

CITY OF MILTON, KENTUCKY
ORDINANCE NO. 1, SERIES 2016

AN ORDINANCE AMENDING CHAPTER 6.04 OF THE CITY OF MILTON
MUNICIPAL CODE RELATING TO NUISANCES

WHEREAS, the City of Milton, Kentucky has the authority to identify certain conditions within the City which may be considered nuisances to the general population, and, having identified such a condition, the City Commission may set forth abatement procedures and Penalties for violations as follows:

NOW, THEREFORE BE IT ORDAINED by the City of Milton, Kentucky that the following changes shall be made to Chapter 6.04 relating to nuisances.

6.04.030 – Certain conditions declared a nuisance.

It is 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 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. Storage of Explosives or Hazardous Materials. The storage of explosives or hazardous materials which creates a safety hazard to other property or persons in the vicinity;

D. Weeds and Grass. The excessive growth of weeds, grass, or other vegetation Unless otherwise provided, excessive shall mean growth to a height of ten (10) inches or more. An exception will be made for agricultural crops.

E. 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;

F. 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;

G. 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.

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. Storage of Explosives or Hazardous Materials. The storage of explosive or hazardous materials which creates a safety hazard to other property or persons in the vicinity.

D. Weeds and Grass. The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, "excessive" shall mean growth to a height of twelve ~~12~~¹⁸ inches or more.

E. 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.

F. 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.

G. 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. (Ord. 6-2002 § 3; Ord. 1-1996 (part))

6.04.040 Abatement procedure.

A. It is 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 thereon.

B. First Offense. Whenever a nuisance situation is discovered, an authorized city official shall contact the property owner or the person in control of the property and request that they remedy the nuisance situation. If the situation is not corrected within ten (10) calendar days, the official shall notify the owner or the person in control of the property, in writing, that they have five (5) days in which to correct the nuisance situation. Failure to do so will result in a citation being issued summoning the responsible party to appear before the Trimble District Court for violation of this chapter. Notice will be mailed to the address of the property upon which the nuisance has occurred as well as to the last known address of the owner of the property, as it appears on the current tax assessment roll, if different than the address of the offending property.

C. Repeat Offenses. If, within a period of three hundred sixty-five (365) days, a property owner or person in control of property repeats the offense for which the notice requirements stated in subsection B of this section have already occurred and it involves the same offense on the same property, city officials shall not be required to give the ten (10) calendar days' grace period to remedy the nuisance but shall go directly to the second step which consists of written notice giving five (5) days in which to correct the nuisance situation before a citation is issued. (Ord. 1-2004; Ord. 6-2002 § 4; Ord. 1-1996 (part))

6.04.050 Nuisance created by others.

For the purposes of this chapter, 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 or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of. (Ord. 6-2002 § 5; Ord. 1-1996 (part))

First Reading 12/10/15

Second Reading and vote 1/14/16

Publication 1/27/16

Denny Jackson
Denny Jackson, Mayor

Attested:

Pam Joyce
Pam Joyce
City Clerk/Treasurer

Date: 1/14/16