

CITY OF EUBANKS

Ordinance No. 82

An ordinance amending Ordinance No. 82 regarding municipal standards for public sanitation and cleanliness in the City of Eubanks, Kentucky.

WHEREAS, the City of Eubanks has determined that a standard is required to insure for cleanliness and sanitation of real property within the City of Eubanks.

NOW, THEREFORE, Be it ordained by the legislative body of the City of Eubanks, Kentucky:

SECTION 1. Title. This ordinance shall be known and may be cited as the "Litter and Trash Control Abatement Ordinance."

SECTION 2. "Nuisance" Defined. "Nuisance" means any conditions, thing or practice, occurring on or attendant the use or occupation of any residential or commercial property, which is offensive, annoying, unpleasant or detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of the property of others, or which substantially interferes or tends to substantially interfere with the use or enjoyment of the property of others. This includes, but is not limited to, the following:

- (1) the presence of lumber or other building supplies not attendant an active, ongoing construction or remodeling project;
- (2) unsightly weeds and grass taller than twelve (12) inches, including in yards and fence rows;
- (3) junk, trash or debris, whether manmade or natural in origin, which is not present for the purposes of refuse collection in accordance with the provisions of Section 4 herein;
- (4) abandoned, discarded, or inoperative household appliances, furniture, or equipment of any kind, type or purpose; which is not present on the premises for the purposes of refuse collection in accordance with the provisions of Section 4 herein;

- (5) maintenance of residential or commercial structures, whether vacant or occupied, in bad repair, such as with broken windows, missing or damaged siding materials, unrepaired storm or fire damage visible from the street.

SECTION 3. Duty of Maintenance of Private Property. No person owning or occupying or otherwise in possession or control of any residential or commercial property, whether or not a structure is on the premises, shall maintain or permit the maintenance of such property, including land and any structure thereon, in a manner causing or tending to cause substantial diminution in the value of the property of others, or of the use and enjoyment by others of their property, or otherwise constituting a nuisance as defined herein.

SECTION 4. Garbage Containers. No person owning, occupying or otherwise in control of any residential or commercial property shall allow the accumulation of any garbage or refuse upon such property except that placed in proper containers for the purpose of collection by a private or public refuse collection entity. Proper containers shall be metal or plastic garbage cans with tight-fitting lids or heavy gauge plastic garbage or trash bags tied or otherwise sealed. This section shall not apply to bulky refuse or waste such as furniture or appliances, or to brush and tree limbs. Any such accumulation in proper containers as defined herein shall not extend for more than a 48-hour period.

SECTION 5. Exterior Storage Visible from the Street of Non-Operating Vehicles Prohibited. No person owning, occupying or controlling any commercial or residential property shall permit any partially dismantled, wrecked or otherwise non-operating or inoperable motor vehicle(s), including motor cycles and all-terrain vehicles, to remain on such property in a location visible from the street for more than ten (10) days, and no such person shall leave such vehicle(s) on such property for more than ten (10) days. This section shall not apply with regard to any vehicle in an enclosed building, nor shall it apply to any vehicle on the premises of a business enterprise where the presence or storage of the vehicle is necessary to or incidental to the lawful business purposes of such enterprise.

SECTION 6. Mobile Homes to be Underpinned. All mobile homes within the city limits are to be underpinned and to be kept in good external repair in accordance with Section 3 herein.

SECTION 7. Damaged Vacant Buildings. Any vacant residential or commercial structures not maintained in a habitable condition or maintained in a condition as to constitute a nuisance as defined herein are to be brought to habitable condition or razed and the property cleared of any structural debris within three (3) months after receipt of notice from the city of its violative condition.

SECTION 8. Lot Size for New Construction. Any new residential or commercial construction undertaken after the effective date of this Ordinance shall be on a lot not less than 15,000 (Fifteen Thousand) square feet. However, lots already platted are exempt and all lots with existing structures are exempt.

SECTION 9. Building Permits Required. A building permit shall be obtained from the Office of the Clerk of the City of Eubanks by the homeowner for any new construction of a residential or commercial structure whether intended for occupancy or not or to any addition to any building which results in an increase to the square footage of any existing residential or commercial structure. Structures included including outbuildings, garages and other appurtenant structures not primarily intended for occupancy. Such building permits shall be issued at a cost of ^{25.00}\$50.00 for any new house or mobile home used primarily as a residence, ~~\$25.00~~ for any outbuilding or appurtenant building to a mobile home or new home if not constructed at the same time as the new home or mobile home and not primarily intended as a residence and \$100.00 for any new commercial property or additions to commercial property or construction of appurtenant structures on commercial property. Such building permits shall be issued upon proper application and submission of a building plan for such construction approved by the City of Eubanks. A building permit shall also be required to place a mobile home on any property located within the city limits. Once issued, all permits shall be posted at the construction site until construction is completed.

SECTION 10. Minimum Square Footage for New Residential Construction. Any new single family residential structures in the city shall be not less than One Thousand (1,000) square feet in size, including roofed car port.

SECTION 11. Driveways to be Tiled. All driveways on residential or commercial property shall be placed over 1' x 20' tile as needed to prevent runoff of water onto city streets.

SECTION 12. Petition and Notice. This ordinance shall be enforced upon the filing of a Complaint with the City of Eubanks. Upon receipt of such complaint, the City of Eubanks shall investigate the site of the alleged violation. In instances where the inspection reveals violations of this Ordinance, the City of Eubanks shall issue notice to persons owning or controlling such property for each violation found. Such notice shall be served by certified mail, return receipt requested, and shall set forth the nature of the violation(s) found, the date of their discovery, and the corrective measures to be taken, including the period of time in which such corrective measures are to be accomplished.

SECTION 13. Penalty. Any person who owns, occupies or otherwise controls any residential or commercial property upon which a nuisance as herein defined exists, and who fails to correct or abate such nuisances within ten (10) days of receipt of the notice provided for above, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) but not more than Five Hundred Dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

SECTION 14. City's Right to Abate Nuisance. If a person served with the notice provided in Section 12 does not abate the nuisance within ten (10) days, the City, at its option and in addition to any other remedies or penalties provided herein, may proceed to abate such nuisance, and shall keep an account of its expenses incurred in so doing, with such expenses to be charged to and paid by the person owning, occupying or otherwise controlling the property as heretofore described. Whenever a statement of charges for such abatement remains unpaid for more than thirty (30) days from the date of notice to such person of such charges, the city may file a lien against such property with the Pulaski County Court Clerk.

SECTION 15. Repeals. All ordinances of the City of Eubanks in conflict with the provisions of this Ordinance are hereby repealed.

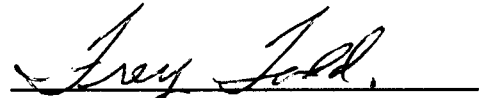
SECTION 16. Savings Clause. Nothing in this Ordinance shall be deemed to affect, modify, amend or repeal any provisions of any ordinance or regulation administered by the Pulaski County Health Department, or by any other department, board, agency, commission or office of the city unless that ordinance is specifically repealed.

SECTION 17. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.

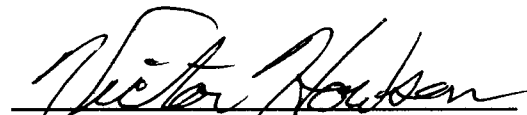
SECTION 18. Effective Date. This ordinance shall take full force and effect immediately upon publication.

Given first reading on the 2th day of September, 1997.

Given second reading and duly enacted by the legislative body of the city of Eubanks on the 6 day of October, 1997.


MAYOR

ATTEST:


CITY CLERK