

AN ORDINANCE RELATED TO THE AMENDMENT OF § 92.04  
RELATING TO THE DEFINITION OF ENVIRONMENTAL  
NUISANCE OR NUISANCE AND THE AMENDMENT OF § 92.99  
AND § 92.98 RELATING TO THE PENALTY FOR VIOLATION OF  
THE DILAPIDATED HOUSING AND NUISANCE ORDINANCE

05-0- () 5

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that § 92.04, § 92.98 and § 92.99 of the Code of Ordinances are amended as follows:

§ 92.04 DEFINITIONS.

ENVIRONMENTAL NUISANCE or NUISANCE.

(l) Any use of property which causes an annoyance, hazard, or injury which may be detrimental to the property or well-being of others; any person doing an unlawful act, or other act which may be lawful to the extent that it is done without becoming a nuisance; the omission to perform a duty; or suffering or permitting any condition or thing to exist, which act (lawful or unlawful), omission, condition, or thing either:

- (a) Injures or endangers the welfare, health, or safety of others;
- (b) Offends decency;
- (c) Creates offensive odors;
- (d) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage;
- (e) In any way renders other persons insecure in life or the use of property;
- (f) Essentially interferes with the comfortable enjoyment of life and property or tends to depreciates the value of the property of others; or

(g) Permits the presence, existence, or accumulation of waste, rubbish, trash, or other non-operable appliance or vehicles or vehicles in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

(2) Any yard grass exceeding six (6) inches in height or other plant or weed growth exceeding twelve (12) inches in height other than crops, trees, bushes, flowers, or other ornamental plants. (It is not the intent of this provision to cause a change in the character of any geographical areas but only to remedy nuisances created by excess growth of grass and weeds in developed neighborhoods).yard grass greater than six (6) inches or hillside weeds greater than twelve (12) inches.

(3) The disposal or accumulation 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.

#### § 92.98 CITATION PROCEDURE.

(G) Upon information given by the Police Department or any other city employee that a violation fine has not been paid, a summons shall be issued against the offender directing the violator to appear at a specific time before the court of appropriate jurisdiction. Failure to pay a violation fine shall result in the violator being fined not less than twenty five dollars (~~\$50.00~~) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than fifty (50) days, or both for each offense. No summons shall be issued during the time in which said citation is being contested pursuant to the provisions of this chapter.

§ 92.99 PENALTY.

(A) (I) Any owner, agent, and/or occupant who violates any provision of this chapter shall be issued a citation and fined for each violation as follows:

<u>OFFENSE</u>	<u>FINE</u>
(a) Environmental nuisance (§ 92.10) <u>If not completed by specified date:</u> <del>q:)25.00</del>	<u>First offence</u> \$75.00 <u>2<sup>nd</sup> offence</u> \$300.00 <u>3<sup>rd</sup> offence</u> \$1000.00
(b) Litter, garbage, trash and weeds (§ 92.11) <u>date:25.00</u>	<u>If not completed by specified</u> First offence \$75.00 2nd offence \$300.00 3rd offence \$1000.00

(c) Abatement of environmental nuisance (§ 92.12)	<u>If not completed by specified date: <del>25.00</del></u>						
	<table border="0"> <tr> <td style="padding-right: 20px;"><u>First offence</u></td> <td style="text-align: right;"><u>\$75.00</u></td> </tr> <tr> <td style="padding-right: 20px;"><u>2<sup>nd</sup> offence</u></td> <td style="text-align: right;"><u>\$300.00</u></td> </tr> <tr> <td style="padding-right: 20px;"><u>3<sup>rd</sup> offence</u></td> <td style="text-align: right;"><u>\$1000.00</u></td> </tr> </table>	<u>First offence</u>	<u>\$75.00</u>	<u>2<sup>nd</sup> offence</u>	<u>\$300.00</u>	<u>3<sup>rd</sup> offence</u>	<u>\$1000.00</u>
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(d) Dilapidated housing (§§ 92.20-92.29)	\$ 50.00						
(e) Failure to acquire landlord (§§ 92.35 - 92.38)	\$25.00						
(g) Unreasonable and loud noises (§§ 92.50, 92.51)	\$25.00						

(2) Each day in which such violation occurs shall constitute a separate offense. The fines set out above shall be in addition to any cost to remedy a condition or to repair, alter, improve, vacate or close a structure as provided for in § 92.23.

(B) The city may discontinue this utility service for any structure that is in violation of this ordinance or for outstanding and delinquent fines assessed against said structure regardless of the person or persons assessed such fines.

(C) Any person who violates any provision of this chapter may become individually liable to the city or the owner or owners of property affected by violation of this chapter not only for the cost of abatement of the violation as provided for herein, but also for all costs, expenses, attorney fees and/or civil damages incurred by the city or other person affected by the violation of this chapter to enforce the provisions of this chapter for each parcel of real property found in violation for those periods as charged.

The above ordinance was given first reading this 11<sup>th</sup> day of April

The ordinance was given a second reading on the 25<sup>th</sup> day of April   , 2005.

Passed this   25<sup>th</sup>   day of   April  , 2005.