

**SECTION 1 – PUBLIC AND PRIVATE NUISANCES PROHIBITED**

- A. It shall be unlawful for any person to permit, allow, suffer, or cause property, real or personal, within the area of Gallatin County, Kentucky, which is occupied by his actual or constructive possession thereof, or, if said property is vacant or abandoned, owned by that person to be utilized in such manner as to constitute a public or private nuisance or to come into the state of being a public or private nuisance, or to become the source of a public or private nuisance emanating therefrom, or to harbor thereon a public or private nuisance. PERSON shall include and mean a corporation.
- B. As used in this section the term Nuisance shall mean that which annoys and disturbs another in the possession of his/her property, rendering its ordinary use or occupation physically uncomfortable to him/her or obstructs or interferes with the free, reasonable and lawful use and enjoyment of the property of another; or which endangers the life or health of others; or which impairs or obstructs the free passage or use in the customary manner of any public street, alley, sidewalk, square, park or other pass way.
- C. As used herein, the term NUISANCE shall include, but not be limited to, the following states of being that otherwise satisfy (B) above: the accumulation of unpackaged or uncontained rubbish, trash, refuse, garbage or wastes of a combustible or non-combustible nature, organic or non-organic, solid or degradable; the uncontrolled growth of noxious weeds or plants; the emission of noxious odors or fumes; the existence of freely accessible conditions or objects creating a hazard to the health, safety and well-being of the public; the existence of feely accessible objects attractive to minors and dangerous or hazardous thereto; the occurrence of loud and disruptive or alarming noise; the existence of abandoned, deteriorating or inoperable property serving no utilitarian, pecuniary or aesthetic function; the existence of any condition or object dangerous to the health and safety of the public by reason not readily recognizable as dangerous; and any other condition, state of being, or object which satisfies the definition set forth in (B) above.

**SECTION 2 – COMPLAINT PROCEDURE**

**A. Policy**

The Code Enforcement Board accepts and investigates complaints from the public concerning property issues within the County. In addition, during their general duties, all County staff and members of any legislative body are encouraged to report possible property maintenance or zoning violations to the Code Enforcement Board. The Board and County greatly appreciate all who alert it to possible code violations.

**B. Complaint Processing Procedure – Legislative Body Complaints**

- a. When County employees or members of a legislative body observe possible violations of property maintenance or zoning regulation this information must be passed on the Code Enforcement Administrator or Code Enforcement Officer as soon as possible.
- b. The Code Enforcement Administrator or Enforcement Officer will investigate the situation within two business days.

- c. When the enforcement effort has begun, the information and status will be listed on the County Code Enforcement database and will be available for review on its website.

**C. Complaint Processing Procedures – Citizen Complaints**

- a. A complaint may be filed in person, over the phone, by e-mail, or by filing a complaint form. Complainant's identity is to be kept anonymous.
- b. Property Maintenance or Zoning complaint forms are available at the Fiscal Court Offices or online at the Code Enforcement website.
- c. At a minimum, the information which must be provided on the complaint is:
  - i. Address of property.
  - ii. Detailed description of conditions surrounding complaint.
- d. Once received, a complaint is logged into the Code Enforcement database and scheduled for inspect in not later than two business days.
- e. When entered in the database, a Case Number will be assigned to the complaint and will remain attached to any other subsequent information or action pertaining to a location.

**D. Section 3 – Referral to other County Departments**

The Code Enforcement Administrator or Enforcement Office may forward any/all complaints which need to be handled by other County Departments, as appropriate, such as the Sheriff's Office or Health Department.

**E. Special Accommodation**

Owners of multiple properties in the County may request certain special notification procedures. Special requests will be evaluated by the Code Enforcement Administrator. If the request is deemed to be acceptable, does not conflict with the notification and timelines delineated in this code they may be implemented. It is important to stress that any decision to accept special notification procedures will be the responsibility and purview of the Code Enforcement Administrator.

**SECTION 3 – UNLICENSED/INOPERABLE VEHICLES**

**A. Policy**

This code prohibits the off-street parking of inoperable or unlicensed motor vehicles outside in residential, commercial, and professional/office zoning districts. "Off-street" means on private property not in the street, across the sidewalk, or other right-of-way. Inoperable or unlicensed vehicles in the street, parked across the sidewalk, or right-of-way are a matter handled by, or in conjunction with, the Sheriff's Office or local law enforcement.

**B. Storage of Vehicles**

- a. This code requires that vehicles be parked on a continuous hard surface such as stone, asphalt, or concrete.
  - i. If no violation is found, take picture confirming no violation exists and enter information into the database. Close-out the case.
  - ii. If violation does exist, follow enforcement procedures.

**C. Inspection Procedure**

- a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine the subject vehicle(s) are:
  - i. Parked on private property, if yes, is it:
  - ii. Inoperable. Conditions indicating inoperability include:
    1. Flat tire(s)
    2. Missing engine (protruding wires, cables, or engine parts)
    3. Vehicle is raised on jack stands/ramps and/or missing tires/axles.
    4. Vehicle is unable to be started/running and driven (either backed up and forward in driveway or on road)

**OR, IS IT:**

- iii. Unlicensed. A vehicle is unlicensed if it does not have a valid license plate or has no or an expired annual registration sticker(s).
  1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
  2. If violation does exist, follow enforcement procedures.

#### **SECTION 4 – TRASH/JUNK/DEBRIS**

##### **A. Policy**

- a. The County Code requires that properties be free of unsightly materials, debris, and trash. This policy is in place to limit conditions that may become a fire hazard, act as breeding areas for vermin or insects or may become a blighting influence on neighboring properties.

##### **B. Inspection Procedure**

- a. From the public right-of-way or with permission from the property owner, occupant or neighboring properties, the inspecting officer will determine whether any trash or debris is visibly located on the property.
  1. If no violation is found, take picture of no violation exists and enter information into the database. Close-out the case.
  2. If violation does exist, follow enforcement procedures.

#### **SECTION 5 – TALL GRASS AND WEEDS**

##### **A. Policy**

- a. The County Code requires the periodic cutting of grass and weeds on properties within the County that exceed eight (8) inches in height. The periodic cutting of grass and weeds benefits the public welfare by prohibiting the blighting influence of overgrown parcels, promoting property maintenance that helps sustain property values, and reduces the possible infestations of overgrown areas by vermin.

##### **B. Inspection Procedure**

- a. Determine whether the subject property has grass/weeds in excess of eight (8) inches in height.
- b. EXCEPTION. This section shall not apply to real property that meets any one of the following requirements:
  - i. Real property lawfully and substantially used for agricultural purposes for profit.

- ii. Real property of more than two (2) acres where a fifteen (15) foot wide strip directly adjacent to the boundaries of developed property is provided. However, compliance is not required for the portions of any boundaries of such real property that are adjacent to an undeveloped lot and which are more than 10 feet from the closest point of contact with a developed lot. Real property will be deemed "developed" if a permanent structure, including but not limited to paving, has been erected or installed on the parcel.
- iii. Any real property owned by any governmental entity and used as a park or similar recreational facility or as an educational facility.

**C. Enforcement Procedure Violation Execution**

- a. Knock on the front door of the property to see if someone responsible for the property is on the premises. If so, explain the tall grass violation and give them a reasonable time frame to remedy the violation (generally 24-48 hours) and enter this information in the County database with specifics. Before leaving take pictures illustrating the violation.
- b. Whether or not contact is made on the initial day of inspection, photograph the violation(s) and enter this information into the database.
- c. Send Violation Letter detailing the responsibility to cut grass and weeds, as discussed, within five (5) days from the date of the letter.
- d. Return to property on the deadline date set in the Violation Letter and take pictures of the property along with the following action:
  - i. If the grass is cut, enter results into database and close violation.
  - ii. If grass and weeds have not been cut, enter information into database and forward to Administrator with recommendation to cut grass or other suitable solution.
- e. Code Enforcement Administrator will review file, accept recommendation for alternative action or contact a mowing contractor with the following instructions and a Work Order number:
  - i. Contractor must respond to request no later than five (5) days, prefer three (3) days, from notification date.
  - ii. Contractor must provide service within 2 business days together with before and after pictures to the Gallatin County Fiscal Court Office.
  - iii. Billing invoices must be submitted, within 5 business days, to the Gallatin County Finance Officer with it clearly identified as being requested by the Code Enforcement Board together with the Work Order number assigned, brief description of work completed, and time spent on site.
  - iv. Complete and proper invoices will be processed with weekly invoicing.
  - v. Code Enforcement Administrator, or designee, will create a file from database entries which includes the following information:
    - 1. Copy of the Violation Letter together with any photographs;
    - 2. Copy of Citation Letter together with any photographs;
    - 3. Copy of Work Order for cutting contractor together with before and after photographs.
    - 4. Contractor invoicing with Work Order.

5. Three copies are made of all information with one copy being forwarded:
  - a. One copy to the County Finance Officer for invoice processing.
  - b. One copy to the County Tax Administrator for assessment to property taxes of the specific parcel.
  - c. One copy maintained in a three (3) year rotating file for annual Grass and Weed Violations.

## **SECTION 6 - RECREATIONAL VEHICLES, BOATS, CAMPERS, AND OTHER SIMILAR VEHICLES IN RESIDENTIAL AREAS.**

### **A. Policy**

- a. The County Code prohibits the off-street parking of recreational vehicles, trailer, campers, truck caps, boats, and other similar vehicles in residential districts except under certain conditions. This policy helps to preserve the proper character of residential districts, promote property maintenance standards, and protect the public safety and welfare by limiting hazardous conditions created by the improper storage of recreational vehicles, trailers, boats, etc.

### **B. Inspection Procedure**

- a. From the public right-of-way or with the permission from the property owner, occupant, or neighboring properties, determine whether the subject vehicle is:
  - i. Parked on private property, if yes, is the vehicle:
    1. Parked in front yard (corner lots have two front yards).
  - ii. Unlicensed or has expired tags.
  - iii. Being used to conduct a business.
  - iv. Permanently connected to any utility service.
  - v. Being used as a dwelling.
  - vi. Being used for storage.
  - vii. Maintained in good repair.
  - viii. Parked on a continuous hard surface.
  - ix. Maintained in a condition to be transported. For example, wheels shall not be removed, tires shall not be flat, and the vehicle shall not be fixed to the ground.
- b. If no violation is found, take pictures of non-violation, and enter information into the County database. Close out the case.
- c. If violation is found to exist, follow enforcement procedure.
- d. EXCEPTION
  - i. If the measurements or terrain of the side yard and back yard are such that neither one can accommodate the vehicle, or if there is no reasonable access to side or rear yard that can accommodate the vehicle, such a vehicle may be parked on the driveway in the front yard subject to the conditions listed below. A corner lot is always deemed to have reasonable access to the rear yard, and a fence is not necessarily deemed to prevent reasonable access. The conditions for such driveway parking in the front yard are as follows:

1. All of the conditions listed above as being applicable to outside parking in the side or rear yards shall also apply to parking in the front yard driveway.
2. In front yards, the vehicle shall be parked on the designated driveway.
3. No part of the vehicle may be closer than twelve (12) feet to the face of the curb.
4. No part of the vehicle may extend over the public sidewalk.
5. The vehicle may not impair a view of the right-of-way be persons on the right-of-way or about to enter it.
6. The wheels of such vehicle shall be choked while parked.

#### **SECTION 7 – GENERALLY APPLICABLE ENFORCEMENT PROCEDURES FOR VERIFIED VIOLATIONS**

- A. Attempt to contact the property owner or an occupant at least 18 years of age and explain the nature of the violation. It is appropriate to suggest ways to correct the violation. It is not appropriate to communicate with a minor regarding a violation since it is important that someone having apparent authority over a property directly receives all communications so that the issue may be resolved quickly.
- B. Whether contact is made with property owner or another person at property at least 18 years of age, issue a Violation Letter together with copies of photos illustrating the violation. The Violation Letter should also include contact information for the Code Enforcement Officer as well as the Administrator along with instructions that violation must be corrected within seven (7) days from the date of mailing.
- C. After the deadline has elapsed, the Code Enforcement Officer will return to inspect the violation. If the violation has been corrected, enter applicable information into the County database and close out the file. If the violation remains, take pictures of the violation, and issue a Uniform Citation to the property owner and tenants/occupants. Enter all information regarding the violation into the County database together with any/all actions taken.
- D. The Uniform Citation requires a response to this citation within seven (7) days of the date of issuance be either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation.
- E. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.
- F. Fourteen (14) days after the Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
- G. If the Citation is not paid within the seven day period, you are deemed to have waived the right to a hearing before the Code Enforcement Board to contest the charge(s) and a determination that a violation was committed shall be final. You also forfeit the right to appeal the final order before the Gallatin County District Court.

- H. Seven (7) days after Final Order is issued the Enforcement Officer will inspect the property and if the violation still exists a Uniform Citation is issued with the new fine doubled the amount of the Final Order.
- I. Repeat Violators:
  - a. Any property or property owner found to have multiple violations in any 24 consecutive month period will be designated as a "habitual offender" and forfeit the courtesy of a Violation Notice and proceed directly to Citation status with any/all civil fine amounts doubled.
- J. Suspension of License:
  - a. Whenever it is shown that a nuisance is associated with or caused by the conduct of a business or activity licensed by the city and that the existence of the nuisance presents an immediate threat to the public health, safety, or welfare, the Joint Code Enforcement Board thru the Zoning Director may suspend the license of the person or persons conducting the business or activity.
  - b. The Zoning Director shall cause a notice of the suspension to be served personally upon the licensee, or upon any responsible agent of the licensee, at the premises where the licensed business or activity is conducted. The notice shall clearly inform the licensee of the reason for the suspension, and the conditions that must be met for the suspension to be removed.
  - c. Upon application of the licensee, and upon confirmation that the nuisance has been satisfactorily abated, along with any other reasonable conditions set forth in the notice have been met, the Zoning Director may remove the suspension.

**SECTION 8 – FINE SCHEDULE**

Any person found to be in violation of the provisions of this this chapter shall be subject to the following fine schedule:

OFFENSE	UNCONTESTED FINE	CONTESTED FINE OR UNPAID FINE
FIRST	\$ 50.00	\$ 100.00
SECOND	\$ 100.00	\$ 200.00
THIRD	\$ 200.00	\$ 400.00
ADDITIONAL	\$ 400.00	\$ 800.00

Each day on which a nuisance persists following the tenth day after issuance of written notice from the Code Enforcement Officer of Joint Code Enforcement Board that there is probable cause to believe a violation exists on, or by reason of the state of, the property owned or possessed by the violator shall constitute a separate offense.

*Jon Ryan Morris*

5/13/2021

Accepted By: Jon Ryan Morris  
Judge Executive

Date

*Tracy Miles*

5/13/2021

Attested By: Tracy Miles  
County Clerk

Date

Fiscal Court First Reading Date: 5/13/2021

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