

**CITY OF FRANKLIN
ORDINANCE NO. 2023 - 011**

ORDINANCE REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF RELATING TO PROPERTY MAINTENANCE OR NUISANCES AND AMENDING A PREVIOUS ORDINANCE ENTITLED "PROPERTY MAINTENANCE CODE ENFORCEMENT" WHICH CREATES NEW OR AMENDED MINIMUM STANDARDS FOR THE MAINTENANCE OF ALL PROPERTY WITHIN THE CITY OF FRANKLIN THAT WILL BE ADMINISTERED AND ENFORCED BY THE CODE ENFORCEMENT DEPARTMENT THROUGH DESIGNATED CODE ENFORCEMENT OFFICER(S) AUTHORIZED TO ISSUE NOTICES OF VIOLATIONS AND CITATIONS TO THE OWNER OR OCCUPANTS OF PROPERTY IN VIOLATION THEREOF; AUTHORIZING AND DIRECTING THE CODE ENFORCEMENT OFFICER AND THE BOARD TO IMPOSE FINES, PENALTIES, CHARGES AND ADMINISTRATIVE FEES IF A VIOLATION IS ESTABLISHED; ESTABLISHING NEW OR AMENDED FINES, PENALTIES, CHARGES AND ADMINISTRATIVE FEES; ESTABLISHING A REPEAT OFFENDER STATUS FOR ENHANCED PENALTIES. THIS ORDINANCE ALSO ADOPTS BY REFERENCE NUMEROUS SECTIONS OF THE MOST RECENT EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WHICH PROVISIONS AUTHORIZE CODE ENFORCEMENT OFFICER(S) TO CITE AND ABATE, IF NECESSARY, UNSAFE STRUCTURES, JUNKED VEHICLES AND APPLIANCES, TALL WEEDS AND GRASS, FIXTURES, RUBBISH AND OTHER CONDITIONS OR PROPERTY DEEMED TO BE PUBLIC NUISANCES.

WHEREAS, the Board of Commissioners of the City of Franklin has determined that the is a need to revise certain portions of the code enforcement ordinance that is currently in effect.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKLIN, KENTUCKY, AS FOLLOWS:

Section 13 shall be amended to read as follows:

SECTION 13. Ordinance Fine Schedule.

Violations of ordinances that are enforced by the Franklin-Simpson Code Enforcement Board shall be subject to the following schedule of civil fines:

- (a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply. A second offense is an offense that occurs within five (5) years of a prior offense for which a citation is issued against the same property owner at the same property. All others are those that

occur within five (5) years of two (2) or more prior offenses for which a citation is issued against the same property owner at the same property.

<u>VIOLATION</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Structural Violations	\$ 150.00	\$ 300.00	\$ 600.00
Non-Structural	\$ 100.00	\$ 200.00	\$ 400.00
Sign Violations	\$ 50.00	\$ 100.00	\$ 200.00

- (b) If the citation is contested and a hearing before the Franklin-Simpson Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Franklin-Simpson Code Enforcement Board:

<u>VIOLATION</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Structural Violations	\$ 300.00	\$ 600.00	\$1,200.00
Non-Structural	\$ 200.00	\$ 400.00	\$ 800.00
Sign Violations	\$ 100.00	\$ 200.00	\$ 400.00

- (c) In addition to all sums set forth in this section for fines, the person found to have committed the violation and/or owner of the property shall be liable and/or responsible for all abatement fees and/or fees for remedying the violation.

Section 19 (g) is amended to read as follows:

SECTION 19. Property Maintenance Code.

- (g) **Demolition - General.** The Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. Further, the Code Enforcement Officer shall be authorized to order the owner to demolish or remove any and all buildings, walls and other structures including, but not limited to greenhouses, smokehouses, antennas, retaining walls, mailboxes and fences, which have been damaged by fire, decay or otherwise and which are in a state of dilapidation, deterioration or decay so as not to provide shelter, sufficient sewer, plumbing, electrical or heating facilities or which are unsound or in danger of collapse or failure and which are a danger to the safety of the public or which are vacant or abandoned and open or accessible to vagrants or passersby or which are otherwise built, erected or maintained in violation of any ordinance.

Section 20 is amended to read as follows:

SECTION 20. Declaration of Nuisances; Exceptions.

- (a) **Junked Motor Vehicles.** The presence of any junked motor vehicle on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:
1. Any motor vehicle or appliance in an enclosed building;
 2. Any motor vehicle or appliance on the property of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
 3. Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances in conformance with the Zoning Code of the city and county.
- (b) **Liability for Damages to Removed Vehicle.** Neither the owner or occupant of the property/vehicle from which any aforesaid junked motor vehicles shall be removed, their employees, servants or agents, or any department of the City, or its agents or employees, shall be liable for any loss or damage to the junked motor vehicle while being removed or as a result of any subsequent sale or other disposition.
- (c) **Compliance by Removal of Vehicle.** The removal of a junked motor vehicle from the property within the number of days required in the Notice of Violation issued by the Code Enforcement Officer shall be deemed to be compliance with the provisions of this article and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the property.
- (d) **Right of Entry.** In the enforcement of this article, a Code Enforcement Officer, and his duly authorized agents, assistants, employees, or contractors may enter upon private or public property to examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this article.
- (e) **Other Miscellaneous Nuisances.** It shall be unlawful for the owner, occupant or person having control or management of any real property within the City to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

1. **Accumulation of Rubbish and Construction, Demolition, Landscaping Debris or Other Waste Materials.** An accumulation on any property 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 into any street, sidewalk, or property of another. Further, all exterior property and premises shall be free from any accumulation of combustible and noncombustible waste materials, including any material resulting from maintenance, demolition, repair, alteration or construction of buildings, structures or grounds. Exterior property and premises shall be free from landscaping debris or natural damage of grounds, including, but not limited to ashes, stones, glass, concrete, unused piles or bags of rock/mulch/soil, fallen trees, tree branches, limbs, brush and yard trimmings.
2. **Storage of Explosives.** The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.
3. **Weeds and Grass.** The excessive growth of weeds, grass, or other vegetation, except flowers, trees, shrubs, or other ornamental vegetation, which are properly maintained. Noxious weeds shall be prohibited regardless of height. Unless otherwise provided, "excessive" shall mean growth to a height of ten (10) inches or more.
4. **Open Wells.** The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private property in any open or unfenced lot or place.
5. **Accumulation of Refuse/Trash and Scattered Garbage.** No person shall store or permit the accumulation of refuse/trash, unless such refuse/trash is kept separately in standard refuse/trash containers or dumpsters which are covered by solid, tight-fitting lids and which have no uncovered holes, and the storing or permitting the accumulation of refuse and trash for which removal of refuse and trash is not provided is prohibited. Further, no person shall allow, permit or maintain the throwing, placing or scattering of any garbage, rubbish, trash or other refuse over or upon any premises, or the allowing of any scattered garbage, rubbish, trash or other refuse to remain on a property. No refuse/trash shall be stored or accumulated in a manner that allows for blowing or scattering onto adjacent properties.
6. **Solid Waste/Trash/Recyclables Container.** The location of any solid waste container in the front yard or driveway of any lot or parcel of real estate in the City at any time other than that period of time that begins at 12:00 noon on the day before the day that solid waste/recyclables are scheduled by the waste hauler for collection from that real estate and ends at 12:00 noon on the following day.

7. **False Alarms.** The making, causing to be made, or allowing (intentionally or by and through an alarm system installed in or on a property owner's real estate) a false alarm more often than one (1) time per calendar month, directly or indirectly, to any law enforcement agency, fire department, emergency medical service (EMS), or any emergency response agency responding to alarms.
8. **Furniture/Clutter.** Allowing clutter or furniture onto a porch, patio, balcony, deck, yard, or other exterior areas of a residence, or blowing onto or for any reason causing clutter to be deposited on public property or property of another in the City of Franklin. Provided, however, that furniture designed and manufactured for outdoor use described as weather resistant and flame retardant is permitted.
9. **Panhandling/Soliciting Contributions.** No person or organization shall panhandle, beg, solicit funds or accept donations on or over any public street, road, alley or sidewalk. For purposes of this paragraph 20 (e)(8), "panhandle, beg, solicit funds or accept donations" shall mean the employment of the spoken, written or printed word or other acts as are conducted in the furtherance of the purposes of immediately collecting money or any other item of value for the use of one's self or others. As used herein, "solicit," and its forms, includes begging and panhandling.
10. **Removal of Shrubs and Overhanging Branches.**
 - (i) It shall be unlawful for owners of property which abuts city or county roads, streets, sidewalks, alleys and other public rights-of-way to allow bushes, weeds, shrubs, overhanging branches or limbs growing on their property or other objects to encroach upon said public rights-of-way including, but not limited to streets and sidewalks, that could cause damage to streets or sidewalks, or that causes an obstruction to drainage or poses a danger to life, limb or property of persons using the streets, sidewalks or rights-of-way. No person shall allow any dead tree adjoining public sidewalks or rights-of-way.
 - (ii) Every owner and/or manager of lands bordering on the public rights-of-way within the city or county shall clear away and carry away from on or alongside the roads, streets and alleys, and other public rights-of-way all bushes, weeds, shrubs and overhanging branches of trees and all other obstructions, and keep any limbs or branches from hanging down into the public roadway at a minimum height of 15 feet above said surface.
11. **Obstructions and Encroachments on Streets; Playing Sports and/or Athletic Games on Streets; and Visual Obstructions of Streets.**
 - (i) No person shall erect or maintain any obstruction across or upon any street, road, alley, sidewalk or public right-of-way of the city or county without the consent and written approval of the City Manager. For the purposes of

this section, obstructions shall include, but not be limited to, any house, fence, wall, building, structure of any kind, or any post, rail, basketball goal, or other fixed, portable, or temporary object that may in any way obstruct, either totally or partially, any street, alley, sidewalk or public right-of-way.

- (ii) This section shall not prohibit canopies and building overhangs, provided that such canopies and overhangs are attached to a principal building and are not freestanding or require an independent support structure, and comply with the zoning ordinances and regulations of the city and county. Retaining walls may be permitted pursuant to this section if, in the opinion of the City Manager, Code Enforcement Officer, or Building Inspector, such retaining wall is necessary to either protect the safety of persons or to preserve private property rights, provided that the placement or replacement of any retaining wall or structure is carried out in accordance with the zoning ordinances and regulations of the city and county. Nothing in this section shall prevent the reasonable use of the streets, roads, alleys or sidewalks for the purposes of receiving, shipping or delivering goods or merchandise or other articles for family use.
 - (iii) No person or entity shall engage in play or athletic games on or abutting public streets, roads, sidewalks, or rights-of-way within the City of Franklin and County of Simpson in such manner as to impede or obstruct vehicular or pedestrian traffic.
 - (iv) No person shall permit any hedge, shrubbery, fence, structure, object or other visual obstruction on any lot to prohibit proper sight distance to such an extent it presents a hazard to persons or property using the sidewalks, streets, rights-of-way, or other public ways adjacent to such property.
- 12. **Street Address Numbers.** All persons owning property within the city shall post their street address number on the front of their commercial or residential building, on the front side of each building, as close to the front entrance as possible, in numbers clearly visible, and at least three inches in height. The numbers should be posted in such a fashion as to be clearly visible from the road or street, and not obstructed by trees, bushes, signs or similar objects.
 - 13. **Posters on Utility Poles.** No person shall nail, tack, paste or place in any manner whatsoever, bills, posters, or advertisements upon any telephone or utility pole.
 - 14. **Nauseous Substances or Odors.** No person shall permit any manure, rubbish or filth, animal carcass, decaying animal or vegetable matter, excessive animal excrement or any foul or nauseous substance, or nauseous or offensive odor to be emitted or to be discharged out of or flow from the premises.
 - 15. **Standing or Stagnant Water.** All standing or stagnant water in which mosquitoes, flies or other insects can multiply, or which causes nauseous or offensive odor.

16. **Attractive nuisances.** No person shall allow of any physical condition, use or occupancy of any property or premises to be an attractive nuisance to children, or for illicit purposes, crime, drugs and/or vagrancy, including, but not limited to abandoned buildings, vacant lots, wells, shafts, standing pools of water, sinkholes, basements, excavations, retaining walls, and unsafe fences. Refrigerators, freezers, ice chests, ice boxes or any similar airtight box or container at an outdoor location which has a locking device inoperable from within, shall first unhinge and remove the door or lid and detach the locking device from the door or lid. Refrigerators, freezers, ice chests, or ice boxes in use at an outdoor location shall be equipped with an exterior locking device to prevent unintended access.
17. **Graffiti.** No person shall allow any graffiti to remain on a property or premises.
18. **Hoarding of Materials.** No person shall allow the accumulation of materials, trash, food, newspapers, magazines, old clothes and other items that create a serious fire or health hazard that can cause disease, contribute to vermin and/or insect infestations, affect the occupants of the building, neighbors, public safety personnel and the general public, or contribute to an unsanitary environment unfit for human habitation.
19. **Tires.** The outdoor storage of unused, scrap or waste tires in any amount is deemed a hazard to public health and safety and a fire hazard, and is prohibited within the City limits, except on premises authorized by the City for such purposes. Further, unused, scrap or waste tires shall not be placed at the curb or placed with refuse awaiting collection and shall be properly recycled or disposed of by the owner.
20. **Compost piles.** All compost shall be contained to compost bins and all material included in the bin shall originate from the property where it is located. Compost bins must not exceed one hundred twenty-five (125) cubic feet and must be made of permanent materials, including but not limited to wood, fiberglass, wire or metal. Compost bins should be constructed to prevent the harborage of rodents and insects and to mitigate noxious odors. Compost bins are not allowed in the front or side yards and must be at least five (5) feet from the property line with a maximum of three (3) bins per residence.
21. **Junk; Scrap Metal.** No person shall allow the storage of motor vehicle parts, storage tanks, refuse/trash containers not being served by garbage collection franchisees, junk machinery, machinery parts, abandoned, discarded or unused appliances, objects neglected and not being used for their intended purpose, unused containers, objects or equipment in unusable condition such as stoves, refrigerators, washers, dryers and similar equipment, or scrap metal within the City limits, except on premises authorized by the City for such purposes.
22. **Fences and Walls.** All fences and walls shall be structurally sound and maintained in good repair. Repair of fences and walls shall be made with materials that are

comparable in composition, color, size, shape, design and quality to those originally used to construct the fence or wall being repaired. Materials for new fence or wall construction shall be insect and/or weather resistant or have protective treatment applied. Materials such as pallets, slabs, reclaimed or repurposed construction refuse, or similar materials are not an acceptable construction material.

23. **Parking in yards.** The parking or storage or allowing another to park or store a motor vehicle in the front, side or rear yard of any property upon any surface other than an improved parking surface.

1. For the purposes of this Section “motor vehicle” is defined as a licensed means of motorized transportation for the movement of people and goods along public roadways including, but not limited to cars, trucks, vans, RVs and motorcycles.

2. Trailers of all types, including travel, boat, camping and hauling, may be parked or stored on back or side yards of residential property without requirement of an improved parking surface, but shall not be parked in front yards upon any surface other than an improved parking surface.

24. **Junk Mobile or Manufactured Homes.** No person shall allow one (1) or more mobile or manufactured home or recreational vehicle as defined in KRS 227.550 that is/are junked, wrecked or inoperable and which are abandoned or not inhabited.

25. **Prohibited Signs.** The following signs are prohibited and shall be subject to immediate removal by the code enforcement official or his or her designee, in addition to issuance of a notice of violation or citation:

- (a) Mobile signs;
- (b) Abandoned signs;
- (c) Any sign which emits noise or odor;
- (d) Signs in a public right-of-way; and
- (e) Signs located within the sight triangle of any intersection.

For purposes of this paragraph 20(e)(13), “sight triangle” shall mean the minimum area to provide a clear and unobstructed view of approaching traffic.

26. **Trash Burning.** No person shall burn any rubbish, brush, wood, trash, leaves or any other combustible materials anywhere in the city except as otherwise provided in this ordinance. This ordinance shall not be construed to prohibit the following:

- A. Wood fires in fireplaces, stoves, heaters, or furnaces safely designed, constructed and installed for such purposes and complying with all applicable laws, ordinances and/or regulations and, notwithstanding any other provisions in this ordinance to the contrary;
- B. Outdoor wood fires for recreational or for ceremonial purposes;

- C. Open burning of natural growth on the site of a new building construction only where it can be shown that such open burning is necessary and in the interest of public health. For purposes of this section, "natural growth" shall mean plant life grown and/or growing on the premises only;
- D. Open burning of trees, bushes and/or other plant life in areas zoned A-1 (Agricultural District) or any other agricultural designation, provided any fire ignited in accordance with this section shall be at least two hundred (200) feet from any residential, commercial or industrial district; and
- E. Open burning of natural growth or plant life in a designated "garden area." However, in no event shall any natural growth or plant life that was not grown in the "garden area" be brought in to the "garden area" prior to igniting the fire. "Garden area" shall be defined as an outdoor area which is tilled on a regular basis for the purpose of maintaining or growing a plant or vegetable garden.

Any fire not prohibited by this ordinance shall only be ignited after permission is obtained from the Fire Chief or his designated representative.

- 27. **Sale and Display of Merchandise.** No person shall sell or offer for sale any goods, wares, merchandise, meats or other edibles, either cooked or uncooked, from any temporary or permanent stand, store or retail location upon any of the streets, sidewalks or other public ways. Further, no person shall place, set or display on sidewalks, streets or public thoroughfares any merchandise, wares, fruits or vegetables for the purpose of sale or advertising. This section shall not prevent the display or sale of such articles at a city, county or Chamber of Commerce sponsored event.

28. **Yard Sales.**

- A. Definitions. For the purpose of this Paragraph 20(e)(16), the following terms, phrases, words, and their derivations shall have the meaning given herein.

- (1) **"Yard/Garage Sale"** shall mean and include all general sales open to the public conducted from or on any premises in any residential or nonresidential zone as defined by the planning and zoning ordinance for the purpose of disposing of personal property including , but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis.

- (2) **“Personal Property”** shall mean property which is owned, utilized and maintained by an individual or members of his or her residence, or others adding his/her/their personal property to said sale, and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.
- B. Property Permitted to be Sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.
- C. Permit Required. No yard/garage sale shall be conducted until the individuals desiring to conduct such sale obtain a permit from the Building/Codes Enforcement Department or his or her designee. Members of more than one residence may join in obtaining a permit for yard/garage sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location on a case-by-case basis.
- D. Permit Procedure.
- (1) Application. The applicant or applicants for a yard/garage sale permit shall file a written application with the Building/Codes Enforcement Department or his or her designee at least three (3) days in advance of the proposed sale setting forth the following information:
- i. Full name and address of applicant or applicants;
 - ii. The location at which the proposed yard/garage sale is to be held;
 - iii. The date or date upon which the sale will be held;
 - iv. The date or dates of any other yard/garage sales by the same applicant or applicants within the current calendar year;
 - v. A statement that the property to be sold was owned by the applicant as his own personal property or complies with the definitions contained herein, and was neither acquired nor consigned for the purpose of resale;
 - vi. A statement that the applicant will fully comply with this and all other applicable ordinance and laws; and
 - vii. For a community, subdivision and/or block sale, there shall be at least five (5) homeowners participating. Only one (1) permit is required. There shall be a limit of three (3) per year.
- (2) Permit Fee. There shall be no fee for the issuance of such permit.

- (3) Issuance of Permit. Upon the applicant complying with the terms of this ordinance, the Building/Codes Enforcement Department shall issue a permit.
- E. Permit Conditions. The permit shall set forth and restrict the time and location of such yard/garage sale. Not more than three (3) such permits may be issued to one residential location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than three (3) permits may be issued for any nonresidential location during any calendar year.
- F. Hours of Operation. Sales shall only be conducted during daylight hours, and for no more than three (3) consecutive days.
- G. Exceptions.
- (1) If a yard/garage sale is not held on the dates for which the permit is issued or is terminated using the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Building/Codes Department shall issue another permit to the applicant for a yard/garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.
- (2) A third yard/garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the Building/Codes Enforcement Department.
- H. Display of Sale Property. Personal property offered for sale may be displayed within the residence, in the garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard/garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.
- I. Display of Permit. Any permit in possession of the holder or holders of such yard/garage sales shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official.
- J. Advertising. Signs are permitted. Only the following specified signs may be displayed in relation to a pending yard/garage sale:

- (1) Two signs permitted. Two (2) signs of not more than four (4) feet shall be permitted to be displayed on the property of the residence or nonresidential site where the yard/garage sale is being conducted.
 - (2) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the yard/garage sale is conducted is not on a major thoroughfare, and permission to erect such signs is received from the property owners on whose property such signs are to be placed.
 - (3) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.
 - (4) Removal of signs. Signs must be removed at the close of the yard/garage sale activities.
- K. Persons exempted from Ordinance. The provisions of this Ordinance shall not apply to or affect the following:
- (1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction;
 - (2) Persons acting in accordance with their powers and duties as public officials; and
 - (3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to day basis, from or at the place of business wherein such sale would be permitted by zoning regulations of the City, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

There shall be added a new section 21 to read as follows:

SECTION 21. Repeat Offender Status/Program.

(A) Designation

A person shall be classified as a Repeat Offender only by the recommendation of the Code Enforcement Officer and action by the Code Enforcement Board. The Code Enforcement Officer shall recommend that a person be classified as a Repeat Offender with no less than seven (7) days' notice to that person prior to the next Code Enforcement Board meeting. That person may appear at the Board meeting to contest the recommendation. The Repeat Offender designation shall be determined at the sole discretion of the Code Enforcement Board and the Code Enforcement Board will establish a period of time a person will remain

in repeat offender status of not less than twelve (12) months nor more than twenty-four (24) months. Citations used as justifications for deeming a person a Repeat Offender cannot be used as justification for future recommendations of Repeat Offender status.

(B) Enforcement

In addition to all the procedures set forth above, enforcement action shall be enhanced against designated Repeat Offenders. No personal contact or Notices of Violation shall be required of the Code Enforcement Officer, and the Code Enforcement Officer may cite designated Repeat Offenders immediately upon confirmation of a code violation. The Code Enforcement Officer may also institute a program of regular inspections involving properties of Repeat Offenders without the necessity of complaints.

(C) Penalties

If a designated Repeat Offender is cited for a violation of the provisions of the City of Franklin's Code of Ordinances relating to Code violations and the citation is not contested, a maximum fine of one thousand two hundred (\$1,200) dollars shall apply as predetermined by the Code Enforcement Board. If the designated Repeat Offender contests the citation and a hearing before the Board is required, the Board may impose a maximum fine of two thousand four hundred (\$2,400) dollars at the discretion of the Board. The Code Enforcement Board may also classify all such civil fines as daily fines until the violation is remedied.

SECTION 22. Abandoned Urban Property.

- (a) Abandoned Urban Property is established as a separate classification of real property for the purpose of *ad valorem* taxation. As used herein, an "Abandoned Urban Property" means any vacant structure or vacant or unimproved lot or parcel of ground located within the boundaries of the City which has been vacant or unimproved for a period of at least one (1) year and which:
 - 1. Because it is dilapidated, unsanitary, unsafe, vermin infested or otherwise dangerous to the safety of persons, is unfit for its intended use; or
 - 2. By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; or
 - 3. Has been tax delinquent for a period of at least three (3) years; or
 - 4. Is located within a development area established under KRS 65.7049, KRS 65.7051 and KRS 65.7053.
- (b) The rate of *ad valorem* taxation levied upon Abandoned Urban Properties is Seventy-Five Cents (\$0.75) on each \$100.00 of assessed value.

- (c) The Code Enforcement Officer shall determine each year which properties located within the City are Abandoned Urban Properties, and shall prepare and furnish a list thereof to the City Clerk, City Finance Officer and the Simpson County Property Valuation Administrator prior to January 1st of each year.
- (d) Except as otherwise provided in paragraph (e) of this Section 21, a property classified by the Code Enforcement Officer as Abandoned Urban Property as of January 1st shall be taxed as Abandoned Urban Property for such tax year. If the owner repairs, rehabilitates, or otherwise returns the property to productive use so that the property is no longer Abandoned Urban Property, the owner shall notify the City, by and through its Clerk, which shall, if it finds the property is no longer Abandoned Urban Property, notify the Simpson County Property Valuation Administrator to strike the property from the list of Abandoned Urban Properties as of the succeeding January 1st.
- (e) No later than May 1st of each year, the Code Enforcement Officer shall mail, by regular first-class mail, to the owner(s) of each Abandoned Urban Property, as those name(s) are listed in the records of the Property Valuation Administrator, a notice that the property has been classified as Abandoned Urban Property. The owner of any Abandoned Urban Property who believes that the property has been incorrectly classified may appeal said classification to the Code Enforcement Board. Such appeal shall be in writing and shall be made no later than June 1st of that year. The Code Enforcement Board shall afford the owner the opportunity for a hearing. If the Code Enforcement Board finds that the property was incorrectly classified as Abandoned Urban Property, it shall cause the property to be removed from the list of properties so classified.

SECTION 23. Jurisdiction.

The Code Enforcement Officer and Code Enforcement Board shall have jurisdiction over and shall enforce this code and all other ordinances hereafter adopted which specifically provide for the enforcement by the Code Enforcement Officer(s) or Board, in the manner set forth herein.

SECTION 24. Validity of Existing Liens Previously File.

The adoption of this Ordinance by the City of Franklin Board of Commissioners shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Simpson County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this Ordinance; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.

This Ordinance shall be in full force and effect from and after its adoption as provided by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed. This ordinance further repeals the Franklin-Simpson Property Maintenance Board Bylaws adopted by the previous board on March 10, 2016.

January 23, 2023

FIRST READING

February 13, 2023

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 13, 2023, on motion made by Commissioner Williams and seconded by Commissioner McCreary, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes DALE MCCREARY

Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon, Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

**SUMMARY OF ORDINANCE
CITY OF FRANKLIN, KENTUCKY**

A summary of an ordinance of the City of Franklin, Kentucky, adopted by the Board of Commissioners on February 13, 2023, which summary is also the title or caption of said ordinance:

ORDINANCE NO. 2023 - 011

ORDINANCE REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF RELATING TO PROPERTY MAINTENANCE OR NUISANCES AND AMENDING A PREVIOUS ORDINANCE ENTITLED "PROPERTY MAINTENANCE CODE ENFORCEMENT" WHICH CREATES NEW OR AMENDED MINIMUM STANDARDS FOR THE MAINTENANCE OF ALL PROPERTY WITHIN THE CITY OF FRANKLIN THAT WILL BE ADMINISTERED AND ENFORCED BY THE CODE ENFORCEMENT DEPARTMENT THROUGH DESIGNATED CODE ENFORCEMENT OFFICER(S) AUTHORIZED TO ISSUE NOTICES OF VIOLATIONS AND CITATIONS TO THE OWNER OR OCCUPANTS OF PROPERTY IN VIOLATION THEREOF; AUTHORIZING AND DIRECTING THE CODE ENFORCEMENT OFFICER AND THE BOARD TO IMPOSE FINES, PENALTIES, CHARGES AND ADMINISTRATIVE FEES IF A VIOLATION IS ESTABLISHED; ESTABLISHING NEW OR AMENDED FINES, PENALTIES, CHARGES AND ADMINISTRATIVE FEES; ESTABLISHING A REPEAT OFFENDER STATUS FOR ENHANCED PENALTIES. THIS ORDINANCE ALSO ADOPTS BY REFERENCE NUMEROUS SECTIONS OF THE MOST RECENT EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WHICH PROVISIONS AUTHORIZE CODE ENFORCEMENT OFFICER(S) TO CITE AND ABATE, IF NECESSARY, UNSAFE STRUCTURES, JUNKED VEHICLES AND APPLIANCES, TALL WEEDS AND GRASS, FIXTURES, RUBBISH AND OTHER CONDITIONS OR PROPERTY DEEMED TO BE PUBLIC NUISANCES.

This ordinance amendment, when adopted by the City, sets forth its purpose, and also sets forth the requirements for citations to be issued, and how appeals can be filed from a decision of the board. It sets forth specific fines and how liens and charges shall be filed. The amendments to the prior ordinance provide specific powers to the Code Enforcement Officer if a structure is unsafe or unfit by fire or otherwise. The amendments also declare certain situations as nuisances or clarify what conditions constitute nuisances and provides for remedies by the City. The specific nuisances added or amended are as follows: junk motor vehicles (which also provides a mechanism for the City to remove the vehicle from the property); accumulation of rubbish; accumulation of refuse/trash and scattered garbage; removal of shrubs and overhanging branches from public rights-of-way; obstructions and encroachments on streets and playing sports and/or athletic games on streets and visual obstruction of streets; nauseous substances or odors; standing or stagnant water; attractive nuisances; graffiti; hoarding of materials; tires on property; compost piles; certain items of junk or scrap metal; maintenance of fences and walls; conditions required to allow parking in yards; and junk mobile or manufactured homes. In addition, it creates a repeat offender program which may be used to enhance penalties and fines against the perpetrator.

Pursuant to KRS 83A.060(9), the following provisions relate to fines, penalties, forfeitures, taxes or fees, and are set forth in full text:

SECTION 13. Ordinance Fine Schedule.

Violations of ordinances that are enforced by the Franklin-Simpson Code Enforcement Board shall be subject to the following schedule of civil fines:

- (a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply. A second offense is an offense that occurs within five (5) years of a prior offense for which a citation is issued against the same property owner at the same property. All others are those that occur within five (5) years of two (2) or more prior offenses for which a citation is issued against the same property owner at the same property.

<u>VIOLATION</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Structural Violations	\$ 150.00	\$ 300.00	\$ 600.00
Non-Structural	\$ 100.00	\$ 200.00	\$ 400.00
Sign Violations	\$ 50.00	\$ 100.00	\$ 200.00

- (b) If the citation is contested and a hearing before the Franklin-Simpson Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Franklin-Simpson Code Enforcement Board:

<u>VIOLATION</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Structural Violations	\$ 300.00	\$ 600.00	\$1,200.00
Non-Structural	\$ 200.00	\$ 400.00	\$ 800.00
Sign Violations	\$ 100.00	\$ 200.00	\$ 400.00

- (c) In addition to all sums set forth in this section for fines, the person found to have committed the violation and/or owner of the property shall be liable and/or responsible for all abatement fees and/or fees for remedying the violation.

SECTION 21. Repeat Offender Status/Program.

(A) Designation

A person shall be classified as a Repeat Offender only by the recommendation of the Code Enforcement Officer and action by the Code Enforcement Board. The Code Enforcement Officer shall recommend that a person be classified as a Repeat Offender with no less than seven (7) days' notice to that person prior to the next Code Enforcement Board meeting. That person may appear at the Board meeting to contest the recommendation. The Repeat Offender designation shall be determined at the sole discretion of the Code Enforcement Board and the Code Enforcement Board will establish a period of time a person will remain in repeat offender status of not less than twelve (12) months nor more than twenty-four (24) months. Citations used as justifications for deeming a person a Repeat Offender cannot be used as justification for future recommendations of Repeat Offender status.

(B) Enforcement

In addition to all the procedures set forth above, enforcement action shall be enhanced against designated Repeat Offenders. No personal contact or Notices of Violation shall be required of the Code Enforcement Officer, and the Code Enforcement Officer may cite designated Repeat Offenders immediately upon confirmation of a code violation. The Code Enforcement Officer may also institute a program of regular inspections involving properties of Repeat Offenders without the necessity of complaints.


(C) Penalties

If a designated Repeat Offender is cited for a violation of the provisions of the City of Franklin's Code of Ordinances relating to Code violations and the citation is not contested, a maximum fine of one thousand two hundred (\$1,200) dollars shall apply as predetermined by the Code Enforcement Board. If the designated Repeat Offender contests the citation and a hearing before the Board is required, the Board may impose a maximum fine of two thousand four hundred (\$2,400) dollars at the discretion of the Board. The Code Enforcement Board may also classify all such civil fines as daily fines until the violation is remedied.

CERTIFICATION

I, the undersigned City Clerk of the City of Franklin, Kentucky, hereby certify that the foregoing Summary of Ordinance of the City of Franklin, Kentucky was approved by the Board of Commissioners after second reading on February 13, 2023, and was further approved for publication following adoption according to law.

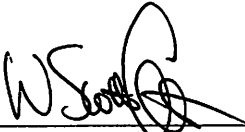
Witness my hand this 13th day of February, 2023.



Cathy Dillard, City Clerk
City of Franklin, Kentucky

PREPARATION CERTIFICATE

The undersigned Attorney at Law licensed to practice in Kentucky hereby certifies that the foregoing Summary of Ordinance of the City of Franklin, Kentucky, was prepared by the undersigned and constitutes a general summary of certain essential provisions of said ordinance, reference to the full text of which ordinance is hereby made for a complete statement of its provisions and terms.



W. Scott Crabtree, Attorney at Law
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