

**ORDINANCE NO. 397 (09-11-2024)**

**AN ORDINANCE OF THE CITY OF TAYLOR MILL, IN KENTON COUNTY, KENTUCKY, AMENDING SECTION 93.03 and SECTION 93.99 OF THE CITY OF TAYLOR MILL CODE OF ORDINANCES RELATED TO NUISANCES AND RELATED PENALTIES**

**WHEREAS**, the City of Taylor Mill has observed the need to update and clarify regulations pertaining to nuisances, including but not limited to, the maintenance and obstruction caused by trees, shrubbery, and other elements;

**WHEREAS**, the City recognizes that obstructive growth and debris can impede the functionality of streets, sidewalks, and drainage systems, necessitating clear and enforceable guidelines.

**WHEREAS**, the City also wants to modify the penalties for nuisances;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAYLOR MILL, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

*(Strikethrough portions are to be deleted; underlined portions are to be added as required by KRS 83A.060(3))*

**Section 1.0 - CERTAIN CONDITIONS DECLARED A NUISANCE.**

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 to develop thereon. The following conditions are declared to be public nuisances:

- (A) Dangerous trees or stacks adjoining street. 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 of, 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.
- (B) Accumulation of rubbish. An accumulation on any premises 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.

- (C) Noxious odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible. It shall also be unlawful for any furnace, incinerator, or heating unit to emit smoke, soot, or ashes of a kind or degree which could damage property or constitute a health hazard to the people of the city.
- (D) Noise. It shall be unlawful for any person, firm, or corporation to operate or cause to be operated any whistle, rattle, bell, gong, clapper, hammer, drum, horn, player piano, radio, calliope, phonograph, or other sound-producing or sound-amplifying instrument, or by calling, shouting, or in any other way or manner create noise or sound in such a manner as to disturb the peace and quiet of a neighborhood or to interfere with the transaction of business or other ordinary pursuits. Nothing herein shall be construed to affect the usual and reasonable operation of railroads, electric railways, or motor buses; prohibit the reasonable use of automobiles and ordinary noises attendant thereto; athletic contests; or lawful public meetings, parades, or celebrations.
- (E) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.
- (F) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.
- (G) ~~{Trees and shrubbery obstructing streets, sidewalks, and drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.}~~ Obstructions to streets, sidewalks, and drainage. Property owners shall not obstruct streets, sidewalks or drainage in any way. All trees, shrubbery, or other naturally occurring or unintentionally placed elements that interfere with the use, construction, or maintenance of streets, sidewalks, drainage or neighboring property shall be removed.
- (H) Keeping of animals. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.
- (I) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.
- (J) The operation of any ATV and/or dirt bikes within the city on any day, before 9:00 a.m. or after 6:00 p.m. and on a lot or parcel of real estate less than ten (10) acres in size. An ATV and dirt bike shall have the same meaning provided therefore in KRS

189.010, which is a motor vehicle used for recreational off-road use. There is no restriction on the legitimate use of ATV's for farm or gardening use.

## **SECTION 3.0 – PENALTY PROVISIONS**

### **§ 93.99 PENALTY.**

~~[(A) Whoever violates any provision of this chapter shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$500 for each offense. Each day's continued violation shall constitute a separate offense.~~

~~—(B) Each violation and every other failure to comply with the provisions of § 93.09 shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:~~

~~(1) Everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.050 (2)(a) or a term of imprisonment not to exceed the maximum period of 12 months as set forth in KRS 532.090 (1), or both; and~~

~~(2) The offender shall be subject to a civil penalty of \$100 plus the costs of collection, including, without limitation, court costs and reasonable attorney fees for each offense, which shall be recovered by the City of Erlanger in a civil action in the nature of debt if not paid by the offender within 30 days after citation for the violation or other failure to comply with the provisions of § 93.09.]~~

(A) Civil offense. Each separate violation of this chapter constitutes a civil offense; and, pursuant to the requirements of KRS 65.8808, the penalties to be imposed upon persons determined to have violated this chapter are hereby established as follows:

(1) The specific civil fine that shall be imposed for each separate violation of this chapter in the event that a citation for that violation is not contested is hereby established at \$100 for a first violation, \$250 for a second occurrence of the same violation, and \$500 for the third and each subsequent occurrence of the same violation, plus the costs of collection, including, without limitation, court costs and attorney fees approved by the City Commission and City Administrator on a case-by-case basis.

(3) The maximum civil fine that may be imposed for each separate violation of this chapter is hereby established at \$500 for a first violation, \$750 for a second occurrence of the same violation, and \$1,000 for the third and each subsequent occurrence of the same violation plus the costs of collection, including, without limitation, court costs and attorney fees.

(B) Criminal offense. Each violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay

a criminal fine not to exceed the maximum amount of \$500 as set forth in KRS 534.050(2)(a) or a term of imprisonment not to exceed the maximum period of 12 months as set forth in KRS 532.090(1), or both.

**SECTION 4.0 - PROVISIONS SEVERABLE**

Should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, or for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

**SECTION 5.0 - CONFLICTING ORDINANCES REPEALED**

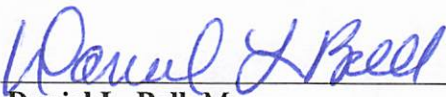
Ordinances 177 and all other ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

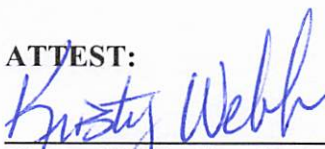
**SECTION 6.0 - EFFECTIVE DATE**

That this Ordinance shall take effect and be in full force when passed, published, and recorded according to the law.

**SECTION 7.0 - PUBLICATION**

This ordinance shall be published pursuant to K.R.S. 424.145

APPROVED:   
**Daniel L. Bell, Mayor**  
9-11-2024  
Date

ATTEST:  
  
**Kristy Webb, City Clerk**  
First Reading: 8/14/2024  
Second Reading: 9/11/2024  
Publication: 9/13/2024