

**Ordinance 1, Series 2024     CITY OF FINCASTLE**

**§ 92.32 PROPERTY MAINTENANCE STANDARDS.**

It is hereby declared to be a public nuisance for any owner or other person in control of said property or premises to keep or maintain the outdoor area of the property, premises or rights-of-way in such a manner that any of the following conditions are found to exist:

(A) Abandoned, dismantled, wrecked, inoperable, and discarded objects, equipment or appliances such as, but not limited to, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, or cans or containers standing or stored on property or on sidewalks or streets.

(B) Discarded food, garbage, rubbish, refuse.

(C) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous), which is determined by the City Administrative Officer, or other person or employee as may be designated by the City Commission to enforce city ordinances to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;

(D) Lumber (excluding lumber for a construction project on the property with a valid permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of 72 hours and visible from a public street, walkway, alley or other public property.

(E) Incomplete projects. Any renovation or construction to structures or grounds must be completed through consistent, sustained effort and no such building or grounds under construction or renovation may be allowed to be uncompleted for an unreasonable length of time, given due consideration to the type of project. A period of 120 days without consistent, sustained effort to complete the project shall be an unreasonable length of time, without sufficient, specific, written explanation for said delay.

(F) Receptacles for discarded materials and recyclables which are left alongside public roadway before and/or following the day of the regularly scheduled refuse pick-up for the property; no garbage, yard waste or recycling items shall be placed out alongside public street for collection more than 24 hours prior to the collection day. The containers for such items must be removed from any public street within 24 hours after the day of collection. Recyclable items which have not been recycled within 30 days of being deposited on the property which are determined by the City Administrative Officer, or other person or employee as may be designated by the City Commission to enforce city ordinances to constitute a fire hazard or to be detrimental to human life, health or safety.

(G) Swimming pool, pond, spa, other body of water, or excavation which is abandoned, unattended, unsanitary, empty, or (if not in use) does not have a secure and safe cover, which will not collect water and is effective and suitable which is not securely fenced, or which is determined by the City Administrative Officer, or other person or employee as may be designated by the City Commission to enforce city ordinances to be detrimental to life, health or safety.

(H) Any premises which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured.

(I) Permits any structure/residence to become unfit and/or unsafe for human habitation or occupancy, or to permit condition to exist in the structure which are dangerous or injurious to the health or safety of the occupants or the structure, the occupants of neighboring structures, or other residences of the city. All residences within the city shall have a safe and operable connection to water, electric/gas, and sewer services. Residents who are in the process of construction and are in compliance with division (E) above are exempt from this section during the construction.

(J) Permits any weeds, or grass growth other than crops, trees or ornamental plants or shrubs, to grow to a height exceeding six inches. It shall be the duty of any owner, operator, agent, or occupant, occupying or controlling property abutting a public street within the City of Fincastle, to maintain all grass to a height of six inches, to remove all refuse, weeds, trash, waste and litter from the sidewalks, curbing, to the edge of the pavement of such streets as are adjacent to or abut such property.

(K) Permits or causes the interface with any obstruction of a drainage ditch, device or system as to inhibit, alter, or prevent proper drainage patterns.

(L) Permits the accumulation of ashes, leaves, wood, lumber, limbs, twigs, storm debris and/or any residue from the burning of any combustible material.

(M) All firewood must be stacked in cord like fashion and no more than two cords allowed on any lot at one time. No pieces to exceed 48 inches in length. The stack must be at least six inches off the ground, supported by a minimum of non-decaying supports to permit proper air circulation and no higher than five feet. Persons who heat primarily with wood may apply to the city for special storage permission.

(N) Any tree, stack, or other object standing in such a condition that is likely to, if the condition is allowed to continue, endanger life, limb or property, or cause hurt, damage or injury to persons or property by falling thereof or of parts thereof.

(O) Permits the dropping, deposit, or acquiesce in the dropping, depositing, scattering in any manner, in or on any public or private property any waste material of any kind, not including normal yard maintenance material.

(P) Permits any condition to exist that is injurious to the public health. Such as but not limited to:

(1) Unlawful storage of explosives

(2) Having an uncovered well, pit or any excavation or situated upon any premises in any open lot or plane that any reasonable or prudent man should realize should be injurious to human health.

(3) The failure to keep an animal's pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors.

(4) Permits the presence of polluted water, or the accumulation of any substance that attracts vermin, rodents, insects, or animals or is otherwise injurious to the public health.

(5) Permits the unlawful burning of any refuse, garbage, or waste or material of any kind.

(Q) Permits any condition to exist that causes a building or grounds not to be in good repair. Such as but not limited to:

(1) Every window; exterior door; basement; porch; roof; eaves; foundation; exterior wall; exterior stairs; shall be reasonably watertight; weathertight; bird, animal, and rodent proof; and shall be kept in sound condition and good repair.

(2) All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint, which is not lead-based paint, or by other protective covering or treatment. Peeling paint is a violation of this section.

(3) All gutters, shutters, down spouts and any other parts of the exterior of the home shall be maintained in good condition and be fit for their intended purpose.

(R) Any other condition on a property which meets the requirements of subparagraph (1) below:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

### **§ 92.33 RESPONSIBILITY FOR PROPERTY MAINTENANCE.**

(A) The owner and/or resident of any property within the city shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this subchapter and the Code of the City of Fincastle, Metro Louisville Ordinances, Land Development Code, Kentucky Revised Statutes and the Kentucky Building Code.

(B) Enforcement of this subchapter may be accomplished by the City Administrative Officer, or other person or employee as may be designated by the City Commission to enforce city ordinances in any manner authorized by this subchapter or by any other law, including but not limited to issuance of criminal citations, civil actions and abatement.

(C) Abatement of public nuisances:

(1) Non-exclusive authority to abate. The city may choose to abate any public nuisance or violation of the City Code through any of the abatement methods set forth in the City Code or in other local, state or federal law, and nothing contained in this subchapter shall be construed as limiting, prejudicing, or adversely affecting the city's ability to concurrently or consecutively use any of those proceedings as the city may deem are applicable. Proceeding under this section will not preclude the city from proceeding under other sections of this chapter. Whenever the City Administrative Officer, or other person or employee as may be designated by the City Commission to enforce city ordinances determines that any condition exists in violation of the provisions of this subchapter, he/she may take enforcement action pursuant to this section.

First Reading: 3-14-2024 Second Reading: 4-11-2024 Passed and Approved 4-11-2024

Attest: Mayor John Bell Treasurer clerk Jean Reid