

**City of Lakeview Heights  
385 Circle Drive  
Morehead, Kentucky**

<b>Ordinance Number:</b>	<b>28</b>
<b>Date:</b>	<b>March 3, 2008</b>
<b>Revision:</b>	
<b>Merge:</b>	

**AN ORDINANCE RELATING TO  
NUISANCES AND PUBLIC HEALTH HAZARDS**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates a different meaning:

**“NUISANCE,”**

- (A) Any structure upon property which is unfit and unsafe for human habitation, occupancy or use or which is dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or to the residents of the city and the community.
- (B) Any condition or use of premises, building exteriors or the property of other persons which includes but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following:
  - (1.) Lumber, junk, trash, debris;
  - (2.) Weeds, Grass, ashes, unattached trees and limbs and brush;
  - (3.) Abandoned, discarded or unused objects or equipment, including, but not limited to automobiles, furniture, stoves, refrigerators, freezers, tractors, machinery, machinery parts, cans or containers;
  - (4.) Pools of stagnant water or other waters which produce a hazard to the public health;
  - (5.) Maintenance of a privy, animal pen or animal enclosure which results in a hazard to the public health or endangers or renders the abutting property or residence untenable.

**PUBLIC NUISANCE PROHIBITED.**

- (A) General requirements for all residential premises. 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 on the land through the accumulation of rubbish or the excessive growth of grass or weeds or to permit any structure upon the property to become unfit

and unsafe for human habitation, occupancy or use, or to permit conditions to exist 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 and community. For the purposes of this section, excessive growth of grass or weeds shall mean those exceeding 12 inches in height at any time.

**ENFORCEMENT.**

- (A) The Mayor and Commissioners are responsible for enforcement. They shall continuously inspect all property within the city for the existence of nuisances as defined in this ordinance under "NUISANCE." Upon discovery of a nuisance, a Notice of Violation will be issued to the owner and occupant, or person having control of the property allowing the offender five (5) days to remedy the violation without a fine. The notice shall be sent first-class mail or hand delivered to the property owner and occupant, if different. Further, any notice for excessive growth of grass or weeds shall be posted on the main structure located on the property. The Notice of Violation shall state specifically the situation which needs to be remedied and the action the city will take for compliance.

**ABATEMENT AUTHORIZED: FEE.**

- (A) *Abatement of excessive growth of grass or weeds.* If the owner, occupant or person having control of the property upon which there is an excessive growth of grass or weeds fails to remedy the situation within five days of the date of the Notice, the city shall have the authority to send a private contractor or other personnel to bring the property into compliance. A fine of one hundred dollars (\$100.00), plus the actual cost of labor, materials and machinery used in bringing the property in compliance, shall be assessed to the property owner in the form of a lien against the property. The lien shall be recorded in the office of the City of Lakeview Heights Clerk and shall be notice to all persons from the recording time and shall bear interest at six percent (6%) per annum thereafter until paid. A copy of the lien shall be sent to the property owner of records. Invoices evidencing the cost of labor, materials and machinery used in bringing the property in compliance shall be maintained by the city Clerk.
- (B) *Abatement of all other nuisances.* If the owner, occupant or person having control of the property upon which a nuisance exists, fails to comply with the Notice of Violation as set out in "ENFORCEMENT", the city shall issue a citation. If the citation is not contested by the owner, occupant or person having control charged with the violation, the following penalties shall apply:

- 1. First Offense: Compliance and no less than \$25.00 fine
- 2. Second Offense: Compliance and no less than \$50.00 fine
- 3. All Others: Compliance and no less than \$100.00 fine.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKEVIEW HEIGHTS, KENTUCKY, this 3<sup>rd</sup> day of March 2008.

**City of Lakeview Heights**

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**David Bolt, Mayor**

**ATTEST:**

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**Jennifer Bolt, City Clerk**