "Nuisance" means any vacant building that, because of its condition is unsafe, unsanitary, especially liable to fire loss, unfit or unsafe for human habitation, occupancy, or use, a haven for insects, rodents, or vermin, or is dangerous or injurious to the health or safety of neighboring occupants, or other residents of the City. Also, any occupied structure used by the public that is dangerous or hazardous to the public safety or health.

(d) "Owner" means any person or entity that possesses any interest in real estate or any occupant of real estate.

(e) "Property" means property owned by any person or entity, including but not limited to land, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, bodies of water, sidewalks, grass strips, and one-half of alleys, together with all structures and improvements.

SECTION II – STANDARDS

Responsibility.

It shall be the responsibility of all property owners to maintain their property in a manner consistent with the standards and definitions provided in this ordinance. It shall be the responsibility of all property owners to ensure that their property is properly maintained in such a manner to prevent it from being declared a nuisance. Also, it shall be the responsibility of each owner to notify the City of the proper mailing address of all owners of the property within 30 days of the time when any addresses change.

Applicability.

This ordinance shall apply to all property in the City and to every person or entity who is an owner or occupant of property in the City.

Standards.

The following standards shall be applicable to all property within the City:

(1) All structures shall be properly maintained in a safe and sanitary condition, fit for human habitation, occupancy, or use, so as not to become dilapidated or deteriorated.

(2) All structures shall be properly maintained so as not to be especially liable to fire loss.

(3) All structures shall be properly maintained so as not to become dangerous or injurious to the public health or safety, the occupants of neighboring structures, or other residents of the City.

Declaration of Nuisance.

Any property which fails to comply with the standards set forth in this ordinance and any structure which becomes dilapidated may be declared a nuisance and the owner of said property shall be subject to the provisions and penalties set forth herein.

SECTION III – PROHIBITIONS

The following actions are prohibited and considered unlawful within the City:

(a) It shall be unlawful for the owner of any property in the City to permit any structure upon the property to become unfit or unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the City.

(b) 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, health hazard or source of filth to develop thereon.

(c) It shall be unlawful for any person to interfere with, harass, or otherwise impede an authorized agent or officer of the City when such agent or officer is inspecting property, investigating possible violations, or otherwise enforcing this ordinance.

(d) Notwithstanding any of the foregoing sections and paragraphs of this ordinance, no official, agent or employee of this City is authorized to enter any occupied single family dwelling of this City without the consent of said occupant or a judicially obtained search warrant showing probable cause as to public health or safety hazards.

SECTION IV - ENFORCEMENT

All enforcement of this ordinance shall be handled by the Code Enforcement Officer. Any violations shall be submitted to the Code Enforcement Board.

SECTION V - PENALTIES

Any person violating any of the provisions of this section shall be fined in accordance with the following schedule:

First Offense: \$200.00
Second Offense: \$350.00
Third Offense and all Offenses thereafter: \$500.00

Any person choosing not to contest the charge for the Code Enforcement Board instead wishing to pre-pay their fine shall be allowed to pay an amount equal to fifty-percent (50%) of the fine for the applicable offense with which they have been charged. For example, a person charged with a first offense of violating this ordinance shall prepay his or her fine in the amount of \$100.00; a person charged with a second offense of violating this ordinance shall be allowed to prepay his or her fine in the

amount of \$175.00; and a person charged with violating this ordinance the third time or after shall be allowed to prepay his or her fine in the amount of \$250.00.

Remedies.

When any owner of property is found to be in violation of any provision of this ordinance, the City, in its discretion and without obligation, may elect to pursue any or all remedies available in an effort to cure the problem, including declaring the property a nuisance and after notice, proceeding to abate the nuisance; issuance of criminal citations; seeking injunctive relief or pursuing any other remedy available at law. The election of one remedy shall not preclude the pursuit of any other.

Enforcement Officer.

~~The position of "enforcement officer" is created for the purpose of administering and enforcing the provisions of this ordinance. By municipal order, the Mayor, with City Council's approval, shall appoint one or more officers or employees of the City to serve as the City's enforcement officer. The enforcement officer shall report directly to the Mayor.~~

Authority.

Authorized agents or officers of the City, including without limitation an enforcement officer, shall have the following authority:

- (a) To enter upon property for the purpose of inspection and enforcement of this ordinance, subject to Section Three (d);
- (b) To apply for and obtain a search warrant, if necessary;
- (c) To declare property, structures, and conditions on property to constitute a nuisance;
- (d) To issue notices of violation;
- (e) To monitor property for compliance with a notice of violation;
- (f) To file Notice of Violation/Citation against owner and responsible persons who violate this ordinance;
- (g) To recommend civil penalties for non-compliance with this ordinance;
- (h) To enter upon the property and to cause others to enter on the property for the purpose of correcting a violation;
- (i) To file a notice of lien against the property;

(j) To cause the lien to be enforced; and

(k) To do all other things and take all other actions reasonably necessary to carry out the intent and purpose of, and to enforce this ordinance.

Hearing Panel

~~By municipal order, the Mayor, with City Council approval, shall appoint three individuals who shall constitute a Hearing Panel for the purpose of conducting hearings pursuant to this ordinance. Members of the Hearing Panel may not be employees of the City and shall serve without compensation. An enforcement officer shall not be a member of the Hearing Panel.~~

Declaration of Nuisance.

Any property which is found to be in violation of the provisions of this ordinance by an enforcement officer may be declared a public nuisance.

Notice of Violation.

When any property is declared a public nuisance, notice of the violation of this ordinance shall be given as follows:

(a) Written notice of the violation and an order to remedy the violation shall be delivered or sent by certified mail to the owner or responsible person of the property.

(b) If the enforcement officer is unable to determine or locate the owner or responsible person of the property, the notice of violation shall be posted in a conspicuous place on or near the property, and it shall be published pursuant to Chapter 424 of the Kentucky Revised Statutes in a newspaper of general circulation in Christian County, Kentucky.

(c) Notice to any one owner of the property shall constitute notice to all other owners of the same property.

(d) Notice mailed to an owner at the last address shown on the property tax roll maintained by the City shall constitute notice to all owners of the property. Each owner of property located in the City shall have a duty to timely notify the City of the proper mailing address of the owners of the property.

Period to Cure.

In the written notice, the owner or responsible person shall be afforded a period during which to cure the violation. The following periods to cure shall also apply: (a) 45

calendar days for dilapidated structures, and (b) 90 calendar days for structures damaged by fire. The enforcement officer may extend the period to cure for any additional time not to exceed the original period. All periods to cure shall begin when notice is mailed.

Hearing.

~~Any owner of property declared a nuisance under this ordinance shall have the right to a hearing before the Hearing Panel. A hearing request must be made within 15 calendar days of mailing the Notice of Violation. A request for a hearing shall be timely submitted in writing, signed by the requesting owner, containing the current mailing address and telephone number of the requesting owner, and received by or delivered to the City Clerk's office no later than 15 calendar days following the date of mailing the Notice of Violation. Upon receipt of a timely submitted written request for hearing, the enforcement officer shall schedule a hearing before the Hearing Panel as soon as reasonably possible. Written notice of the date, time, and location of the hearing shall be mailed to the owner or responsible person who requested the hearing. At the hearing, both the owner or responsible person and the enforcement officer shall be allowed to present evidence and to cross-examine witnesses. The rules of evidence shall not apply. At the conclusion of the hearing, the Hearing Panel shall go into closed session, to discuss whether the notice of violation and order to remedy was appropriate under the circumstances. The decision of the Panel shall be made by majority vote and announced in open session following deliberations. A written order containing the findings and decisions of the Hearing Panel shall be filed with the Clerk of City and mailed to the owner within five business days following announcement of the Panel's decision.~~

Abatement by City.

If the owner or responsible person of property in violation of this ordinance fails to properly cure or remedy the violation within the time prescribed in the notice, or within seven days following entry of an order by the Code Enforcement Board upholding a notice of violation, whichever is later, then the City, in its discretion and without obligation, may enter upon the property and take such action as it deems appropriate to cure the violation and abate the nuisance. Such action may include, the cutting or removing of grass and weeds, the removal of trash, debris, garbage, refuse, materials, waste, junk, litter, and other matter constituting a violation, the repair of any unsafe or unsanitary condition, and the demolition and removal of any dilapidated structure.

Lien.

The City shall file a notice of lien against the property for the reasonable value of all labor, materials, and equipment used in remedying the situation, together with all civil penalties and all attorney's fees, costs, and expenses incurred by the City as a result of enforcing this ordinance and the lien. The affidavit of the enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the

proceedings pursuant to 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 thereafter at 12 percent per annum until paid. The lien created shall take precedence over all subsequent liens, except State, County, School Board, and City taxes, and may be enforced by Judicial proceeding.

Owners' Liability.

In addition to enforcement of the lien prescribed in this section or any other remedy authorized by law, the owners of the property upon which a lien has been attached pursuant to this section shall be jointly and severally liable for the amount of the lien, including all interest, civil penalties, attorneys' fees incurred by the City, expenses of litigation, court costs, and other charges, and the City may bring a civil action against any owners and shall have the same remedies as provided for the recovery of a debt owed.

Penalties.

~~Any owners of property, who fail to comply with a written order of the Hearing Panel or an unchallenged order to remedy issued by an enforcement officer, shall be guilty of a misdemeanor, and, upon conviction in a court of proper jurisdiction, shall be fined as follows:~~

~~(a) A fine of not less than \$50.00, nor more than \$250.00, for each offense; and~~

~~(b) Any person who is convicted of a second violation within a five year period, in addition to a fine and court costs, shall be required to pay a civil penalty to the City of not less than \$100.00 nor more than \$500.00, for each additional violation.~~

~~Nothing contained herein shall prohibit the City from pursuing any other remedy available, including, without limitation, applying for injunctive relief or correcting the violation itself, after notice, as provided in this ordinance or any other law.~~

SECTION VI - SEVERABILITY

Should any provision, section, paragraph, sentence, or any other portion of this ordinance be unconstitutional, invalid, or otherwise unenforceable, such determination shall not impair or affect any other portion of this ordinance, it being the legislative intent to ordain and enact each part of this ordinance independently of all other parts and in accordance with the laws of the Commonwealth of Kentucky.

SECTION VII - EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

Approved on First Reading this 6th day of November, 2001.

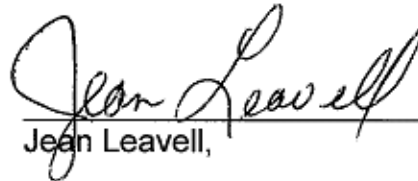
Approved on Second Reading this 20th day of NOVEMBER, 2001.

ATTEST:

APPROVED:



Colleen Ochs, City Clerk



Jean Leavell, Mayor

PUBLISHED: In summary in the Kentucky New Era, the 27th day of Nov., 2001, 2001.

73 Mobile Home

12x64 on lot. Newly remodeled with stove and refrigerator, curtains, two air conditioners, washer/dryer furnished. Western Hills Trailer Park. \$6,500 firm. 885-7193 after 2:30 p.m. or 885-1668 for appointment.



AMISH BUILT 1,815 Square Feet 3 Bedroom, 2 baths, finish drywall, 8 foot ceilings. Heartland Homes 866-223-2544

10. Legal Notices

2 Bath. \$485 month, no pets. Call (270) 439-1578.

1987 56X14

2 Bedroom. Partially furnished. \$7,500 or best offer. 270-889-9802 or 886-2161.

1993 2 BEDROOM 1 bath, available with appliances, can deliver, no sales tax. 885-8511.



HIP ROOF Amish Built, 1,600 square feet. 3 bedroom, 2 baths, 2x6 walls. Heartland Homes 866-223-2544.

10. Legal Notices

For Sale by Owner

NEW spacious 3/2 Double-wide. Great Location! Country-like setting on 1-plus acres off of Highway 48. Payments as low as \$550/month. For inquiry call (931)905-1081.

670. Lots/Acreage

1 to 5 ACRES

Call 270-886-4209 before 9pm.

KENTUCKY ACREAGE SALE Lake Barkley

7 Acres only \$9900

Beautiful views of the lake. Excellent flat building site. Country road and water. Call 1-877-349-0825.

10. Legal Notices

Building L

All utilities. Reasonable restrictions. David Spair 5743 days/886-4864 ev

REDUCED!

Double wide and 8.6 ac. Call Pete at Robin Ray Re 885-3999 or 886-6455.

680. Farms

FARM LAND

237 Acres, will divide, 91 Acres CRP Hunters Paradise. Call (270) 885-4561.

HORN SELLS

We sell farms and land. For all your real estate needs, give us a call. 270-889-9966 or 886-4584.

10. Legal Notices

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FOR A LIMITED TIME!

2 Bedroom Apartments, \$320. Utilities Paid, \$460.

886-8105
Food Apts
1 Drive

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BEDROOM APARTMENTS

Call our rent and sit on one and apartments with 2 and half baths bedrooms, lots of, we pay water, newly carpeted office open Mon-0 - 4:30. Week-ends. 886-6059.

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CITY OF OAK GROVE KENTUCKY

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- SECTION I - DEFINITIONS
- SECTION II - STANDARDS
- SECTION III - PROHIBITIONS
- SECTION IV - ENFORCEMENT

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(b) Any person who is convicted of a second violation within a five-year period, in addition to a fine and court costs, shall be required to pay a civil penalty to the City of not less than \$100.00 nor more than \$500.00, for each additional violation.

Nothing contained herein shall prohibit the City from pursuing any other remedy available, including, without limitation, applying for injunctive relief or correcting the violation itself, after notice, as provided in this ordinance or any other law.

**SECTION VI - SEVERABILITY
SECTION VII - EFFECTIVE DATE**

Approved on First Reading this 6th day of November, 2001.
Approved on Second Reading this 20th day of November, 2001.

ATTEST:

Jean Leavell

Jean Leavell, Mayor

APPROVED:

Colleen Ochs

Colleen Ochs, City Clerk

PREPARED BY:

J. Holland

Jason E. Holland

Jason E. Holland
Oak Grove City Attorney
KEMP, ISON, HARTON, TILLEY & HOLLAND
P. O. Box 648
Hopkinsville, KY 42241-0648

Enacted this 27th day of November, 2001.

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