

ORDINANCE NO. 19-14

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY RELATING TO
CHRONIC NUISANCE PROPERTY**

WHEREAS, the City is mindful that from time to time there exist certain chronic nuisances in the City existing on properties within the City which are of such a nature and frequency that they cannot be effectively controlled, deterred, or abated under existing City ordinances; and

WHEREAS, such chronic nuisance properties present health, safety, and welfare concerns and in addition have a negative impact upon the peaceful enjoyment of their property by persons residing in the immediate vicinity of them; and

WHEREAS, the failure of the owners and managers of such properties to control the activity occurring on or from their properties is a financial burden to the City as the result of the repeated expenditures of public funds devoted to the enforcement of laws upon or near these properties; and the Board wishes to enact a more efficient means of addressing these chronic nuisances;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

Any property within the City that becomes a Chronic Nuisance Property as defined herein is in violation of this Ordinance and shall be subject to its remedies. It shall be unlawful for any person to permit property under his or her ownership or control to be a Chronic Nuisance Property, as defined herein, and such person shall likewise be in violation of this Ordinance and subject to its remedies.

**SECTION II
Definitions**

1. **Chronic Nuisance Property.** A hotel or motel establishment on which three or more Nuisance Activities exist or have occurred during any ninety day period or on which twelve or more Nuisance Activities exist or have occurred during any twelve month period.
2. **Control.** The authority to regulate, restrain, dominate, counteract, or govern Property, or conduct which occurs on a Property.
3. **Good Cause.** Circumstances beyond the ability of the owner or manager of the Chronic Nuisance Property acting with reasonable care and diligence to control.
4. **Nuisance Activities.** Any of the following activities, behaviors, or conduct when same occur on property within the City:
 - (a) Harassment, as defined in KRS 525.070 through 525.080;

- (b) Public intoxication or alcohol intoxication, as defined in KRS 525.100 or KRS 222.202;
- (c) Disorderly conduct, as defined in KRS 525.055 and KRS 525.060;
- (d) Murder, manslaughter, or reckless homicide as defined in KRS 507.020, 507.030, 507.040, or 507.050;
- (e) Rape, sodomy, sexual abuse, sexual misconduct, indecent exposure as defined in KRS 510.010 through 510.155;
- (f) Assault, menacing, wanton endangerment, terroristic threatening, criminal abuse, stalking, or disarming a police officer, as defined in KRS 508.010 through 508.160;
- (g) Unsworn falsification to authorities or giving a peace officer a false name or address, as defined in KRS 523.100 or 523.110;
- (h) Obstruction of public administration, as defined in KRS 519.010 through KRS 519.070;
- (i) Resisting arrest, fleeing or evading police, or hindering prosecution or apprehension, as defined in KRS 520.090 through KRS 520.130;
- (j) Promoting gambling, conspiracy to promote gambling, possession of gambling records, or any other illegal gambling activities, as defined in KRS Chapter 528;
- (k) Prostitution, promoting prostitution, permitting prostitution, or human trafficking, as defined in KRS 529.010 through 529.110;
- (l) Endangering the welfare of a minor or unlawful transaction with a minor, as defined in KRS 530.060 through 530.080;
- (m) Distribution of obscene matter, promoting sale of obscenity, or voyeurism, as defined in KRS 531.010 through 531.110;
- (n) Sexual exploitation of minors, as defined in KRS 531.300 through 531.370;
- (o) Drug possession or trafficking, as defined in KRS 218A.010 through 218A.1444;
- (p) Weapons related offenses, as defined in KRS 527.010 through 527.210;
- (q) Alcohol related offenses, as defined in KRS Chapters 241,242, 243, and 244;
- (r) Noise violations, as defined in Chapter 98 of the City of Richmond, Kentucky Code of Ordinances;
- (s) The discharge of a firearm;
- (t) A drug overdose resulting in death, or one which necessitated medical intervention or resuscitation.

A Nuisance Activity shall be deemed to have occurred if:

- (a) It has been personally observed by a City police officer or a City codes enforcement officer; or
- (b) A City police officer or a City codes enforcement officer determines, following investigation of the event in question, that the alleged Nuisance Activity in fact occurred.

An incident shall not be deemed to be a Nuisance Activity unless the Owner, within 20 days of its occurrence, shall have been given written notice of it.

5. Owner. The person(s) or entity shown to be the owner of the property in question in the records of the Madison County Property Valuation Administrator, whose address shall be as is set forth in such records.

6. Permit. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

7. Property. Any property, including land and that which is affixed, incidental or appurtenant to land, including any parking area, loading area, landscaping, building, structure, separate unit or portion thereof.

SECTION III City Enforcement

If a Property has been determined to be a Chronic Nuisance Property, the Property's Owner shall be assessed a civil fine of not less than \$3,000.00 nor more than \$5,000.00. If a fine shall remain unpaid for greater than 30 days after the assessment of it shall have become final, it shall be added to the ad valorem tax bill pertaining to the Property, shall bear interest and penalties the same as the ad valorem tax, and shall constitute a lien against the Property.

When a property has become a Chronic Nuisance Property, the City's codes enforcement department shall issue a notice of violation to the Owner that the Property has been determined to be a Chronic Nuisance Property. The notice of violation shall contain the following information:

- (a) The street address of the Property;
- (b) A statement that the Property has been determined to be a Chronic Nuisance Property together with a concise description of the Nuisance Activities leading to this determination;
- (c) A demand that the Owner respond within ten days to the codes enforcement department by either describing the actions the Owner intends to take to abate the Nuisance Activities or a statement describing Good Cause as to why the Owner cannot abate the Nuisance Activities;
- (d) That an agreed upon plan of abatement (the "Abatement Plan") must be reached with the codes enforcement department within thirty days from the date of the notice of determination of Chronic Nuisance Property;
- (e) That if the Nuisance Activities are not abated and Good Cause for failure to abate is not shown, enforcement action may be initiated including civil penalties and/or fines assessed of not less than \$3,000.00 nor more than \$5,000.00; and
- (f) That fines and/or penalties remaining unpaid for more than 30 days following the date when the assessment of them became final will be added to the ad valorem tax bill for the Property, shall bear interest and penalties the same as unpaid ad valorem taxes, and shall constitute a lien against the Property.

The codes enforcement department shall initiate enforcement action including the assessment of civil fines where:

- (a) The Owner fails to respond within ten days from the date of the notice of determination that a Chronic Nuisance Property has been found to exist;
- (b) No agreeable written abatement plan is reached within 30 days from the date of the notice of determination that a Chronic Nuisance Property has been found to exist;
- (c) The Owner fails to abate the Nuisance Activities from the Property as is required by the abatement plan; or
- (d) The Owner fails to comply continuously with all of the conditions of the abatement plan for a period of one year from the date of its inception.

The fact that a Property shall have been determined to be a Chronic Nuisance Property with the result that its Owner shall have been fined in accordance with the foregoing provisions shall not act as a bar to future such violations. At such time as an assessed fine shall have become final, new Chronic Nuisance Property proceedings as to the Property may be initiated the same as though no earlier proceedings had ever taken place.

SECTION V


This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING: June 25, 2019
MOTION BY: Commissioner Grant
SECONDED BY: Commissioner Brewer

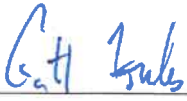
DATE OF SECOND READING: July 09, 2019
MOTION BY: Commissioner Morgan
SECONDED BY: Commissioner McDaniel

VOTE	YES	NO
Commissioner Brewer	absent	
Commissioner Grant	x	
Commissioner McDaniel	x	
Commissioner Morgan	x	
Mayor Blythe	x	


 Mayor Blythe

ATTEST:

 City Clerk

APPROVED AS TO FORM:



City Attorney