

LUDLOW ORDINANCE NO. 2026-11

AN ORDINANCE OF THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, ADOPTING CHAPTER 91, §91.13 OF THE LUDLOW CODE OF ORDINANCES, REQUIRING THE REGISTRATION OF VACANT PROPERTIES AND ESTABLISHING A SCHEDULE OF FEES RELATING TO THE MAINTENANCE OF VACANT PROPERTIES

WHEREAS, vacant, blighted, and abandoned property in the city are nuisances, which bring down property values and adversely impact the quality of life of the residents of the City of Ludlow, Kentucky; and

WHEREAS, the City seeks to encourage the creditors and owners of vacant properties to bring these properties in compliance with city, county, and state building codes and regulations in a timely manner.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That the Ludlow City Council hereby approves the addition of Chapter 91, §91.13 to the City's Code of Ordinances, which are attached as **Exhibit A** and are incorporated by reference herein. The Ludlow City Council finds that the addition of Chapter 91, §91.13 is in the best interest of the City.

SECTION II

All ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060 (9) and other applicable law. The ordinance may be published in summary.

Passed by the City Council this _____ day of _____, 2026.

CITY OF LUDLOW, KENTUCKY

Sarah Thompson, Mayor

ATTEST: _____
Laurie Sparks, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

EXHIBIT A

Proposed Text Amendments to the City of Ludlow's Code of Ordinances

Words to be deleted are [~~struck through~~] – Words to be added are **underlined**.

CHAPTER 91: STREETS AND SIDEWALKS

Section

- 91.01 Generally
- 91.02 Definitions
- 91.03 Public nuisances prohibited
- 91.04 Actions constituting public nuisances
- 91.05 Dangerous buildings
- 91.06 Graffiti
- 91.07 Junked or wrecked vehicles
- 91.08 Rubbish or excessive growth
- 91.09 Powers and duties of the Code Enforcement Officer; record keeping; inspection
- 91.10 Establishment of Code Enforcement Board; powers
- 91.11 Appeals of Code Enforcement Board decision; final judgment
- 91.12 Lien; recording; fines, charges and fees
- 91.13 Vacant Properties, definitions, applications, and fees
- 91.99 Penalty

§ 91.01 GENERALLY.

(A) *Purpose.* The city's nuisance chapter (hereinafter "chapter") is designed to protect the public health, safety, and welfare by establishing pursuant to KRS 65.8801 to 65.8839 what constitutes a nuisance on residential and non-residential properties with and without structures, and prohibiting public nuisances that substantially annoy, injure, or endanger the public or unlawfully or substantially interfere with the use and enjoyment of private or public property, and fixing the responsibilities of owners, operators, and occupants of all residential and non-residential structures, and premises.

(B) *Intent.* This chapter shall be construed liberally and justly to insure public health, safety, and welfare insofar as the public is effected by the continued use and maintenance of structures and premises in violation of this chapter. However, the provisions of this chapter shall not be construed to prevent the enforcement of other applicable ordinances or regulations. The provisions of KRS 65.8801 to 65.8839 shall apply to the processes and procedures for enforcement of this chapter.

(C) *Application of other codes.* Any repairs, alterations, or changes to a structure, which are caused directly or indirectly by the enforcement of this chapter, shall be done in accordance with the procedures and provisions of any other existing codes used and

enforced by the city, including but not limited to the adopted Property Maintenance Code, the Kentucky Building Code, Fire Code, and Electrical Code.

(D) *Conflict with other ordinances or regulations.* In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance, or regulation of the city, the provision that establishes the highest standard shall apply, so long as the penalty for violation of that provision is civil in nature. If the penalty of the provision establishing the highest standard is not civil in nature, then this chapter shall be the prevailing authority, with the exception of the Kentucky Building Code, Fire Code, and Electrical Code, which shall control over conflicting city ordinances.

(E) *Workmanship.* All repairs, maintenance, alterations, or installations that are required for compliance with this chapter shall be executed and installed in a workmanlike manner.

(Ord. 2016-9, passed 11-10-2016)

§ 91.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning of the word being defined:

ABANDON. To give up or relinquish one's interest or right in property.

ABATEMENT COSTS. A city's/unincorporated Kenton County's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

ANYBODY. Any human being, or any organization or combination thereof, in the form of a corporation, partnership, limited liability company, joint venture, unincorporated association or otherwise.

ALTER or ALTERATION. Any change or modification in the construction or occupancy of a building or structure.

AEROSOL PAINT CONTAINER. Any aerosol container, regardless of the material from which it is made, that is adopted or made for the purpose of spraying paint capable of defacing property.

APPROVED. Approved by the Chairman of the Kenton County Joint Code Enforcement Board, or any of his or her assistants, staff, employees, or assigns.

ALL TERRAIN VEHICLE. Shall have the same meaning provided therefor in KRS 189.010, which is a motor vehicle is used for recreational off-road use.

AUTOMOBILE COLLECTOR. A person who collects and restores motor vehicles.

BANNER SIGN. Any commercial sign composed of any pliable plastic or cloth, without a rigid supporting frame.

BASEMENT. A portion of a building or structure located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING. Any structure, constructed on, below, or above ground, for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term **BUILDING** shall be construed as if followed by the words, "or any part thereof."

BUILDING CODE. The Kentucky Building Code, as adopted by the City of Ludlow Ordinance 1991-5 of the City of Ludlow Code of Ordinances.

CART. Any cart, wagon, or similar device, regardless of means of propulsion, made of wire, metal, wood or other material, such as is generally provided by merchants for carting or carrying merchandise or food stuffs from said merchants' store or buildings to automobiles or other places without said merchants' building or store.

CITY. The City of Ludlow, Kenton, Kentucky, including any departments, divisions, boards, or agencies thereof.

CODE ENFORCEMENT BOARD. An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839, created by an interlocal agreement between this city and other cities together with the County Fiscal Court.

CODE ENFORCEMENT OFFICER. As defined in KRS 65.8801 et seq. and any employee of Planning and Development Services of Kenton County charged with the enforcement of this chapter as a Code Enforcement/Citation Officer, exclusive of clerical and administrative staff, as well as police and fire safety officers.

CONTROL. To exercise restraint or direction over.

CRIMINAL ACTIVITY. Any building or premises where law enforcement officers have, on more than one occasion in the preceding 12-month period, cited or arrested persons for crimes involving prostitution, controlled substances, disorderly conduct or gambling, or have executed search warrants for crimes involving prostitution, controlled substances, disorderly conduct or gambling.

DELIVER. Any manner of delivery that conforms to the federal and state constitutional requirements for procedural due process.

DISORDERLY MANNER. Any manner that unreasonably causes inconvenience, annoyance or alarm to any member of the public or anybody using any other lot or parcel of real estate within or outside of the city, or wantonly creates a risk thereof.

DWELLING. Any building that is wholly or partly used or intended to be used for living, sleeping, cooking, and eating by human occupants, whether or not such building is occupied or vacant, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. The term **DWELLING** shall be construed as if followed by the words, "or any part thereof."

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating, whether or not such unit is occupied or vacant. The term **DWELLING UNIT** shall be construed as if followed by the words, "or any part thereof."

ELECTRICAL CODE. The Kentucky Building Code, as adopted by the city in Chapter 110.

EVERYBODY. Every human being and every organization or combination thereof. In the form of a corporation, partnership, limited liability company, joint venture, unincorporated association or otherwise.

FINAL ORDER. Any order:

(1) Issued by the Code Enforcement Board following a hearing in accordance with this chapter;

(2) Created because a violator neither paid nor contested the citation within seven days as provided in this chapter; or

(3) Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in this chapter.

FIRE CODE. The Kentucky Building Code, as adopted by the City of Ludlow in Ordinance 1991-5 of the City of Ludlow Code of Ordinances.

FOWL. Any hen, rooster, chicken, duck, turkey, pheasant or any of several other, usually gallinaceous birds.

GARBAGE The organic, animal, and vegetable waste resulting from the handling, preparation, cooking, and consumption of food or food products. Other general organic materials such as paper and cardboard are also garbage.

GRAFFITI. Any inscription, drawing or design that is scratched, painted, sprayed or placed on any surface of any structure without the consent or authority of the owner thereof, and which is within the view from any public property or right-of-way.

HEARING BOARD. The Kenton County Joint Code Enforcement Board as established by ordinance and empowered to conduct hearings pursuant to KRS 65.8801 to 65.8839.

IMMINENT DANGER. A condition which is likely to cause serious or life-threatening injury or death at any time.

INOPERABLE MOTOR VEHICLE. A motor vehicle that is: unlicensed as required by KRS 186.020; is in a state of disrepair, caused by wreckage to the vehicle or disassembly; mechanically inoperable; or legally inoperable on public streets and highways.

LIVESTOCK. Animals of the bovine, ovine, porcine, caprine, equine, camelide and cervid species, including, without limitation, horses, cattle, sheep, swine and goats.

LOCAL GOVERNMENT. The City of Ludlow, Kenton, Kentucky.

MARKER PEN. Any indelible marker or similar implement with a writing tip exceeding four millimeters in width that contains solution that cannot be removed with water after it dries.

NUISANCE CODE. This chapter adopted by the city pursuant to KRS 65.8801 et seq. and incorporated herein by reference the provisions of the International Property Maintenance Code, published by the International Code Council Inc. as amended from time to time and all amendments are hereby incorporated by reference into this chapter as if fully set forth herein.

OCCUPANT. Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit, rooming unit, building, or portion of a building.

OPERATOR. Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

ORDINANCE. An official action of the local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body and the Fiscal Court which embodies all or part of an ordinance.

ORDINARY PUBLIC VIEW. A sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.

OVERGROWN GRASS. Any grass, weeds or vegetation in excess of eight (8) inches in length, except in agricultural zones.

OWNER. The holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. **OWNER** also means a person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property. It shall also mean any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm, or corporation in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property.

PARTS CAR. An automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of automobiles.

PERSON. Any individual, firm, corporation, limited Liability Company, association, or partnership.

PLUMBING. The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm draining facilities, the venting system, and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste, or sewerage, and water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

PREMISES. A lot, plot, or parcel of land including the buildings or structures thereon.

PUBLIC AREA. Unoccupied open space that is not privately owned, including but not limited to publicly owned property, sidewalks, streets, and rights-of-way.

RECREATIONAL VEHICLE. Has the same meaning provided for them in KRS 227.550(11).

REQUIRED. Required by some provision of this chapter or other law or regulation adopted by the city.

RUBBISH. Combustible and non-combustible waste materials, except garbage. The term shall include but not be limited to abandoned, discarded, or unused objects placed outside of a structure, such as furniture, stoves, refrigerators, freezers, washers, dryers, clothes, food, cans, containers, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, synthetic materials, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery and dust. The term shall also include the residue from the burning of wood, coal, coke, synthetic material, or other combustible material.

STAGNANT WATER. A body of water without wind, waves, fish, or frogs, including but not limited to stagnant water in natural ponds, ornamental ponds, old tires, poorly maintained pools, rain barrels, clogged gutters, and other places where standing water may collect.

STAIRWAY. One or more flight of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

STRUCTURE. An edifice, cellar, building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words, "or any part thereof."

YARD. An open unoccupied space on the same lot with building extending along the entire length of a street, or rear or interior lot line. This term also applies to an adjoining unoccupied parcel or lot that is used by a principal occupied lot as a yard.

(Ord. 2016-9, passed 11-10-2016)

§ 91.03 PUBLIC NUISANCES PROHIBITED.

No person shall act, fail to act, behave, erect, contrive, cause, continue, maintain in any manner, or permit to exist any public nuisance within the city. Repeated violation of the terms of the International Property Maintenance Code, as amended, shall constitute a public nuisance.

(Ord. 2016-9, passed 11-10-2016)

§ 91.04 ACTIONS CONSTITUTING PUBLIC NUISANCES.

The following acts, action, inaction, omissions, behavior, or conditions shall constitute a public nuisance:

(A) Any act, thing, occupation, condition, use of property, non-use of property, misuse of property that continues for a length of time so as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;

(2) In any way render the public insecure in life, peaceful uninterrupted existence, or in the use of their property;

(3) Offend the public morals or decency; and

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, including but not limited to sidewalks.

(B) To allow any physical condition, use, or occupancy of any premises or its appurtenances be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, standing pools of water or liquid, basements, excavations, retaining walls, and unsafe fences, accessible to children or other persons, on the premises. No person shall abandon or leave unattended in any place accessible to children any refrigerator, freezer, ice chest, ice box, or similar airtight box or container, which has a locking device inoperable from within, without first unhinging and removing the door or lid thereof or detaching the locking device from the door or lid. Nothing in this section shall be construed to prohibit the normal use of any refrigerator, ice box, freezer, or similar appliance for the storage of food in any home or buildings appurtenant thereto.

(C) For any premises to have unsanitary, defective, or insufficient sewerage or plumbing facilities.

(D) To keep or maintain any premises designated by a Code Enforcement Officer as unsafe or unfit for human habitation.

(E) For any premises to present an imminent fire hazard, be in imminent danger of collapse, or to be unsafe or unsecure so as to endanger life, limb, or property.

(F) (1) For any premises to lack electrical service, plumbing, heating, and/or other equipment required by this chapter, the Property Maintenance Code, state statute or any other ordinance of the city.

(2) If the utility providing natural gas service to a furnace, water heater, or other equipment determines that the equipment is defective, the utility shall cite or "red tag" the defective equipment and notify the Code Enforcement Officer of such citation. Any equipment so cited by a utility company as defective will be deemed a public nuisance.

(G) For any structure or building to be in a state of dilapidation, deterioration, or decay, or be a product of faulty construction.

(H) For any structure or building to be vacant or abandoned and open or accessible to vagrants or passersby, or damaged by fire so as to not provide shelter.

(I) To allow on any premises or structure any stagnant water in which mosquitoes, flies, or other insects may breed or multiply. For stagnant water that cannot be easily eliminated, a property owner may use mosquito dunks or other environmentally safe larvicides to kill mosquitoes and other insects and evidence of the effective use of such products will constitute a defense to any citation issued under this section.

(J) To allow any rubbish to remain on any premises.

(K) To allow any premises or structure to pollute any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial wastes or other polluting substances.

(L) To allow any premises or structure within the city, to emit or cause any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench repulsive to the physical senses of ordinary persons, or that annoy, cause discomfort, or injure the health of any appreciable number of persons within the city.

(M) Harboring or keeping any animal of the dog kind which by loud and frequent or habitual barking, howling, or yelping, shall cause serious annoyance or disturbance to adjacent residents in the neighborhood. No animal shall be kept on any lot or parcel of land or property within the city consisting of less than 10,000 square feet in area. This provision does not apply to small household pets, dogs or cats or those maintained for commercial purposes in compliance with the city's zoning code.

(N) Any person having the custody and control of any domestic animal shall be responsible for the removal of the animal's excrement and shall not allow excessive excrement to accumulate on his or her premises.

(O) The keeping of cattle or fowl within the city. No owner, harbinger, landlord, tenant or person having the custody, control or possession of any chicken, poultry, fowl or livestock shall permit the storage, keeping, raising or harboring of any such animal within the city. The keeping or harboring of such animals shall be considered a nuisance, de facto, under the terms of this chapter.

(P) Emission of noxious odors or smoke into the surrounding atmosphere of dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(Q) Emission of noise or sounds which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with the ordinary comforts of human existence.

(R) Storage of explosives or combustible material. The storage of combustible or explosive material which creates a safety hazard to other property or persons in the vicinity.

(S) Any tree, stack of wood or trees, 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.

(T) The operation of any ATV within the city on any day, before 8:00 a.m. or after 10:00 p.m., prevailing time without the muffler system provided by the manufacturer of the ATV, as provided by the manufacturer, without any modification thereof other than like kind parts replacement, and which prevents the emission of sound from the ATV in excess of the levels identified in 40 CFR 205.166 for motorcycles; or at any speed in excess of the minimum speed required to maintain the forward motion of the ATV while it is within 150 feet of any dwelling on a lot or parcel of real estate other than that upon which the ATV is being operated.

(U) Any fire, other than that of candles, torches, grills, and fire code compliant fire pits, that is outside of any building of any material other than paper, wood, charcoal, propane or natural gas or more than three square feet in area.

(V) To allow any motor vehicle to be parked on an unpaved surface.

(W) The feeding of ducks, geese, pigeons, and similar such birds and wild animals, such as, raccoons and squirrels in a manner causing or contributing to unsanitary conditions and offensive odors within the city limits. This would include making mass quantities of food available to groups of waterfowl, pigeons, or wild animals, on repeated occasions, so as to encourage them to amass in one particular location. This does not include maintenance of birdhouses or backyard bird feeders designed to feed sparrows, cardinals, hummingbirds, or similar such birds.

(X) It shall be a violation of this chapter to allow criminal activity to occur upon any property within the city. Any building or premises where law enforcement officers have, on more than one occasion in the preceding 12-month period, cited or arrested persons for crimes involving prostitution, controlled substances, disorderly conduct or gambling or have executed court issued search warrants for crimes involving prostitution, controlled substances, disorderly conduct or gambling shall be in violation of this chapter. Property owners are to be placed on notice if any of the preceding events occur and will be deemed to have knowledge of these events once given notice. In the event of criminal activity as described above occurs with the city, the Ludlow Police Department shall provide this information to the City Administrator within 30 days. The City Administrator shall then provide this information to the city Code Enforcement Department for the issuance of a citation, if applicable.

(Y) No person shall remove a shopping cart from the property of any retail shopping establishment. Property as used in this section shall be considered to include, but not

be limited to any public or private parking lot contiguous to the retail shopping establishment. Every retail establishment that provides carts to its customers that leave the building in which the establishment is located shall post signs in conspicuous locations throughout the parking lot of the retail establishment that state it is unlawful to remove carts from the premises of the establishment, including, but not limited to, the parking lot.

(Ord. 2016-9, passed 11-10-2016)

§ 91.05 DANGEROUS BUILDINGS.

It shall be a public nuisance and a violation of this chapter, to keep, maintain, or own a dangerous building within the city. A dangerous building is defined as any of the following:

(A) (1) A building whose interior or exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

(2) A building, exclusive of the foundation, that shows 33% or more damage or deterioration to its supporting members, or 50% or more damage or deterioration to its non-supporting members, or to the enclosing or outside walls or coverings;

(3) A building having improperly distributed loads on the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe to occupants or the public;

(4) A building damaged by fire, wind, or other causes so as to cause the building to become dangerous to life, limb, or property of the occupants or to the public;

(5) A building that has become or is so dilapidated, decayed, unsafe, unsanitary, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease or injury to health, safety, or general welfare of those living therein;

(6) A building having light, air, and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

(7) A building having inadequate facilities for egress in case of fire or panic or having insufficient stairways, elevators, fire escapes, or other means of travel;

(8) A building that has parts or elements that are attached or not attached in such a way that they may fall and cause injury to persons or property;

(9) A building that is missing or has nonfunctioning smoke detectors, and/or carbon monoxide detectors or similar detection devices in violation of the Fire Code; or

(10) A building with openings where a door, window or other architectural feature, or parts thereof, should be located.

(B) Every person owning or having control of a building shall not allow unsecured openings where a door, window or other architectural feature should be located.

(1) The city shall be authorized to abate the nuisance of an unsecured opening, and may effectuate securing the opening pursuant to the applicable code upon recommendation of a Code Enforcement Official.

(2) The nuisance of opening where a door, window or other architectural feature should be located may be securely boarded by using a minimum of three-eighths inch plywood or other similar material in a manner that will secure the building from intrusion.

(3) Any board placed on a building shall be painted a color that is consistent with the color of the structure or be painted black, and shall be cut to fit the opening.

(C) Every person violating the provisions of this section shall be subject to the procedures set forth in this chapter.

(D) Keeping, maintaining, or owning a dangerous building is a public nuisance and shall constitute a violation of this chapter, subject to the remedies set forth in KRS 381.770, as well as this chapter.

(Ord. 2016-9, passed 11-10-2016)

§ 91.06 GRAFFITI.

Graffiti is prohibited and deemed to be a public nuisance. It shall be unlawful to spray, draw, etch, carve or otherwise create graffiti on any building or structure in the city. If a private property owner fails to abate a graffiti nuisance violation after notice is given by the Code Enforcement Officer, the city may abate the graffiti and place a lien for the cost of abatement against the real property of the owner of said premises, building, or structure.

(Ord. 2016-9, passed 11-10-2016)

§ 91.07 JUNKED OR WRECKED VEHICLES.

It shall be unlawful to allow junked or wrecked vehicles, machines, scrap, salvage materials, mobile or manufactured homes to exist on real property in the city not within a duly licensed salvage yard pursuant to KRS 177.910 to 177.950. Furthermore:

(A) No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any occupied or unoccupied premises and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Except as provided in division (D), 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, health hazard, or source of filth to develop thereon through the accumulation of:

(1) One or more junked or wrecked automobiles, vehicles, machines or other similar scrap or salvage materials, excluding non-operative farm equipment; or

(2) One or more mobile or manufactured homes, as defined in KRS 227.550, that are junked, wrecked, or non-operative and are not inhabited.

(B) The provisions of § 91.01 shall not apply to:

(1) Junked, wrecked, or non-operative automobiles, vehicles, machines or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010(8);

(2) Junked, wrecked or non-operative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if

these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery or other means; and

(3) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed or leased by a motor carrier.

(4) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(C) The city may take action to abate the nuisances referenced in this section by giving notice to the property owner of the nuisance pursuant to the procedures set forth in this chapter. The city itself may abate or remove a nuisance referenced under this section if the property owner fails to do so after notice is given regarding the nuisance. The city shall have a lien against the property for the reasonable value of labor and material used in remedying the nuisance including but not limited to the cost of towing, holding, storage and disposal. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it shall be recorded in the office of the City Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and the city taxes, and may be enforced by judicial proceeding.

(D) In addition to the remedies prescribed above 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 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 owned.

(Ord. 2016-9, passed 11-10-2016)

§ 91.08 RUBBISH OR EXCESSIVE GROWTH.

(A) It shall be unlawful for any owner, occupant, person or corporation controlling or managing land in the city to permit a nuisance thereon through the accumulation of rubbish or excessive growth of weeds, grass and similar items. Any officer designated by the city legislative body may give five days written notice to remedy such situation and said notice shall be hand-delivered and/or mailed by regular mail to the last known address of the owner of said property to comply, the City Administrator is authorized to send employees of the city upon the property to remedy the situation.

(B) The city shall have a lien against said property for the reasonable value of labor and materials used in remedying such situation, such labor shall be calculated at an hourly rate of \$75 per hour. The affidavit of the City Clerk shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to said statute and shall be recorded in the office of the County Clerk in the county where such city is located. Said lien shall be notice to all persons from the time of its recording and shall bear interest at the rate of 6% per annum.

(Ord. 2016-9, passed 11-10-2016)

§ 91.09 POWERS AND DUTIES OF THE CODE ENFORCEMENT OFFICER; RECORD KEEPING; INSPECTION.

The powers and duties of the Kenton County Joint Code Enforcement Board or any person that they may be designated by the city to enforce the provisions of this chapter shall include but not be limited to the following all pursuant to KRS 65.8801 thru 65.8839.

(A) To conduct surveys and make inspections in any area of the city to determine compliance with this chapter or other ordinances he or she is empowered to enforce.

(B) To investigate all complaints made about buildings, structures, vacant lots, or other premises within the city, whether they be verbal, written, or in the form of a petition, alleging or charging that a violation of this chapter exists or that a dwelling, structure, or building is unfit or unsafe for human habitation or other occupancy.

(C) In support of police or fire authority to inspect, survey, or investigate any building, structure, dwelling, or premises between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists or if requested by the owner or occupant. A Code Enforcement Officer may enter a building, structure, dwelling, or premises to inspect, survey, or investigate with the consent of the owner or occupant, in emergency situations, or when an inspection, survey, or investigation is required before a permit is issued or funding is provided by the county or is part of a licensing scheme adopted by the county. If an owner or occupant refuses to consent to entry or inspection of a building, structure, dwelling, or premises, a Code Enforcement Officer may obtain a search warrant for this purpose from a court of appropriate jurisdiction. In addition, a Code Enforcement Officer may obtain a search warrant to inspect several buildings or structures in a particular area as part of an area inspection policy promulgated by the city. Probable cause to issue a search warrant may be based upon the passage of time, the nature of the building (e.g., a multi-family apartment house), the condition of the entire area, or other reasonable legislative or administrative standards adopted by the county. Probable cause does not need to depend upon specific knowledge of a condition existing in a particular dwelling. A Code Enforcement Officer conducting an inspection pursuant to this chapter shall provide identification and statement of purpose before entering any building, structure, dwelling, or premises and the person in possession or in charge of the building, structure, dwelling, or premises shall give the Joint Code Enforcement Board and his or her assistants, staff, or employees free access to such property for the purposes set forth herein.

(D) To administer oaths and affirmations, to examine witnesses, and receive evidence.

(E) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this chapter.

(F) To delegate any of his or her functions and powers under this chapter and other ordinances to such officers, agents, and employees as he or she designates.

(G) To seek through the appropriate judicial officer or office, such warrants that are necessary to enforce the provisions of this chapter and in pursuit of said warrants, make such oath or affirmation necessary in support thereof.

(H) To keep records of all complaints received, inspection reports, orders, and of other actions taken. The records shall be made available for public inspection upon

request within a reasonable amount of time. The Joint Code Enforcement Board shall prepare an annual report including statistics based on the records kept.

(Ord. 2016-9, passed 11-10-2016)

§ 91.10 ESTABLISHMENT OF CODE ENFORCEMENT BOARD; POWERS.

The Kenton County Joint Code Enforcement Board shall act as the hearing board for the enforcement of this chapter. Authorized personnel of Planning and Development Services of Kenton County and city police and fire officials shall act as the enforcement authority for the provisions of this chapter. A Code Enforcement Officer, in order to facilitate inspection of premises reasonably suspected of being in violation of this chapter, may obtain an administrative search warrant upon presentation of an appropriate affidavit to a Kenton County District or Circuit Judge. The affidavit and search warrant shall be in substantial conformity to the formats attached as Exhibits A and B of Ordinance 2016-9.

(Ord. 2016-9, passed 11-10-2016)

§ 91.11 APPEALS OF CODE ENFORCEMENT BOARD DECISION; FINAL JUDGMENT.

An appeal from any final order issued by the hearing board may be made to the Kenton District Court within 30 days after the date when the order is issued by the board. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The appeal shall be de novo as determined by case law precedent. If no appeal from a final order of the board is filed within the time period set forth in this section, the board's order shall be deemed final for all purposes.

(Ord. 2016-9, passed 11-10-2016)

§ 91.12 LIEN; RECORDING; FINES, CHARGES AND FEES.

The city shall possess a lien on real property owned by the person found by a final order of the hearing board, or by final judgment of a court, to have committed a violation of this chapter in the amount of all fines assessed for the violation, for all charges, fees, and abatement costs incurred by the city in connection with the enforcement of this chapter, and bear interest until paid. The lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes. A person found to have committed a violation of this chapter shall be personally liable for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of this chapter.

(Ord. 2016-9, passed 11-10-2016)

§ 91.13 REGISTRATION OF VACANT REAL PROPERTY

(A) Purpose. It is the purpose and intent of this chapter to establish vacant property registration requirements as a mechanism to protect neighborhoods, preserve real property, prevent or lower maintenance costs and minimize hazards to persons and property located within the city as a result of said vacancy.

(B) Definitions. As used herein, the following terms shall be defined, as follows:

“ACTIVELY REHABBING.” Actively making repairs, alterations, additions, or other improvements to a vacant property. Failure to conduct construction work on such a property for more than seven consecutive days will be prima facie evidence the property is not being actively rehabbed. Failure to obtain all permits and license fees required by the Kenton County Planning and Zoning Department, including building and zoning permits, and the City of Ludlow, including occupational license fees for contractors working on the property, will be prima facie evidence that the property is not being actively rehabbed.

“CREDITOR.” Any person or any federal or state-chartered bank, savings bank, savings and loan association, credit union or any other financial institution or entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

“PUBLICLY ADVERTISED.” Property listed for sale or rental by a real estate agent hired by the property owner, placed by the property owner on the MLS Multiple Listing Service, Zillow, or other similar online service, or advertised by the property owner through signage on the property and/or in media publications or online platforms.

“VACANT.” Any real property having no legal resident or tenant. Evidence of vacancy may include any condition that, on its own or combined with other present conditions, would lead a reasonable person to believe that the property is uninhabited. Such conditions may include, but are not limited to, overgrown or dead vegetation; accumulation of flyers, mail or trash; rodent infestation; disconnected utilities; the absence of window coverings or furniture; broken and/or boarded up windows and entryways; neglect or lack of general maintenance; and, statements of neighbors, delivery persons or government employees as to the lack of occupancy. The abandonment or voluntary “walk away” by the owner of any property in which any creditor holds a mortgage interest shall be considered as evidence of vacancy.

“VACANT PROPERTY REGISTRATION FORM.” A form that creditors and owners of vacant property subject to the requirements of this chapter must complete and submit as specified herein.

“VACANT, FORECLOSED PROPERTY.” A vacant property upon which a creditor has filed an action in foreclosure in Circuit Court in order to recover monies pursuant to a mortgage which is secured by real property.

(C) Vacant properties must be registered with the Code Enforcement Officer.

(1) Within ten (10) business days of a creditor filing a foreclosure action on real property that is vacant at the time of filing or within ten (10) days of the real property

becoming vacant after the filing, the creditor shall complete and submit a vacant property registration Form to the City Code Enforcement Officer or his or her designee.

(2) For all other vacant real property, no later than sixty (60) days after this property becomes vacant, the owner of this property shall complete and submit a vacant property registration Form to the City Code Enforcement Officer or his or her designee. If the property owner is actively rehabbing the property or has publicly advertised it for sale or rental, the property owner may request, in writing, that the City grant an additional sixty (60) day extension to this registration requirement.

(3) Registration of any vacant real property under this provision shall include the address of the real property, the name and address of the owner of the real property, the name and address of the creditor who has instituted a foreclosure action or the creditor's authorized agent located within the Commonwealth of Kentucky for acceptance any notice required herein, if applicable.

(4) The creditor of vacant, foreclosed real property or owner of any vacant real property shall notify the City Code Enforcement Officer or his or her designee, within ten (10) business days of any change of information on the vacant property registration form. The vacant property registration form shall be maintained with accurate information until the creditor or owner notifies the City Code Enforcement Officer or his or her designee, in writing, that the property has sold at a judicial sale, reoccupied, or transferred to an unaffiliated third party. The name and address of the new owner or individuals occupying the property shall be provided in writing to the City Code Enforcement Officer or his or her designee.

(D) Registration Fees.

(1) The creditor of vacant, foreclosed property or the owner of vacant real property shall pay an initial registration fee of five hundred dollars (\$500) and if the property remains vacant for more than six (6) months thereafter, then the property owner shall pay a second \$500 registration fee, and for each year after payment of the initial registration fee, the creditor or property owner shall pay one thousand dollars (\$1,000) annual registration fee until such time that the foreclosure action is dismissed, the property is sold at a judicial sale, the property is reoccupied, or until the property is transferred to an unaffiliated third party.

(2) If registering property under § 91.13(C)(2), the same fee schedule set for in § 91.13(D)(1) shall apply; however, payment of the initial registration fee may be deferred by the property owner for ninety (90) days from the date of registration if the real property is publicly advertised for sale or rental by the owner or the property owner is actively rehabbing the property for occupancy or resale. The city may grant a second deferment from paying the registration fee for a period of another ninety (90) days upon written request from the property owner to the City Code Enforcement Director or his or her designee, but only if the real property is still publicly advertised for sale or rental by the property owner or still undergoing rehab for occupancy or resale and the property owner provides proof that a reasonable effort is being made to sell or rehab the real property.

(E) A property owner or creditor found to be in violation of this section shall be issued a written warning for a first violation of this section, and shall be subject to the penalties described in § 91.99(C) for a second or greater violation.

(Ord. _____, passed _____)

§ 91.99 PENALTY.

The following penalties shall apply to violations of this chapter:

(A) Any person, firm, or corporation who violates any provision of this chapter, not including § 91.13, shall be subject to a civil fine of not less than \$50 per day per violation but not more than \$500 per day per violation, or the cost to the city to abate the public nuisance, or both. Each day that a violation of this chapter continues after due notice has been served in accordance with the terms of this chapter may be deemed a separate offense to a maximum of \$10,000 per citation.

(B) As an additional alternative remedy to the above penalty, any violator who violates any provision of this chapter and has been previously issued two or more citations for violation of this chapter relating to the same property within a 12-month period may be assessed additional civil penalties of \$500 per day per violation to a maximum of \$20,000 per citation.

(C) Any creditor who violates of § 91.13, shall be subject to the following penalties:

(1) Any creditor of vacant, foreclosed real property or owner of vacant real property that fails to register such property with the City's Code Enforcement Officer shall be subject to a civil fine of \$100.00 per day per violation. Payment of this fine shall count as a credit or set off to any unpaid or outstanding registration fee required herein.

(2) Failure to maintain accurate information once having registered the property shall constitute a violation and shall be subject to a civil fine of \$100.00 per day per violation.

(Ord. 2016-9, passed 11-10-2016), (Ord. _____, passed _____)