

ORDINANCE 24-01

ORDINANCE REPEALING ORDINANCE 23-14 AND ADOPTING A NEW "PROPERTY MAINTENANCE CODE" FOR THE CITY OF CAMPBELLSVILLE

WHEREAS, it is the intent of KRS 65.8801 to 65.8839, to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Campbellsville by authorizing the creation of an administrative Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the Property Maintenance ordinances enacted and in force within the City;

WHEREAS, the City Council of the City of Campbellsville desires to increase the population of the City by the redevelopment of blighted areas and elimination of nuisances through aggressive Code enforcement;

WHEREAS, the City Council of the City of Campbellsville desires to protect the existing housing inventory in the City through the adoption of ordinances, which promote and protect residential neighborhoods and reduce and or abate nuisance properties that tend to diminish neighboring property values and contribute to an increase in crime and loss of aesthetic value; and

WHEREAS, the City Council of the City of Campbellsville, Kentucky, deems it reasonable and necessary to exercise the authority granted to it in KRS 65.8801 to 65.8839 and does hereby establish a new City of Campbellsville Property Maintenance Code with rights, regulations, authority and penalties set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMPBELLSVILLE, KENTUCKY, AS FOLLOWS:

SECTION 1. Title of Ordinance.

This Ordinance shall be known and may be cited as the "Property Maintenance Code Enforcement Ordinance."

SECTION 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) **Abandoned** shall mean property or any improvements thereon that is unoccupied, not in use, neglected, and/or not serviced by public utilities.
- b) **Abatement Costs** means 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,

- c) **Citation** shall mean a civil fine issued on a specific parcel of property on one occasion within the corporate limits of the City of Campbellsville.
- d) **Code Enforcement Board** shall mean an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.
- e) **Code Enforcement Officer** shall mean a City Police Officer, Safety Officer, Citation Officer, or other Public Law Enforcement Officer with the authority to issue a citation.
- f) **Demolition** shall be defined as the act of demolishing or razing of a building, structure or part thereof to the ground level.
- g) **Final Order** shall mean any order:
 - 1) Issued by the Code Enforcement Board following a hearing in accordance with Sections 13 and 14 of this ordinance;
 - 2) Created because a violator neither paid nor contested the citation within seven (7) days as provided in Section 4 of this ordinance; or
 - 3) Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Section 13 of this ordinance.
- h) **Imminent Danger** shall mean a condition which is likely to cause serious or life-threatening injury or death at any time.
- i) **Offenses** shall include any violation of any provision set forth herein and all other ordinances hereafter adopted by the Mayor and the City Council, as may be amended from time to time.
- j) **Owner** shall mean a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.
- k) **Premises** shall mean a lot, plot or parcel of land, including any structures upon it.
- l) **Property Maintenance Code** shall consist of all of the provisions set forth herein and any and all other ordinances hereafter adopted by the Mayor and City Council pursuant to KRS 65.8801 et seq, as may be amended from time to time.
- m) **Property Maintenance Code Enforcement Board** shall mean the administrative

body created and acting under the authority of the KRS 65.8801 et seq.

- n) **Property Maintenance Code Enforcement Officer** shall mean and include all City citation officers and other positions authorized to enforce this Code (“Code Enforcement Officer”).
- o) **Public Nuisance** shall include what is declared in the Ordinance to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances, including specifically those acts or items described in KRS 65.8840, and any person doing an unlawful act, or omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, conditioner or other thing either, but is not limited to, the following:
 - 1) Injures or endangers the comfort, repose, health or safety of others; or
 - 2) Offends decency:
 - 3) Offends the senses;
 - 4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
 - 5) In any way renders other persons insecure in life or the use of property;
 - 6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- p) **Remedy** shall mean the action taken to abate any nuisance, in order to bring the property determined to be in violation, into compliance with the requirements of this Property Maintenance Code.

SECTION 3. Jurisdiction.

The Code Enforcement Officer and Property Maintenance Code Enforcement Board shall have jurisdiction over and shall enforce this Property Maintenance Code and all other ordinances hereafter adopted which specifically provide for the enforcement by the Code Enforcement Officer or Board, in the manner set forth herein.

SECTION 4. Powers and Responsibilities of the Property Maintenance Code Enforcement Officer; Notice of Violation; Issuance of Citation and Procedure; Appeal process; Abatement of Nuisance; Right of Entry; Liability; Modifications.

The following provisions shall govern all enforcement powers, responsibilities and procedures administered by the Code Enforcement Officer:

- a) **Creation of the position of Code Enforcement Officer.** The City shall employ a Code Enforcement Officer to carry out the duties of enforcing any ordinance as appointed to them by the Mayor of the City of Campbellsville.
- b) **Notice of Violation:** If a Code Enforcement Officer believes, based on the Officer's personal observation or investigation, that a person has violated the Property Maintenance Code, the Officer shall issue a Notice of Violation to the property owner, resident, tenant, occupant or other violator, allowing that person a specified and reasonable number of days to abate the violation. The violator may upon request, be allowed a reasonable extension of time to abate the violation without imposition of any charges, costs, penalties, and fees, in the sole discretion of the Code Enforcement Officer. In the event that the resident, tenant, occupant or other violator is issued a Notice of Violation, the property owner of record will receive a copy of said notice.
- c) **Notice of Violation Procedure:** Notices of Violation issued by Code Enforcement Officer for violations of the Code shall contain the following information:
 - 1) The address, location or description of the property found to be in violation of the Code;
 - 2) The date and time of inspection;
 - 3) The name and address of the person to whom the Notice is issued;
 - 4) The date the Notice is issued;
 - 5) The facts constituting the offense;
 - 6) The section of the Code violated;
 - 7) The name of the Code Enforcement Officer;
 - 8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if it is not abated in the manner required by the Code Enforcement Officer;
 - 9) The maximum fine that may be imposed under this ordinance for the violation in question;
 - 10) The procedure for the violator to follow in order to appeal the Notice;
 - 11) A statement that if the violator fails to appeal the citation or time to abate within the time allowed, the violator shall be deemed to have waived his or

her right to a hearing before the Code Enforcement Board to appeal the Notice and the Code Enforcement Officers determination that the violation occurred shall be final;

- 12) Notice that a lien may be filed against the property on which the violation occurred if it is not abated in the manner required by the Code Enforcement Officer and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.

- d) **Type and Delivery of Notice:** The Notice of Violation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It may be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Taylor County Property Valuation office. If the Notice cannot be delivered to the owner, resident, tenant, occupant or other violator in person or Notice sent by first class mail is returned by the US Postal Service because said Notice is undeliverable, marked return to sender or the owner has left no forwarding address Notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least 8 ½ inches by 11 inches in dimension in a conspicuous location on the property.
- e) **Issuance of Citation:** If the property owner, resident, tenant, occupant or other violator fails or refuses to abate the violation within the time and manner required by the Notice of Violation issued by the Code Enforcement Officer, the Officer is authorized to issue a citation. The citation shall represent a determination by the Code Enforcement Officer that a violation has been committed and that determination shall be final unless it is appealed by the alleged violator to the Property Maintenance Code Enforcement Board in the manner prescribed herein.
- f) **Citation Procedure:** Citations issued by Code Enforcement Officer for violations of the Code shall contain the following information:
 - 1) The address, location or description of the property found to be in violation of the Code;
 - 2) The date and time of inspection;
 - 3) The name and address of the person to whom the citation is issued;
 - 4) The date the citation is issued;
 - 5) The facts constituting the offense;

- 6) The section of the Code violated;
 - 7) The name of the Code Enforcement Officer;
 - 8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if the citation is not appealed in the manner prescribed within this ordinance;
 - 9) The maximum fine that may be imposed under this ordinance for the violation in question;
 - 10) The procedure for the violator to follow in order to pay the fine or to appeal the citation;
 - 11) A statement that if the violator fails to pay the fine set forth in the citation or appeal the citation within the time allowed, the violator shall be deemed to have waived his/her right to a hearing before the Code Enforcement Board to appeal the citation and the Code Enforcement Officer's determination that the violation occurred shall be final; and
 - 12) Notice that a lien may be filed against the property on which the violation occurred and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.
- g) **Type and Delivery of Citation:** The Citation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It may be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Taylor County Property Valuation Office. If the Notice cannot be delivered to the owner in person or Notice sent by first class mail is returned by the US Postal Service because said Notice is undeliverable, marked return to sender or the owner has left no forwarding address Notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least 8 ½ inches by 11 inches in dimension in a conspicuous location on the property.
- h) **Abatement of Nuisance:** If the violator does not appeal the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall enter a final order finding and determining that the violation was committed and no appeal was timely filed. The Code Enforcement Officer may thereafter cause the nuisance to be abated by any and all means reasonable and necessary. A copy of the final order shall be served or be sent by first class mail addressed to the last known property owner of

record as listed in the Taylor County Property Valuation Office on the property owner, resident, tenant, occupant or other violator found to be in violation of this Code.

- i) **Emergency Abatement:** Nothing in this Section (h) above shall prohibit the City from taking immediate action to abate any violation of this ordinance without prior notice to the property owner, resident, tenant, or other occupant when an Enforcement Officer, upon inspection of the property has reason to believe that, in the absence of immediate remedial action, a violation will, within reasonable probability, cause irreparable or irreversible harm and/or property damage. For the purpose of this section, the Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Cost incurred in the performance of emergency work shall be paid by the City but may be recovered by the City from the property owner, resident, tenant, or other occupant.
- j) **Right of Entry:** The Code Enforcement Officer, and their duly authorized agents, assistants, employees, or contractors, after first having obtained the consent of the property owner, resident, tenant, or other occupant may enter upon private or public property to conduct inspections. If the property owner, resident, tenant, or other occupant does not give the Code Enforcement Officer consent to enter upon and inspect the property, an on-site inspection of the property shall not occur until it is authorized by a court of competent jurisdiction.
- j) **Liability:** The Code Enforcement Officer, charged with the enforcement of this Ordinance, while acting within the course and scope of their duties under this Ordinance, shall not thereby be rendered liable personally and are hereby relieved from any and all personal liability for injuries and damage to persons or property. It is thus intended by this Ordinance that any suit instituted against any Code Enforcement Officer or employee because of a lawful act performed by that Officer or employee in the discharge of duties imposed under the provisions of this Ordinance be defended by the City's liability carrier until final adjudication of any proceedings.
- k) **Discretionary Modifications:** The Code Enforcement Officer shall have the discretion to modify a Notice of Violation, only before the issuance of a citation, provided the Officer shall first find that special circumstances that makes strict compliance with this Ordinance impractical and the modification is in compliance with the intent and purpose of this Ordinance. A modified notice shall constitute a "new" notice and shall be deemed to replace the original (voided) notice. The details of actions granting modifications shall be recorded and entered in the Building and Codes Department files.
- l) **Unsafe Structure: Imminent danger.** Pursuant to the notice and citation provisions of this Ordinance, when, in the opinion of the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is

endangered by the occupation of the structure, or when there is actual danger to the building occupants or those in proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Officer is hereby authorized and empowered to order and require occupants to vacate the premises forthwith. The Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Officer." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making repairs, removing the hazardous condition or of demolishing the same.

- m) **Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition as set forth in b) above of this section, the Enforcement Officer shall order the necessary work to be done including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Enforcement Officer deems necessary to meet such emergency.
- n) **Closing Streets.** When necessary for public safety, the Code Enforcement Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit same from being utilized.

SECTION 5. Ordinance Fine schedule; Administrative Fees.

Violations of ordinances that are enforced by the City Code Enforcement Board shall be subject to the following schedule of civil fines and Administrative Fees:

- a) Per KRS 83A.065 (6) a city ordinance may provide, when appropriate, that each day a violation of ordinance continues shall be a separate and distinct offense.
- b) Any person, firm, corporation or titled owner who violates a provision of the ordinance shall be subject to a civil fine of not less than \$25 per day, per violation, but not more than \$100 per day, per violation, for 60 days or until a violation is corrected, and the Code Enforcement Officer has been notified that the violation has been corrected, and costs incurred by the City of Campbellsville to abate violation(s). Each date a violation of this ordinance continues after due notice has been served shall be deemed a separate offense.
- c) The Code Enforcement Officer shall have the discretion to determine the amount of the civil fine within the range set forth in Section 5(b) and his determination shall be based on the severity of the violation.
- d) In addition to the civil fines provided in Sections 5(a through c), the City may charge an administrative fee not to exceed \$100.00 in connection with any Notice of Violation or

Citation.

SECTION 6. Property Maintenance Code.

- a) **Provisions of the current International Property Maintenance Code Adopted by Reference Herein.** The City of Campbellsville, Kentucky, hereby adopts, enacts, and incorporates by reference, as if fully set forth herein, in their entirety, sections:

108	Unsafe Structures and Equipment
201	General
202	General Definitions
301	General
302	Exterior Property Areas
303	Swimming Pools, Spas and Hot Tubs
304	Exterior Structure
305	Interior Structure
306	Handrails and Guardrails
308	Extermination
401	General
402	Light
403	Ventilation
404	Occupancy limitations
501	General
502	Required Facilities
503	Toilet Rooms
504	Plumbing Systems and Fixtures
505	Water System
506	Sanitary Drainage System
507	Storm Drainage
601	General
602	Heating Facilities
603	Mechanical Equipment
604	Electrical Facilities
605	Electrical Equipment
606	Elevators, Escalators and Dumbwaiters
607	Duct Systems
701	General

of the "2018 International Property Maintenance Code" as published by the International Code Council, Inc., as same may be amended from time-to-time hereafter. Violations of the provisions therein shall be deemed a nuisance enforceable by any and all provisions of this Ordinance.

b) **Public Nuisance.** It shall be unlawful for the property owner, resident, tenant, or other occupant of any real property within the City to permit a public nuisance to develop thereon. The following conditions included are declared to be public nuisances, but not limited to the following:

- 1) An accumulation on any property of filth, refuse, trash, garbage, or other waste material which endangers the public health welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.
- 2) The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.
- 3) The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are properly maintained. Unless otherwise provided, "excessive" shall mean growth to a height of twelve (12) inches or more.
- 4) Any physical condition or occupancy of any property or appurtenances considered an attractive nuisance to children, including, but not limited to, any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, swimming pool, basement, or vault situated upon private property in any open or unfenced lot or place, or any unsafe fences or structures.
- 5) Any property that has unsanitary sewage or plumbing facilities.
- 6) Any property that is unfit for human habitation.
- 7) Any property that is in imminent danger of becoming a fire or other hazard, or is manifestly unsafe or unsecure, so as to pose an imminent threat or danger to life, limb or property.
- 8) Any property from which the plumbing, electrical, heating, or other facilities required by this Code have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided.
- 9) Any residence, building, outbuilding or other structure that is in a state of dilapidation, disrepair, deterioration or decay, faulty construction, overcrowded, open, vacant, or abandoned, damaged by fire to the extent that it is uninhabitable, in danger of collapse or failure or dangerous to anyone on or near the property or violates the

KY Building Code 2018 edition or the NFPA1 Fire Code 2018 edition.

- 10) Any residence, building, outbuilding or other structure that has been abandoned for a minimum continuous period of six (6) months, thereby creating an attractive nuisance to children and/or which tends to diminish the value of adjacent properties.
- 11) No person shall spray, cut, mark, hew, engrave, draw, etch, carve or otherwise create graffiti on any building or structure in the city and any person doing the same shall be subject to the cost for removal.

c) **Environmental Nuisance.** No person shall use, cause, permit, or omit in the use of property in a manner which causes an annoyance, hazard or injury which may be detrimental to the property or well-being of others. These actions shall include but are not limited to the following:

- 1) Offends decency.
- 2) Interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.
- 3) Creates offensive odors or noxious fumes into the atmosphere which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.
- 4) The failure to keep an animal's pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors.
- 5) Disposing or accumulating of any foul, decaying, or putrescent substance, stagnant water, animal waste or other offensive material in or on any lot, tract of land, street, highway, or any sidewalk or alley abutting any of these which shall be the reasons for such offensive odors.
- 6) Interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk stream, ditch or drainage. Including but not limited to any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb or property, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof
- 7) Trees and shrubbery obstructing streets and sidewalks; the growing

of trees with less than 14 feet clearance over the streets or less than 8 feet over sidewalks, or the growing and maintenance of shrubbery that interferes with ordinary pedestrian or vehicular travel. No shrub shall be planted between the curb line and the property line of any street within a radius of 20 feet from the point where the curb line and/or edge of pavement of any street intersects with the curb line and/or edge of pavement of any other street. Nor within 10 feet of any fireplug.

- 8) No fire hydrant shall have the color changed without permission from the Fire Chief.
- 9) All hydrants shall be kept clear of weeds, rubbish and any and all other obstructions by the abutting property owner. Landscaping, or decorations shall not be used to obstruct or hide fire hydrant from clear view, nor prohibit access to the hydrant for use or maintenance. Damage caused to landscaping within a 15 feet radius of the hydrant shall be the responsibility of the owner of the landscaping.
- d) **Nuisance Created By Others.** For the purposes of this Ordinance, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner, occupant or operator is responsible, or by persons for whose conduct the owner, occupant or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.
- e) **Chronic Nuisances Prohibited.** A Chronic Nuisance shall mean any real property on which 3 or more nuisance activities exist or have occurred during any 365 day period. No person shall act, fail to act, behave, erect, contrive, cause, continue, maintain in any manner, or permit to exist any Chronic Public Nuisance within the City.
- f) **Storage Of Materials.** The prohibition of certain materials from being stored or placed in a disorderly manner onto a porch, a patio, a balcony, deck yard, any other exterior area, including a trailer parked in or about the property unless specifically zoned or properly permitted for such accumulation in the city.
 - 1) No property owner shall allow materials defined herein as "Clutter" to be stored or accumulated on their property other than in a full enclosed structure with a closeable door, said structure shall be a building with a primary use as a storage structure. The term "Clutter" shall mean any and all of the following: an accumulation of salvaged lumber, metal, electrical wire, fence wire, or other broken or used building material, piles of bags of aluminum cans, glass or plastic bottles, refuse, inoperable lawnmowers, bathtubs, toilets, tires,

debris from trees or the like to be stored or amassed in a disorderly, unsightly manner.

- 2) Any storage or outbuilding must be located per the Zoning Ordinance.
- 3) These provisions shall not apply to the storage or placement upon any property of the following materials:
 - a. Firewood intended for consumption in a wood burning stove, furnace or fireplace provided the firewood shall be stacked and stored in an appropriate place and manner.
 - b. Lawn, yard, or garden tools, equipment or implements.
 - c. Lawn or patio furniture that is specifically designed for said use.
 - d. Standing fences in good repair and of approved materials as per the city's building and zoning ordinance.
 - e. Hoses or sprinklers used for watering.
 - f. Materials used in the construction, renovation or razing of a building located upon the premises for which the proper permit has been issued.
- g) **Campers/Trailers.** Any camper/trailer on the premises of any residential lot shall be for storage only. Any use of such equipment for sleeping or living purposes is not allowed and will be subject to fines.
- h) **Junked Motor Vehicles and Appliances.**
 - 1) **Definitions for Junked Motor Vehicles and Appliances.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - a. **Junked Appliances** Shall mean any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which upon inspection, are found to be in one or more of the following conditions: wrecked, fully or partially dismantled, inoperative, abandoned, stored improperly or discarded.
 - b. **Junked motor vehicles** Shall mean any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical

power that if operational, would be used for transportation of persons or property on public streets and highways, which upon inspection, are found to be in one or more of the following conditions: wrecked, partially or fully dismantled, inoperative, abandoned, unlicensed or discarded.

- 2) **Declaration Junked Motor Vehicles and Appliances & exceptions.** The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:
 - a. Any motor vehicle or appliance in an enclosed building;
 - b. Any motor vehicle or appliance on the property of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
 - c. Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances in conformance with the Zoning Code of the City.
- 3) **Liability for damages to removed vehicle.** Neither the owner or occupant of the property from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the City, or its agents, shall be liable for any loss or damage to the junked motor vehicle while being removed or as a result of any subsequent sale or other disposition.
- 4) **Compliance by removal of vehicle.** The removal of a junked motor vehicle from the property within the number of days required in the Notice of Violation issued by the Property Maintenance Enforcement Officer, shall be deemed to be in compliance with the provisions of this article and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the property.
- 5) **Right of entry.** In the enforcement of this Ordinance, a Code Enforcement Officer, and his duly authorized agents, assistants, employees, or contractors with the prior consent of the owner, tenant or occupant, or by order of a court of competent jurisdiction may enter upon private or public property to

examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this Ordinance.

i) **Demolition Of Property.**

- 1) Pursuant to notice and citation provisions herein, the Code Enforcement Officer shall order the owner of any premises to demolish and remove a structure located thereon, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure at the owner's expense.
- 2) The order shall specify necessary repairs, if any, and a time in which the owner shall comply therewith, which shall be no less than 30 days unless an emergency exists pursuant to this ordinance. It shall be served on the owner of record in accordance with this ordinance.
- 3) Hearing Prior to demolition by the City.
 - a) Except when an imminent danger exists that will not permit delay, whenever the owner of a property fails to comply with a demolition order within the time prescribe, the Code Enforcement Board shall conduct a hearing prior to the City undertaking demolition of the structure.
 - b) The Code Enforcement Board shall issue a notice of hearing informing the property owner of the date, time and location of the hearing. The hearing shall be held not less than 7 days from the date the notice of hearing is issued. The notice of hearing shall be served on the owner of record in accordance with KRS statutes.
 - c) The property owner shall have the opportunity to file a written answer with the City Clerk and/or appear in person to present testimony or other evidence of why the structure should not be demolished. The Code Enforcement Officer shall present testimony or other evidence demonstrating why the structure should be demolished. The burden of proof shall be upon the Code Enforcement to demonstrate by evidence that demolitions is authorized by Section 6.

- d) The property owner may waive his or her right to a hearing and authorize the city to undertake demolition of the structure. The owner's failure to appear at the hearing after proper notice shall constitute a waiver, unless good cause is shown.
 - e) Upon a showing by substantial evidence that demolition of the structure is authorized by Section 6 or upon waiver of hearing by the property owner, the Code Enforcement Board shall enter an order to that effect and order demolition of the structure by the city.
 - f) The order shall be served on the owner of record and any lien holder of record within 14 days of the final determination, whether after hearing or upon waiver of a hearing. If there is a lien holder of record, that lien holder may, within 45 days from the receipt of that notice, correct the violations cited or elect to pay all fines, penalty charges and costs incurred in remedying the situation as permitted.
 - g) Anyone affected by an order issued pursuant to section 6 may, after service of such order, apply to Taylor County Circuit Court for an order restraining the Code Enforcement Officer from razing such structure.
- 4) Upon final determination that the structure shall be demolished by the city, or when an imminent danger exists that will not permit the delay associated with a hearing, the Code Enforcement Officer shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal, together with related expenses, costs, fees, and attorney to the extent provided by law, shall be charged against the owner of the real estate upon which the structure is located. Upon failure of the owner to effect payment of such costs, a lien shall be placed by the city against the real estate upon which the razed or removed structure was located.

SECTION 7. Appeal Process; Appeal of Notice of Violation; Appeal of Citation.

- a) **Appeal of Notice of Violation:** Any property owner, resident, tenant, occupant or other violator served with a Notice of Violation or on whose property a Notice of Violation is posted, shall no later than seven (7) days after the issuance of the Notice of Violation or posting thereof on the property, may file an appeal in writing to City Hall, attention to the Mayor and the Building and Codes officer of the City of Campbellsville, Kentucky requesting a hearing before the Property Maintenance Code Enforcement Board to appeal said Notice of Violation.
- b) **Appeal of Citation:** Upon receipt of a citation, the property owner, resident, tenant, occupant or other violator shall respond to it not later than seven (7) days following

the issuance or posting on the property the Citation by either paying the fines, charges, costs, penalties and/or fees, including administrative fees assessed therein, or by filing an appeal in writing with the City of Campbellsville, Kentucky, in writing, requesting a hearing before the Property Maintenance Code Enforcement Board. Payment of assessed fines, charges, administrative fees and penalties shall not relieve the property owner, resident, tenant, occupant, or other violator from his or her obligation to bring the property on which the violation occurred into compliance with this Code. The daily civil fine contained in any Citation which is appealed shall be abated during the pendency of the appeal.

SECTION 8. Code Enforcement Board; Creation and Membership.

There is hereby created within the city pursuant to KRS 65.8801 to KRS 65.8839, a Code Enforcement Board which shall be composed of three (3) members, all of whom shall be residents of the City for a period of at least one (1) year prior to their appointment and shall reside there throughout the term in office.

SECTION 9. Enforcement powers.

- a) The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing City ordinances when a violation of the ordinance has been classified as a civil offense.
- b) The Code Enforcement Board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

SECTION 10. Appointment of members; term of office; removal from office; oath.

- a) Members shall be appointed by the Mayor of the City of Campbellsville with the approval of the Campbellsville City Council.
- b) The members of the Board shall serve staggered three (3) year terms.
- c) If a vacancy on the Board occurs, the Mayor with approval of the City Council, shall within sixty (60) days of the vacancy, appoint a new member or members. If the vacancy is not filled within the prescribed time period, the City Council shall appoint a member to fill the vacancy.
- d) Members of the Board shall only be removed there from by the City Council for misconduct, inefficiency or willful neglect of duty. Prior to removal, the Mayor or member(s) of the City Council requesting same, shall submit in writing to the member in question and the Campbellsville City Council, the reasons for it.
- e) Liability: Members of the Board charged with the enforcement of this Ordinance, while acting on behalf of the City and within their official duties and capacity, shall not thereby be rendered liable personally, and are hereby relieved individually and collectively from

all personal liability for any injury and or damages to persons or property as a result of the discharge of official duties imposed herein. Any suit instituted against any Board Member because of an act performed by that Board Member in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of the City until the final determination of the proceedings.

- f) All members of the Code Enforcement Board shall, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- g) No member of the Code Enforcement Board shall hold any elected or nonelected office, paid or unpaid, or any position of employment with the City.

SECTION 11. Organization of board; meetings; quorum.

- a) The Code Enforcement Board shall annually elect a chair from among its members. The chair shall be the presiding officer and a full voting member of the board. In the absence of the chair, the remaining members of the board shall select a member to preside in place of and exercise the powers of the chair.
- b) Regular meetings of the Code Enforcement Board shall be held on the second Tuesday every month. Meetings other than those regularly scheduled shall be special meetings or emergency meetings held in accordance with the requirements of the Kentucky Open Meetings Act.
- c) All meetings and hearings of the Code Enforcement Board shall be public meetings held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- d) The presence of at least a majority of the board's entire membership shall constitute a quorum. The affirmative vote of a majority of a quorum of the board shall be necessary for any official action to be taken.
- e) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of any member on any issue decided by the board shall be recorded in the minutes.

SECTION 12. Conflict of Interest.

Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest, shall disqualify himself/herself from voting on the matter in which he/she has an interest, and shall not be counted for purposes of establishing a quorum.

SECTION 13. Powers of the Code Enforcement Board.

The City of Campbellsville Code Enforcement Board shall have the following powers and duties:

- a) To adopt rules and regulations to govern its operations and the conduct of its hearings

consistent with this ordinance.

- b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Code Enforcement Board may be served by any Code Enforcement Officer.
- d) To take testimony under oath the chairman shall have the authority to administer oaths for the purpose of taking testimony.
- e) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the board is authorized to enforce.
- f) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction.

SECTION 14. Hearing; Notice; Presentation of Cases and Final Order.

- a) When an appeal has been properly filed and a hearing has been requested, the Board shall convene for the purposes of conducting a hearing not later than sixty (60) days after the appeal has been filed with the City of Campbellsville. Otherwise the Board may convene for the purpose of conducting any other business brought before it or a majority of the membership of the Board.
- b) Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
- c) Each case before the Code Enforcement Board shall be presented by an attorney selected by the City, a Code Enforcement Officer for the City, or by a member of the City's administrative staff. The City attorney may either be counsel to the Code Enforcement Board or may present cases before the Code Enforcement Board but shall in no case serve in both capacities.
- d) When a hearing is held under this section, the Board shall elicit testimony from witnesses and allow relative demonstrative evidence. All testimony shall be recorded by audio, video, or stenographic means. The Chairperson or any Board member shall have authority to administer the following oath. "Do you solemnly swear and affirm to tell the truth, the whole truth and nothing but the truth". Testimony shall be taken from the Property Maintenance Code Enforcement Officer, the alleged violator and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator and any witnesses with relevant personal knowledge of the violation or citation on appeal. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

- e) In making its determination, the Board shall, based solely on the evidence, adduced during the hearing determine by a preponderance of the evidence whether or not a violation has been committed. If at the conclusion of the hearing, the Board determines that a violation has been committed, an order shall be issued upholding the notice of violation or citation and the Board shall authorize the Building and Codes Department to abate the nuisance condition on appeal and impose reasonable and necessary fines, charges, costs, penalties, and/or fees, including administrative fees imposed therein, or a combination of the forgoing remedies. Provided however, the final order of the Board shall provide the violator with reasonable time, not to exceed thirty (30) days, to abate the violation. If the violator does not abate in the manner required and within the time provided in the final order, another Notice of Violation may be issued in accordance with section 4(b), for another violation of the Property Maintenance Code.
- f) Any person requesting a hearing before the Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing on an appeal a notice of violation or citation and a determination that a violation was committed shall be entered and become final. The Board shall enter a final order confirming the violation and shall direct the nuisance to be abated and/or impose the fines, charges, costs, penalties, and/or fees, including administrative fees assessed in the citation. If the violator has not abated the nuisance conditions on the notice of violation or citation within the time provided, the City may promptly abate the nuisance and/or issue another citation which may be a new and separate offense.
- g) Every final order following a hearing shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. Notice of a final order shall be provided to the alleged violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

SECTION 15. Appeals - Final Judgment.

- a) An appeal from a final order of a Code Enforcement Board following a hearing conducted pursuant to this ordinance shall be made to the Taylor County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
- b) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in subsection (a) of this Section, the Code Enforcement Board's order shall be deemed final for all purposes.

SECTION 16. Lien; Fines, Charges, and Fees.

- a) If a citation is unpaid, the City shall possess a lien on property owned by the person

found by a non-appealable final order as defined by this ordinance, or by a final judgment of the court, to have committed a violation of a City ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.

- b) The lien 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 until paid. The lien shall continue for ten (10) years following the date of the non-appealable final order or final court judgment.
- c) Subject to Section 16 of this ordinance, the lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.
- d) In addition to the remedy prescribed in subsection (a) of this Section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the City in connection with the enforcement of the ordinance. The City may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

SECTION 17. Lienholder Notification System.

The City shall obtain and maintain priority over previously filed liens, as provided in Section 15 of this ordinance, in accordance with the following provisions:

- a) Individuals and entities, including but not limited to lienholder, registrants, may register with the City to receive electronic notification of final orders entered pursuant to this ordinance.
- b) In order to receive the notification, the registrant shall submit the following information to the Code Enforcement staff:
 - 1) Name;
 - 2) Full mailing address;
 - 3) Phone number; and
 - 4) Electronic mailing address.
- c) A registrant may use the electronic form provided on the City Website to submit the information required by subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the City. The City shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic

mailing address.

- d) Once per month, the City shall send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the City Code Enforcement database located on the City Website. The database shall include the following information regarding each final order:
 - 1) The name of the person charged with a violation;
 - 2) The physical address of the premises where the violation occurred;
 - 3) The last known mailing address for the owner of the premises where the violation occurred;
 - 4) A copy of the full citation;
 - 5) A copy of the full final order; and
 - 6) The status of the final order regarding its ability to be appealed pursuant to this ordinance.
- e) If an appeal is filed on a final order pursuant to this ordinance, the City shall send electronic mail notification to all registrants.
- f) Within ten (10) days of the issuance of a final order pursuant to this ordinance, the City shall update its Code Enforcement database to reflect the issued final order and shall post the notification required by subsection (d) of this Section containing an updated link to the Code Enforcement database on the City Website.
- g) The City shall maintain the records created under this Section for ten (10) years following their issuance.

SECTION 18. Liens.

- a) A lienholder of record who has registered pursuant to Section 16(b) of this ordinance may, within forty-five (45) days from the date of issuance of notification under Section 16(d) of this ordinance:
 - 1) Correct the violation if it has not already been abated; or
 - 2) Pay all civil fines assessed for the violation, and all charges and fees incurred by the City in connection with enforcement of the ordinance, including abatement costs.
- b) Nothing in this Section shall prohibit the City from taking immediate action, if necessary, under Section 19 of this ordinance.

- c) The lien provided by Section 16 of this ordinance shall not take precedence over previously recorded liens if:
 - 1) The City failed to comply with the requirements of Section 17 of this ordinance for notification of the final order; or
 - 2) A prior lienholder complied with subsection (a) of this Section.
- d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.
- e) The City may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the City shall release the lien in the county clerk's office within fifteen (15) days of satisfaction.
- f) Failure of the City to comply with Sections 16 and 17 of this ordinance or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies the City has against the property of the violator.

SECTION 19. Immediate Action.

Nothing in this ordinance shall prohibit the City from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

SECTION 20. Potential Conflict with Other Ordinances.

This ordinance shall have priority over all ordinances with which a conflict is created and the provisions of other ordinances in conflict are hereby repealed. All ordinances and provisions in ordinance not in conflict remain in full force and effect. (Much of KRS Chapter 381, including §381.770 upon which parts of Campbellsville's ordinance Chapter 95 on "Nuisances" is based, has been repealed and replaced with parts of KRS Chapter 65.)

SECTION 21. Demolition Permit Required; Demolition Permit Fees; Double Fee; Demolition or Alteration of Common or Fire Wall; Liability insurance; Time Limit; Standards; Inspections;

- a) **Demolition Permit Required;** It shall be unlawful to demolish any building, structure or part thereof without filing a written application for a Demolition Permit with the Building and Codes Department.
- b) **Demolition Permit Fees:** For the demolition of any building, structure or part thereof, the permit fee shall be:

- 1) Fifty dollars (\$50.00) for all residential structures.
- 2) One hundred dollars (\$100.00) for any commercial and industrial structures.
- c) **Double Fee:** Where work for which a permit is required by this ordinance is started or proceeded with prior to obtaining the required permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this ordinance in the execution of the work nor from any other penalties prescribed herein.
- d) **Demolition or Alteration of Common or Fire Wall:** When demolition of any structure involves alterations to a common, party wall or a fire wall or fire separation wall, the owner or contractor is (1) required to submit detailed plans to the building official detailing scope of work to correct any defects in the remaining wall(s) and (2) post a bond with the City of Campbellsville in an amount not less than twenty thousand dollars (\$20,000.00) to insure proper completion of the exposed, remaining wall to building code standards.
- e) **Liability insurance:** Proof of liability insurance is required to be submitted to the City of Campbellsville by the contractor prior to issuance of demolition permit for protection of adjoining properties and public right-of-way improvements.
- f) **Time Limit:** The Code Enforcement Officer may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced, provided that for cause one (1) or more extensions of time, for periods not exceeding thirty (30) days each, may be allowed in writing by the Enforcement Officer.
- g) **Standards:** The following standards shall apply to demolition:
 - 1) Demolition work, having commenced, shall be pursued diligently and without unreasonable interruption with due regard to safety. It is the intent of this Ordinance to limit the existence of an unsafe condition or nuisance on the premises during the period of demolition operations.
 - 2) Any surface holes or irregularities, wells, septic tanks, basements, cellars, sidewalk vaults, or coal chutes remaining after demolition of any building or structure shall be filled with material as approved by the Enforcement Officer and shall be graded in such manner that will provide effective surface drainage. Any surface irregularities resulting from the demolition process shall be leveled to match surrounding grade.
 - 3) All debris and accumulation of material resulting from demolition of any building or structure shall be removed from all premises.

- 4) All building sewers shall be effectively plugged with concrete at the property line, or as may be required by the Campbellsville Water and Sewer Dept.
- h) **Inspections:** The Code Enforcement Officer shall make the following inspections upon notification from the permit holder or his agent:
 - 1) Initial inspection is to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or remain after demolition operations.
 - 2) Final inspection is to be made after all demolition work is completed.

SECTION 22. Transfer of Ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a Notice of Violation, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the requirements list in the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any Notice of Violation issued by the Code Enforcement Officer and shall furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making the necessary corrections and repairs required by such Notice of Violation.

SECTION 23. Severability; Other Legal Authority.

The provisions of this article are supplemental and in addition to all other federal and state regulatory codes and statutes, and ordinances adopted by the City of Campbellsville. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise declared invalid, the validity of the remaining sections, subsections, and clauses shall not be affected and shall remain in full force and effect.

SECTION 24. Validity of Existing Liens Previously Filed.

The adoption of this Ordinance by the Campbellsville City Council shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Taylor County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this Ordinance; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.

SECTION 25. Repeal of Ordinances.

The adoption of this Ordinance by the Campbellsville City Council shall serve to repeal the following ordinances in their entirety:


- a) Ordinance 23-14 entitled "Ordinance Repealing Ordinance 08-07 and Adopting a New "Property Maintenance Code" for the City of Campbellsville which was enacted on January 16, 2024.
- b) Ordinance 08-07 entitled "Ordinance Adopting a New Code Titled 'Property Maintenance Code' for the City of Campbellsville" which was enacted on August 4, 2008 and all subsequent amendments thereto.
- c) Ordinance 01-02 entitled "Ordinance Implementing Nuisance Provisions" which was enacted on March 5, 2001 and all subsequent amendments thereto.

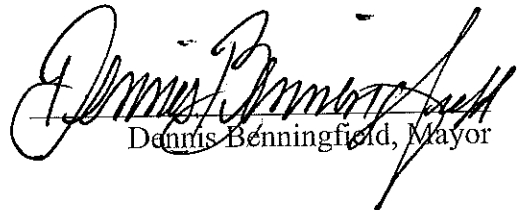
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This Ordinance is sponsored by council member Donnie Munford.

This ordinance was introduced and given a first reading and passage at a regular meeting of the City Council held on the 23rd day of February, 2024; it received its second reading, passage and became effective at a regular meeting of the City Council held on the 18th day of March, 2024.

ATTEST:


Jennifer Thompson, City Clerk


Dennis Benningfield, Mayor