

CITY OF WILDER, KENTUCKY
ORDINANCE NO. 24-0201

**AN ORDINANCE AMENDING CHAPTER 90 SECTION 90.01 (A) AND (C)
OF THE WILDER MUNICIPAL CODE REGARDING PUBLIC
NUISANCE, AND THE PROCEDURE TO REMEDY PUBLIC
NUISANCES.**

WHEREAS, the City of Wilder has previously adopted Chapter 90.01 of the Wilder Municipal Code relating to public nuisances in the City of Wilder; and,

WHEREAS, from time to time sections of the city code need to be reviewed to update city policy in certain areas; and,

WHEREAS, it has been suggested that Section 90.01 concerning public nuisance be reviewed and amended accordingly to deal with certain areas regarding property maintenance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WILDER, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

SECTION ONE

§ 90.01 PUBLIC NUISANCE.

(A) It is unlawful for any owner, occupant, or person having control or management of any land within the territorial limits of the city to permit a public nuisance. The following conditions shall be declared to be public nuisances: health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

1. 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.
2. 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 or grass clippings into any street, sidewalk, or property of another.
3. Noise. Between the hours of 10:00 p.m. and 7:00 a.m. the following morning, in either a public or private place or house in the city, any of the following:
 - a. Any loud noise made or caused to be made upon any musical instrument, horn, bugle, radio, phonograph, cassette or compact disc player, or other loud speaking or noise making device, or caused by any other means, which is reasonably calculated to disturb others in the vicinity or any public or private place or dwelling.
 - b. Any loud noise caused by the operation or use of any tool or equipment necessary for the repair, construction, or demolition of buildings or any other structure or for the repair or demolition of any motor vehicle, or caused by any other means, which is reasonably calculated to disturb others in the vicinity of any public or private place or dwelling.

(B) If within 5 days after written notice of the existence of any such nuisance as defined in division (A), the owner of such real estate property or the occupant or person having control or management of such property shall fail to remedy such situation, then the person shall be guilty of a violation and subject to a fine not in excess of one hundred dollars (\$100) or imprisonment for not more than thirty (30) days, or both. Each day that such nuisance shall continue after the lapse of the five (5) days from the receipt of the notice as herein provided shall constitute a separate violation.

(C) Whenever such a situation is discovered, the city administrator, code enforcement officer or police

department shall give the five (5) days written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.


(D) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8840 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

SECTION TWO

That this Ordinance be read on two separate occasions, shall be signed by the Mayor, attested by the City Clerk/Treasurer published in accordance with law and made a part of the records of the City of Wilder. Same shall be in effect at the earliest time provided by law.

PRESENTED AND READ AT FIRST READING this 5th day of February 2024.

PRESENTED AND PASSED AT SECOND READING this 4th day of March 2024.


VALERIE A. JONES - MAYOR

ATTEST:


JUANITA SCHULTZ - CITY CLERK/TREASURER

Published in electronic form in LINK NKY this _____ day of March, 2024.