CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO 2020-06

AN ORDINANCE BY THE CITY OF OAK GROVE REGULATING THE EXISTENCE OF LITTER, RUBBISH, WEEDS AND STAGNANT WATER ON PROPERTY LOCATED WITHIN THE CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY, AS FOLLOWS:

SECTION I – DEFINITIONS

A. "City" means the City of Oak Grove or the City's authorized agent.

B. "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.

C. "Improved Property" means any property that is actively being utilized in a residential, commercial, industrial, or recreational form bordered on two sides by improved property or a public thoroughfare.

D. "Unimproved Property" means any property that is not being utilized for development and is not bordered on two sides by improved property or public thoroughfare.

E. "Junk" means any item, including but not limited to deteriorated furniture, mattresses, appliances, machinery, equipment, building material, vehicle parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition. Junk shall include wrecked automobiles, scrap iron and other metals, paper rags, bottles and other debris.

F. "Litter" means all discarded or waste materials, including but not limited to the following:

(1) "Building material" means any materials or other substances accumulated at any sites as a result of repairs or additions to existing buildings, construction of new buildings, or demolition of existing structures.

(2) "Business trash" means any accumulation of dust, paper and cardboard, excelsior, rags, or accumulations other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

(3) "Garbage" means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

(4) "Hazardous and toxic refuse" means materials such as paint, petroleum products, poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

(5) "Household trash" means any waste accumulation of paper, glass, metal, plastic, cloth, cans, or other matter of any kind, other than garbage.

(6) "Industrial waste" means all waste, including solids, semi-solids, sludges and liquids, created by factories, processing plants or other manufacturing enterprise.

(7) "Refuse" means solid waste accumulations consisting of garbage, household trash, yard trash, recyclable material, and business trash as herein defined.

(8) "Yard trash" means the accumulation of lawn, grass, trees, or shrubbery cuttings, bushes, and leaf rakings, which should be free of dirt, rocks, trees or large branches, and bulky or noncombustible material.

G. "Nuisance" means anything 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 the occupants, neighboring occupants, or other residents of the city.

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

I. "Agent or Responsible Person" means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, or representative or group of individuals or entities of any kind who own or are responsible for a building, dwelling, or premise. Also, for the purpose of this ordinance, it shall mean the driver of the vehicle in violation or his employer or the owner of the vehicle or the prime contractor for the construction site. This shall also include the driver of any private vehicle.

J. "Overgrowth Vegetation" means all vegetation, except grass, agricultural crops and trees with a diameter larger than one and one-half inches.

SECTION II – LITTER, RUBBISH, WEEDS, AND STAGNANT WATER ON VACANT LOTS OR PREMISES

It shall be unlawful to maintain any vacant lot or other premises within the corporate limits of the city on which litter is allowed to accumulate, weeds, or long grass is allowed to grow, or any water is allowed to collect and be stagnant in which mosquitoes breed, or are likely to breed, and any such premises or vacant lot on which such litter, weeds, long grass, or stagnant water is allowed to remain is declared to be a nuisance and dangerous to the health of the people in the city.

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

A. <u>Grass and Weeds</u>

1. Improved property shall not have any grass, weeds, undergrowth or saplings which exceed twelve (12) inches in height.

2. Any agricultural property not in actual agricultural use shall not have any grass or weeds which exceed a height of twenty-four (24) inches.

3. Any unimproved property shall not have any grass or weeds which exceed eighteen (18) inches in height.

B. Junk

1. There shall be no storage of junk or any accumulation of units of a particular piece of equipment or appliances, etc. on any property unless enclosed and secured within a building, structure, or high solid fence so as not to be visible by the public.

2. The outdoor storage of junk shall not be permitted except as provided herein.

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

A. It shall be unlawful for owners or responsible persons to allow litter or junk, as defined herein, to accumulate on any property in the City.

B. It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the City any litter or junk as defined by this ordinance in a manner that can be carried or deposited by the elements.

C. It shall be unlawful for a responsible person to operate a vehicle transporting loose materials within the city without a cover suitable to prevent spillage. Logs and limbs which are not feasible to cover shall be strapped or otherwise secured.

D. It shall be unlawful for any person using a loading or unloading area to fail to deposit loose debris, paper, packaging material and other trash in the proper containers. Such areas shall be kept clean, neat and sanitary.

E. It shall be unlawful for the owner or occupant of improved property or unimproved property to fail to cut grass, weeds and other overgrowth vegetation on property when the grass, weeds or other overgrowth vegetation is of a greater height than twelve (12) inches on improved property and eighteen (18) inches on unimproved property. Excepted from the height limit shall be when forage is being grown on unimproved property as an agricultural commodity to be harvested during normal harvesting season.

F. It shall be unlawful to permit property to serve as a breeding place for mosquitoes, as a refuge for rats, rodents, or vermin, as a collecting place for trash and litter or material that would constitute a fire hazard.

G. It shall be unlawful to dispose of litter or junk by burying it on any property located in the city.

H. 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, or when such agent or officer is attempting to do any of the foregoing.

I. 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 through the accumulation of rubbish or the excessive growth of weeds or grass.

J. It shall be unlawful to discard, dispense or dispose of any litter, refuse, or junk on private or public property. Open dumps, as defined by state law, are prohibited. It shall be lawful to dispose of rock, masonry, or soil on any site for the purpose of filling the site, so long as doing so does not constitute a violation of any land use or storm water ordinance or other

laws. Wood, wood products, roofing materials and building materials may not be used as fill material.

K. It shall be unlawful for any person, owner or responsible person to fail to comply with his, hers, or its responsibilities as set forth in this ordinance.

SECTION III – PENALTY AND ENFORCEMENT

The Code Enforcement Officer shall have the power to impose civil fines as a method of enforcing city ordinances. Any person violating any of the provisions of this ordinance shall be fined in accordance with the following schedule:

1st Offense	$200.
2nd Offense	$350.
3rd Offense	$500.

The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Nuisance and Code Enforcement Board to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

In addition, any person in violation of this ordinance shall be responsible for all costs the city may incur to have the nuisance, source of filth, or other condition described in the written notice removed or abated from the lot or premises. The cost thereof shall be assessed against the property and shall be collectible as a lien against the property.

SECTION IV – UNCONSTITUTIONALITY

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION V – EFFECTIVE DATE

This ordinance shall take effect upon publication.

Approved on First Reading this 5 day of May, 2020.

Approved on Second Reading this 19 day of May, 2020.

APPROVED:

Theresa Jarvis, Mayor
City of Oak Grove, Kentucky

ATTEST:

Angela Comperry

Angela Comperry, City Clerk
City of Oak Grove, Kentucky

Published in full in the Kentucky New Era on the 17 *day of* June, *2020.*

AFFP
CITY OF OAK GROVE, Weeds, and

Affidavit of Publication

STATE OF KY }
COUNTY OF CHRISTIAN } SS

Bobbie Fisher, being duly sworn, says:

That she is Accounting Clerk of the Kentucky New Era, a daily newspaper of general circulation, printed and published in Hopkinsville, Christian County, KY; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 16, 2020, June 17, 2020

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Accounting Clerk

Subscribed to and sworn to me this 17th day of June 2020.

Melanie Miller, , Christian County, KY

My commission expires: September 26, 2023

00151709 00721109

Angela Comperry
25NE-City of Oak Grove
8505 Pembroke Oak Grove Rd
POBox 250
OAK GROVE, KY 42262

MELANIE S. MILLER NOTARY PUBLIC STATE AT LARGE, KY.

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This section contains definitions for the ordinance. SECTION II – LITTER, RUBBISH, WEEDS, AND STAGNANT WATER ON VACANT LOTS OR PREMISES
No one may maintain any premises on which litter is allowed to accumulate, weeds, or long grass is allowed to grow, or any water is allowed to collect and be stagnant in which mosquitoes breed, or are likely to breed, and any such premises or vacant lot on which such litter, weeds, long grass, or stagnant water is allowed to remain is declared to be a nuisance and dangerous to the health of the people in the city. Improved property shall not have any grass, weeds, undergrowth or saplings which exceed twelve 12 inches in height. Any agricultural property not in actual agricultural use shall not have any grass or weeds which exceed a height of 24 inches. Any unimproved property shall not have any grass or weeds which exceed eighteen 18 inches in height. This does not apply when forage is being grown on unimproved property as an agricultural commodity to be harvested during normal harvesting season.
There shall be no storage of junk or any accumulation of units of a particular piece of equipment or appliances, etc. on any property unless enclosed and secured within a building, structure, or high solid fence so as not to be visible by the public.
Owners may not allow litter or junk to accumulate on their property. No one may scatter or deposit anywhere any litter or junk this ordinance in a manner that can be carried or deposited by the elements. No one may dispose of litter or junk by burying it.
No one may operate a vehicle transporting loose materials without a cover to prevent spillage. Logs and limbs which unfeasible to cover must be secured. No one using a loading or unloading area may fail to deposit loose debris, paper, packaging material and other trash in the proper containers. Such areas shall be kept clean, neat and sanitary.
No one may permit property to serve as a breeding place for mosquitoes, as a refuge for rats, rodents, or vermin, as a collecting place for trash and litter or material that would constitute a fire hazard.
No person may impede an officer who is inspecting property, investigating possible violations, or otherwise
enforcing this ordinance.
No owner, occupant, or person having control or management of any land may permit a public nuisance, health hazard or source of filth to
develop thereon through the accumulation of rubbish or the excessive growth of weeds or grass.
No one may discard or dispose of any litter, refuse, or junk. Open dumps are prohibited. It is lawful to dispose of rock, masonry, or soil for the purpose of filling the site, so long as it not a
violation of any land use or storm water ordinance or other laws. Wood, wood products, roofing materials and building materials may not be used as fill material.
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The person to whom the citation is issued shall respond to the citation within 7 days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Nuisance and Code Enforcement Board to contest the citation. If the person fails to respond to the citation within 7 days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.
In addition, any person in violation of this ordinance shall be responsible for all costs the city may incur to have the nuisance, source of filth, or other condition described in the written notice removed or abated from the lot or premises. The cost thereof shall be assessed against the property and shall be collectible as a lien

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Theresa Jarvis, Mayor
City of Oak Grove, Kentucky

ATTEST:

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Angela Comperry, City Clerk
City of Oak Grove, Kentucky

Published in full in the Kentucky New Era on the ___17___ day of _____June_____ , 2020.

PREPARED BY:

__s_____
Mark A. Gilbert