

Sponsors: Mayor Ronnie Clark
Commissioner Jamie Powell
First Reading: August 22, 2016
Second Reading: October 10, 2016

**CITY OF FRANKLIN
ORDINANCE NO. 2016 - 012**

ORDINANCE REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF RELATING TO PROPERTY MAINTENANCE OR NUISANCES AND ENACTING A NEW ORDINANCE ENTITLED "PROPERTY MAINTENANCE CODE ENFORCEMENT" WHICH CREATES A NEW CODE OF ORDINANCES THAT PROVIDE 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; AND FURTHER APPROVING AN INTERLOCAL AGREEMENT ESTABLISHING A JOINT CITY-COUNTY CODE ENFORCEMENT BOARD AND ESTABLISHING A DUE PROCESS BY WHICH PROPERTY OWNERS ARE GIVEN NOTICE AND AN OPPORTUNITY TO CORRECT VIOLATIONS OR, IF CONTESTED, TO APPEAL A CITATION ISSUED TO A BOARD APPOINTED BY THE BOARD OF COMMISSIONERS AND FISCAL COURT, EACH MEMBER OF WHICH SHALL ULTIMATELY SERVE A THREE-YEAR TERM; AND AUTHORIZING AND DIRECTING SAID BOARD TO CONDUCT AN IMPARTIAL HEARING AND RENDER A DECISION WITH REGARD TO ANY APPEALS BROUGHT BEFORE IT; AND FURTHER AUTHORIZING AND DIRECTING THE CODE ENFORCEMENT OFFICER AND THE BOARD TO IMPOSE FINES, PENALTIES, CHARGES AND ADMINISTRATIVE FEES IF A VIOLATION IS ESTABLISHED; AND FURTHER PROVIDING THAT ANY JUDGMENT OR DECISION OF THE BOARD MAY BE APPEALED TO SIMPSON DISTRICT COURT WITHIN THIRTY (30) DAYS OF THE BOARD'S DECISION. 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, it is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City of Franklin by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the property maintenance ordinances enacted and in force within the City; and

WHEREAS, the Board of Commissioners of the City of Franklin desire to increase the population of the City by the redevelopment of blighted areas and elimination of nuisances through aggressive code enforcement; and

WHEREAS, the Board of Commissioners of the City of Franklin desires to protect the existing housing inventory in the City through the adoption of ordinances, which promote and protect residential neighborhoods and reduce and or abate nuisance properties that tend to diminish neighboring property values and contribute to an increase in crime and loss of aesthetic value; and

WHEREAS, the Board of Commissioners of the City of Franklin, Kentucky, deems it reasonable and necessary to exercise the authority granted to it in KRS 65.8801 to 65.8839 and and/or all other applicable statutes, and does hereby establish a new City of Franklin Property Maintenance Code with rights, regulations, authority and penalties set forth herein.

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

SECTION 1. Title of Ordinance. This Ordinance shall be known and may be cited as the "Property Maintenance Code Enforcement Ordinance."

SECTION 2. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **"Abandoned"** shall mean property or any improvements thereon that is unoccupied, not in use, neglected, and/or not serviced by public utilities.
- (b) **"Abatement Costs"** means the city'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.
- (c) **"Appliances"** shall mean any unit, or part thereof, of household appliances, machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, mowers, garden tractors, building materials, objects of art, and the like.
- (d) **"Clutter"** shall mean an accumulation of certain items including, but not limited to, lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, garbage, refuse, rubbish, junk, lawn or outdoor waste, lawn mowers, or the like that are stored or amassed in a disorderly fashion in the opinion of the Code Enforcement Officer.

- (e) **“Code Enforcement Board”** means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.
- (f) **“Code Enforcement Officer”** means a city police officer, safety officer, citation officer, Property Maintenance Code Enforcement Officer(s), Community Development Director, or other public law enforcement officer that has specific authority to issue a citation for violations of this ordinance or other city or county ordinances.
- (g) **“Demolition”** shall be defined as the act of demolishing or razing of a building, structure or part thereof to the ground level.
- (h) **“Final Order”** means any order:
 - 1. Issued by the Code Enforcement Board following a hearing in accordance with Section 10 of this ordinance;
 - 2. Created because a violator neither paid nor contested the citation within seven (7) days as provided in Section 9 of this ordinance; or
 - 3. Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Section 10 of this ordinance.
- (i) **“Imminent Danger”** means a condition which is likely to cause serious or life-threatening injury or death at any time.
- (j) **“In the open”** shall mean is upon land that may be viewed from a public street or an adjoining property.
- (k) **“Junked Appliances”** shall mean any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which upon inspection, are found to be in one or more of the following conditions:
 - (1) Wrecked;
 - (2) Dismantled;
 - (3) Partially dismantled;
 - (4) Inoperative;
 - (5) Abandoned; or
 - (6) Discarded.
- (l) **“Junked Motor Vehicles”** shall mean any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power that if operational, would be used for transportation of persons or property on public streets and highways, which upon inspection, are found to be in one or more of the following conditions:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned; or
- (6) Discarded.

- (m) **“Motor Vehicle”** shall mean any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways.
- (n) **“Ordinance”** means 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 which embodies all or part of an ordinance.
- (o) **“Owner”** means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.
- (p) **“Person”** shall mean any individual, firm, business, partnership, association, corporation, company or organization of any kind.
- (q) **“Premises”** means a lot, plot or parcel of land or real property, including any structures upon it.
- (r) **“Public Nuisance”** shall include, but is not limited to, the following:
1. The physical condition or occupancy of any property regarded as a public nuisance at common law;
 2. Any physical condition or occupancy of any property or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, or swimming pools, shafts, basements, excavations and unsafe fences or structures;
 3. Any property that has unsanitary sewerage or plumbing facilities;
 4. Any property that is unsafe for human habitation;
 5. Any property that is in imminent danger of becoming a fire or other hazard, or is manifestly unsafe or unsecure, so as to pose an imminent threat or danger to life, limb or property;
 6. Any property from which the plumbing, electrical, heating or other facilities required by this Code have been removed or from which utilities have been

disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

7. Any property that is unsanitary, littered with rubbish or garbage or has uncontrolled weeds growing on it;

8. Any residence, building, outbuilding or other structure that is in a state of dilapidation, disrepair, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent that it is uninhabitable, in danger of collapse or failure or dangerous to anyone on or near the property; and

9. Any residence, building, outbuilding or other structure that has been abandoned for a minimum continuous period of six (6) months, thereby creating an attractive nuisance to children and/or which tends to diminish the value of adjacent properties.

(s) **“Public Place or Property”** shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(t) **“Remedy”** shall mean the action taken to abate any nuisance, in order to bring the property determined to be in violation, into compliance with the requirements of this Property Maintenance Code.

(u) **“Vehicle”** shall mean any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power in, upon, or by which any person or property is or may be transported or drawn, including without limitation devices used exclusively upon stationary rails or tracks, motor vehicles, tractors, boats, motorboats, watercrafts, sailboats, boat and utility trailers, mobile homes, motorhomes, campers, and off-highway vehicles.

SECTION 3. Creation and Membership.

(a) There is hereby created within the city and county pursuant to KRS 65.8801 to KRS 65.8839, the Franklin-Simpson Code Enforcement Board which shall be composed of three (3) regular members and two (2) alternate members, all of whom shall be residents of the local government unit which appoints said member for a period of at least one (1) year prior to the creation of the board or appointment to the board, and shall reside there throughout the term in office.

(b) The Board of Commissioners of the City of Franklin, Kentucky and the Fiscal Court of Simpson County, Kentucky hereby approve the terms and conditions of the Interlocal Cooperation Agreement for the Establishment of the Franklin-Simpson Code Enforcement Board in Franklin and Simpson County by and between the City of Franklin and the County of Simpson, a copy of which is attached hereto and incorporated herein by reference.

- (c) The Mayor of the City of Franklin and the County Judge Executive of the County of Simpson are hereby authorized and directed to execute any and all documents or take any further actions necessary to effectuate the intent of this ordinance.

SECTION 4. Enforcement Powers.

- (a) The Franklin-Simpson Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offence.
- (b) The Franklin-Simpson Code Enforcement Board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

SECTION 5. Appointment of Members; Term of Office; Removal from Office; Oath; and Compensation.

- (a) Members of the Franklin-Simpson Code Enforcement Board shall be appointed by the executive authority of the city or county, subject to the approval of the respective legislative body.
- (b) The initial appointment to the Franklin-Simpson Code Enforcement Board shall be as follows:
 - 1. One (1) member of the board shall be appointed by the City Board of Commissioners for a term of one (1) year;
 - 2. One (1) member of the board shall be appointed by the Fiscal Court of Simpson County for a term of two (2) years;
 - 3. One (1) member of the board shall be appointed by the City Board of Commissioners for a term of three (3) years.
- (c) All subsequent appointments shall be for a term of three (3) years. A member may be reappointed, subject to the approval of the legislative body.
- (d) The executive authority of the City and County shall appoint, subject to the approval of the respective legislative body, one (1) alternate member each to serve on the Franklin-Simpson Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Franklin-Simpson Code Enforcement Board. The alternate members shall serve for a term of three (3) years.

- (e) Any vacancy on the board shall be filled by the executive authority, subject to the approval of the legislative body, within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Enforcement Board members shall fill the vacancy. A vacancy shall be filled for the remainder of the unexpired term.
- (f) A board member may be removed from office by the executive authority for misconduct, inefficiency, or willful neglect of duty. The executive authority shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
- (g) Members of the Franklin-Simpson Code Enforcement Board shall, before entering upon the duties of their office, take the oath of office as prescribed by Section 228 of the Kentucky Constitution.
- (h) Members of the Franklin-Simpson Code Enforcement Board shall be reimbursed for actual expenses and compensated in the amount of \$50.00 per meeting.
- (i) No member of the Franklin-Simpson Code Enforcement Board shall hold any elected or non-elected office, paid or unpaid, or any position of employment with the city or county.

SECTION 6. Organization of Board; Meetings; Quorum.

- (a) The Franklin-Simpson Code Enforcement Board shall annually elect a chair from among its members. The chair shall be the presiding officer and a full voting member of the board. In the absence of the chair, the remaining members of the board shall select a member to preside in place of and exercise the powers of the chair.
- (b) Regular meetings of the Franklin-Simpson Code Enforcement Board shall be held on the second Thursday of every other month starting in January (i.e. January, March, May, July, September, and November) at 3:00 p.m. (local prevailing time) at City Hall, 117 West Cedar Street, Franklin, Kentucky. Meetings other than those regularly scheduled shall be special meetings or emergency meetings held in accordance with the requirements of the Kentucky Open Meetings Act.
- (c) All meetings and hearings of the Franklin-Simpson Code Enforcement Board shall be public meetings held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- (d) The presence of at least a majority of the board's entire membership (three (3) members) shall constitute a quorum. The affirmative vote of a majority of a quorum of the board shall be necessary for any official action to be taken.
- (e) Minutes shall be kept for all proceedings of the Franklin-Simpson Code Enforcement Board and the vote of any member on any issue decided by the board shall be recorded in the minutes.

SECTION 7. Conflict of Interest.

Any member of the Franklin-Simpson Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest, shall disqualify himself from voting on the matter in which he has an interest, and shall not be counted for purposes of establishing a quorum.

SECTION 8. Powers of the Franklin-Simpson Code Enforcement Board.

The Franklin-Simpson Code Enforcement Board shall have the following powers and duties:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance.
- (b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- (c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Franklin-Simpson Code Enforcement Board may be served by any code enforcement officer.
- (d) To take testimony under oath. The chair or the board's attorney shall have the authority to administer oaths for the purpose of taking testimony.
- (e) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the board is authorized to enforce.
- (f) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction.

SECTION 9. Enforcement Proceedings.

The following requirements shall govern all enforcement proceedings before the Franklin-Simpson Code Enforcement Board:

- (a) Enforcement proceedings shall only be initiated by the issuance of a citation by a code enforcement officer.
- (b) Except when immediate action is necessary pursuant to Section 17 of this ordinance, if a code enforcement officer believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a Notice of Violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.
- (c) The code enforcement officer shall issue a citation by one of the following methods:

1. Personal service to the alleged violator;
 2. Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
 3. Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.
- (d) The citation issued by the code enforcement officer shall contain the following information:
1. The date and time of issuance;
 2. The name and address of the person to whom the citation is issued;
 3. The physical address of the premises where the violation occurred;
 4. The date and time the offense was committed;
 5. The facts constituting the offense;
 6. The section of the code or the number of the ordinance violated;
 7. The name of the code enforcement officer;
 8. The civil fine that may be imposed for the violation, including, if applicable:
 - (i) The civil fine that will be imposed if the person does not contest the citation; and,
 - (ii) The maximum civil fine that may be imposed if the person elects to contest the citation.
 9. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and,
 10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the Franklin-Simpson Code Enforcement Board to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation;

and the person shall be deemed to have waived the right to appeal the final order to District Court.

- (e) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Franklin-Simpson Code Enforcement Board by delivering the citation to the Chair via electronic mail (e-mail).
- (f) After the issuance of the citation:
 - 1. The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.
 - 2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

SECTION 10. Hearing; Notice; and Final Order.

- (a) When a hearing has been requested, the Franklin-Simpson Code Enforcement Board or its administrative staff shall schedule a hearing.
- (b) Not less than seven (7) days before the date of the hearing, the Franklin-Simpson Code Enforcement Board shall notify the requester of the date, time and place of the hearing. The notice may be given by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
- (c) After the person has requested a hearing pursuant to this ordinance:
 - 1. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation, and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.

2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
- (d) All testimony at the hearing shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator, and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
 - (e) The Franklin-Simpson Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. If it is determined that no violation was committed, an order dismissing the citation shall be entered. If it is determined that a violation was committed, an order may be issued upholding the citation. The board may impose a fine up to the maximum authorized by ordinance, or require the offender to remedy a continuing violation to avoid a fine, or both.
 - (f) Following a hearing of the Code Enforcement Board:
 1. Every final order shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. A copy shall be furnished to the person named in the citation.
 2. If the person named in the citation is not present when the final order is issued, the order shall be delivered to the person by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

SECTION 11. Presentation of Cases.

Each case before the Franklin-Simpson Code Enforcement Board shall be presented by an attorney selected by the city, a code enforcement officer for the city, or by a member of the city's administrative staff. The city attorney may either be counsel to the Franklin-Simpson Code Enforcement Board or may present cases before the Franklin-Simpson Code Enforcement Board, but shall in no case serve in both capacities.

SECTION 12. Appeals; Final Judgment.

- (a) An appeal from a final order of the Franklin-Simpson Code Enforcement Board following a hearing conducted pursuant to Section 10 of this ordinance may be made to the Simpson District Court within thirty (30) days of the date the order is issued. The

appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

- (b) If no appeal from a final order of the Franklin-Simpson Code Enforcement Board is filed within the time period set in subsection (a) of this Section, the Franklin-Simpson Code Enforcement Board's order shall be deemed final for all purposes.

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:

<u>VIOLATION</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Animals	\$ 25.00	\$ 50.00	\$100.00
Building & Construction Code*	\$100.00	\$125.00	\$150.00
Garbage/Other	\$ 50.00	\$100.00	\$150.00
Weeds	\$ 25.00	\$ 50.00	\$100.00
Occupational License	\$ 50.00	\$ 75.00	\$100.00

- (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>
Animals	\$100.00	\$200.00	\$ 300.00
Building & Construction Code*	\$500.00	\$750.00	\$1,000.00
Garbage/Other	\$ 75.00	\$150.00	\$ 250.00
Weeds	\$ 50.00	\$100.00	\$ 200.00
Occupational License	\$500.00	\$750.00	\$1,000.00

**Includes International Property Maintenance Code.*

- (c) For all purposes under this ordinance, in cases of a continuing violation, each day a violation occurs or is allowed to remain shall constitute a separate and distinct offense.
- (d) 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 14. Lien; Fines, Charges and Fees.

- (a) The city shall possess a lien on property owned by the person found by a non-appealable final order as defined by Section 2(h) of this ordinance, or by a final judgment of the court, to have committed a violation of a city ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.
- (b) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for ten (10) years following the date of the non-appealable final order or final court judgment.
- (c) Subject to Section 16 of this ordinance, the lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.
- (d) In addition to the remedy prescribed in subsection (a) of this Section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city or county in connection with the enforcement of the ordinance. The city or county may bring a civil action against the person and shall have the same remedies as provide for the recovery of a debt.

SECTION 15. Lienholder Notification System.

The city or county shall obtain and maintain priority over previously filed liens, as provided in Section 14 of this ordinance, in accordance with the following provisions:

- (a) Individuals and entities, including but not limited to lienholders, may register with the city or county to receive electronic notification of final orders entered pursuant to this ordinance.
- (b) In order to receive the notification, the registrant shall submit the following information to the City or County Clerk and Code Enforcement Officer for violations inside the city limits, and the Community Development Director for violations outside the city limits:
 - 1. Name;
 - 2. Mailing address;
 - 3. Phone number; and
 - 4. Electronic mailing address.
- (c) A registrant may use the electronic form provided on the city or county website to submit the information required by subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city or

county. The city or county shall inform the registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

- (d) Once per week the city or county shall send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the city or county code enforcement database located on the city website. The database shall include the following information regarding each final order:
 - 1. The name of the person charged with the violation;
 - 2. The physical address of the premises where the violation occurred;
 - 3. The last known mailing address for the owner of the premises where the violation occurred;
 - 4. A copy of the full citation;
 - 5. A copy of the full final order; and
 - 6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.
- (e) If an appeal is filed on a final order pursuant to this ordinance, the city or county shall send electronic mail notification to all registrants.
- (f) Within ten (10) days of the issuance of a final order pursuant to this ordinance, the city or county shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (d) of this Section containing an updated link to the code enforcement database on the city website.
- (g) The city or county shall maintain the records created under this Section for ten (10) years following their issuance.

SECTION 16. Liens.

- (a) A lienholder of record who has registered pursuant to Section 15(b) of this ordinance may, within forty-five (45) days from the date of issuance of notification under Section 15(d) of this ordinance:
 - 1. Correct the violation, if it has not already been abated; or
 - 2. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city or county in connection with enforcement of the ordinance, including abatement costs.

- (b) Nothing in this Section shall prohibit the city or county from taking immediate action if necessary under Section 17 of this ordinance.
- (c) The lien provided by Section 14 of this ordinance shall not take precedence over previously recorded liens if:
 - 1. The city or county failed to comply with the requirements of Section 15 of this ordinance for notification of the final order; or
 - 2. A prior lienholder complied with subsection (a) of this Section.
- (d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.
- (e) The city may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city or county shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.
- (f) Failure of the city or county to comply with Sections 15 and 16 of this ordinance, or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies the city or county has against the property of the violator.

SECTION 17. Immediate Action.

Nothing in this ordinance shall prohibit the city or county from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

SECTION 18. Transfer of Ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a Notice of Violation, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the requirements list in the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any Notice of Violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making the necessary corrections and repairs required by such Notice of Violation.

SECTION 19. Property Maintenance Code.

- (a) **Provisions of 2015 International Property Maintenance Code Adopted by Reference Herein.** The City of Franklin, Kentucky, hereby adopts, enacts and incorporates by reference, as if fully set forth herein, in their entirety, sections:

108	Unsafe Structures and Equipment
301	General
302	Exterior Property Areas
303	Swimming Pools, Spas and Hot Tubs
304	Exterior Structure
305	Interior Structure
306	Component Serviceability
307	Handrails and Guardrails
308	Rubbish and Garbage
309	Pest Elimination
401	General
402	Light
403	Ventilation
404	Occupancy limitations
501	General
502	Required Facilities
503	Toilet Rooms
504	Plumbing Systems and Fixtures
505	Water System
506	Sanitary Drainage System
507	Storm Drainage
601	General
602	Heating Facilities
603	Mechanical Equipment
604	Electrical Facilities
605	Electrical Equipment
606	Elevators, Escalators and Dumbwaiters
607	Duct Systems
701	General
702	Means of Egress
703	Fire-Resistance Ratings
704	Fire Protection Systems
	Appendix A Boarding Standard

of the "2015 International Property Maintenance Code" as published by the International Code Council, Inc., as same may be amended from time to time hereafter. Violations of the provisions therein shall be deemed a nuisance enforceable by any and all provisions of this Ordinance.

(b) **Revisions/Additions to International Property Maintenance Code.** The following sections of the International Property Maintenance Code are hereby revised:

1. Section 302.4. Insert: 10 inches.
2. Section 304.14. Insert: May 1 to October 31.
3. Section 602.3. Insert: September 1 to May 31.
4. Section 602.4. Insert: September 1 to May 31.
5. The term "code official" as used in the International Property Maintenance Code shall be deemed to be either the City Building Inspector, City Fire Marshal, City Code Enforcement Officer, Community Development Director, or their duly authorized representatives, and all shall be charged with the administration and enforcement of this code.
6. In that there is a need to establish a period of time a vacant problem structure may remain standing, Section 108 of the International Property Maintenance Code, Unsafe Structures and Equipment, is amended to add the following:
 - (i) A vacant problem structure is defined as a vacant building or other structure that poses a nuisance or danger to the public, police department or fire department and is usually identified by utility services disconnected, extensive broken glass, peeling or flaking paint on exterior walls, loose or rotting material on the roof or the exterior walls or the structure has been fire damaged and not secured from entry.
 - (ii) When a vacant problem structure, not in danger of structural collapse, has been closed by the property owner and the structure continues to remain closed by approved methods, it may remain standing in a safe condition for a period not to exceed six (6) months from the date of the fire or the date of receipt of the notice of violation/citation from the code official, at which time an application must have been made for a building permit to repair or for a demolition permit.
 - (iii) Failure of the property owner to keep the structure closed or to obtain the required permit in the specified time shall constitute permission to an official, employee, or other authorized agent of the city to enter upon the

property to remedy the situation and to abate the nuisance by demolition and removal of the dilapidated structure.

7. The referenced standards shown in Chapter 8, Page 21, of the International Property Maintenance Code are changed as follows:
- (i) ICC – International Code Council is changed to: KDHBC – Kentucky Department of Housing, Buildings and Construction.
 - (ii) International Building Code is changed to: Kentucky Building Code, Current Edition, and includes, but is not limited to the Kentucky Residential Code.
 - (iii) International Fire Code is changed to: NFPA 1 Fire Prevention Code, Current Edition, and/or Kentucky Fire Prevention Code, Current Edition.
 - (iv) International Fuel Gas Code is changed to: Kentucky Fuel Gas Code, Current Edition, and/or Kentucky Revised Statutes or Kentucky Administrative Regulations.
 - (v) International Mechanical Code is changed to: Kentucky Mechanical Code, Current Edition.
 - (vi) International Plumbing Code is changed to: Kentucky Plumbing Code, Current Edition.
 - (vii) ICC Electrical Code is changed to: City of Franklin Electrical Ordinances, as amended from time to time.
 - (viii) International Zoning Code is changed to: Franklin-Simpson Planning & Zoning Regulations, as amended from time to time, and/or Kentucky Revised Statutes relating to zoning.
- (c) **Unsafe Structure: Imminent Danger.** When, in the opinion of the Property Maintenance Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Enforcement Officer is hereby authorized and empowered to order and require occupants to vacate the premises forthwith. The Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Officer.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making repairs, removing the hazardous condition or of demolishing the same.

- (d) **Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition, the Code Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Enforcement Officer deems necessary to meet such emergency.
- (e) **Closing Streets.** When necessary for public safety, the Code Enforcement Officer shall have the authority to temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit same from being utilized.
- (f) **Emergency Repairs.** For purposes of this section, the Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be the responsibility of the property owner.
- (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.

SECTION 20. Declaration of Nuisances; Exceptions.

- (a) **Junked Motor Vehicles.** The presence of any junked motor vehicle or appliance 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.** 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.
 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. **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.
6. **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.
7. **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.
8. **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.
9. **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, and overhanging branches or limbs growing on their property to encroach upon said public 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.

- (iii) Upon receipt of a report that any such obstruction exists along a public right-of-way, the Code Enforcement Officer shall immediately notify the property owner in writing to remove said obstructions.
10. **Obstructions and Encroachments on Streets; Playing Sports and/or Athletic Games on 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 property in the city, and the County Judge Executive for the property outside the city limits. 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, or County Judge Executive if the property is outside the city limits, or 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.
11. **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.
12. **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.

13. **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.

14. **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.

15. **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.

16. **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.

SECTION 21. 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 22. 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 23. 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.

FIRST READING
SECOND READING

August 22, 2016
October 10, 2016

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on October 10, 2016 on motion made by Commissioner Powell and seconded by Commissioner Dixon the foregoing ordinance was adopted, after full discussion, by the following vote:

AYE LARRY DIXON

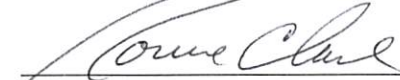
AYE JAMIE POWELL

AYE MASON BARNES

AYE WENDELL STEWART

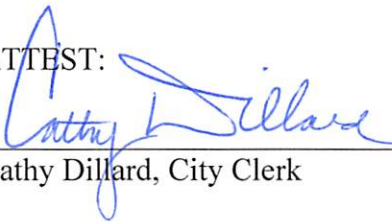
AYE RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor

ATTEST:



Cathy Dillard, City Clerk