

**CITY OF WEST POINT  
ORDINANCE 2007-02**

**AN ORDINANCE AMENDING CHAPTER 92A ENACTED IN 1995 OF THE WEST POINT'S CODE OF ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE.**

**BE IT ORDAINED BY THE CITY OF WEST POINT, KENTUCKY, THAT CITY ORDINANCE CHAPTER 92A IS HEREBY AMENDED AS FOLLOWS:**

**SECTION 1**

**92A.03 CERTAIN CONDITIONS DECLARED A NUISANCE**

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon through the accumulation of litter or solid waste; abandoned, junked, wrecked or non-operative vehicles or parts; junked machinery or appliances; and/or, the excessive growth of weeds and grass. The following conditions are declared to be public nuisances:

(A) ~~Dwellings~~ Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation or kept in such a unsanitary condition that it is a nuisance to the health of people residing in the vicinity thereof. The erection, use, or maintenance of a ~~dwelling building~~ building which is unfit for human habitation.

(E) Accumulation of rubbish. An accumulation on any ~~premises~~ property of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, makes the property unfit for human habitation, 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.

(G) Noise. Emission of noise or other sound-producing or sound-amplifying instrument, or the calling, shouting, or any other way or manner creating noise or sound which is noxious enough to destroy the enjoyment of dwellings or other use of property in the vicinity by interfering with the ordinary comforts of human existence or with the transaction of business. Nothing herein shall be construed to affect the usual and reasonable operation of railroads.

(I) Weeds and grass. The accumulation in piles, bundles or heaps, or the excessive growth of weeds, grass, plants or other vegetation other than trees or shrubs and cultivated flowers and gardens, the existence of thistles, burdock, jimson weeds, ragweed, milkweeds, poison ivy, poison oak, iron weeds and all other noxious weeds and rank vegetation in excess of a height of ~~12~~ ten (10) inches.

(J) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, abandoned wells, shafts, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(M) Junk; scrap metal; ~~motor vehicles~~. The storage of ~~motor vehicles in an inoperative condition, motor vehicles unfit for further use~~, automobile parts, or scrap metal within the city limits except on the premises authorized by the city for such purposes.

(N) Abandoned, wrecked, dismantled or inoperative vehicles. The parking, storage, leaving or permitting the parking, storage or leaving of any vehicle of any kind which is in an abandoned, wrecked, dismantled, rusted, junked, partially dismantled or inoperative condition, whether attended or not, within the city limits, except in a completely enclosed building.

Penalty, see 92.99

#### **92A.04 ABATEMENT PROCEDURE**

(A) It shall be the duty of the authorized ~~city official~~ code enforcement officer to serve or cause to be served a notice upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance within ~~the time specified~~ five (5) days of service of notice unless the nuisance constitutes an immediate danger to the health and well being of the community. If such danger is present, the nuisance may be abated immediately by the city.

(1) Notice shall be served upon persons by hand delivery or by certified mail, but if the whereabouts of the persons is unknown and cannot be ascertained in the exercise of reasonable diligence, the city shall make an affidavit to that effect, and the serving of notice may be made by publication in a newspaper of general circulation for two consecutive days.

(2) A copy of the notice shall be posted in a conspicuous place on the premises affected by the notice and it shall be recorded in the office of the ~~County Clerk~~ City Clerk.

#### **92A.99 PENALTY**

Whoever violates any provision of this chapter shall be fined no less than \$10.00 and not more than \$1800 for each offense. Each day's continued violation shall constitute a separate offense.

Read at a meeting of the West Point City Council on the 9<sup>th</sup> day of April, 2007. A second reading was held on the 14<sup>th</sup> of May, 2007. Said ordinance was read, passed and approved on the 14<sup>th</sup> day of May, 2007.

---

William C. Ash, Mayor

---

Jennifer L. Nevitt, City Clerk/Treasurer

