

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY KENTUCKY AMENDING ERLANGER ORDINANCE NUMBERED 2443, BY IDENTIFYING ADDITIONAL OCCURRENCES PROHIBITED THEREBY**

BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

**Section 1.0 – Amendments**

Section 2.0 of Ordinance 2443 is hereby amended to conform to the provisions thereof attached hereto and incorporated herein by reference, with the text being added indicated by a single solid line underneath it and the text being removed indicated by a single solid line through it and encompassed by brackets.

**Section 2.0 – Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 3.0 – Conflicting Ordinances Repealed**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4.0 – Effective Date**

This ordinance shall be effective as soon as possible according to law.

**Section 5.0 - Publication**

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

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**TYSON HERMES, Mayor**

## ATTACHMENT TO ERLANGER ORDINANCE

### **Section 2.0 Prohibitions**

The following actions, omissions, behavior, conditions and occurrences upon any lot or parcel of real estate within the City are hereby prohibited; and nobody shall, by either act or omission, conspire, cause, permit, encourage, aid, assist, allow or engage in any of them:

2.1 Any condition or use of any lot or parcel of real estate in the City or any structure thereon that is detrimental to the value, use or enjoyment of the property of others in the vicinity of that lot or parcel of real estate, including, without limitation:

2.1.1 Those that constitute a “public nuisance” within the definition thereof in section PM–302.1 of the International Property Maintenance Code adopted by ordinance 2240 of the City.

2.1.2 Those structures that are designed and intended for human for human habitation, occupancy or use; but have conditions in them that are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures or other residents of the City.

2.1.3 Those in violation of the standards of safety promulgated pursuant to KRS 227.300, which are hereby adopted by the City pursuant to the requirements of KRS 227.320

2.1.4 Those in violation of the 2015 NFPA 1 Uniform Fire Code that was published by the National Fire Protection Association, a copy of which accompanies this ordinance and is hereby made a part of the permanent records of the City and incorporated herein by reference.

2.1.5 The development of a public nuisance thereon through the accumulation of:

2.1.5.1 Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment.

2.1.5.2 One (1) or more mobile or manufactured homes as defined in K.R.S.227.550 that are junked, wrecked, or inoperative and which are not inhabited.

2.1.5.3 Rubbish

2.1.5.4 The excessive growth of weeds or grass.

2.2 The location of one (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or non-operative and which are not inhabited..

2.3 The parking of any recreational vehicle, boat or trailer on any occupied residential area except for only one of any such vehicles:

2.3.1 In the rear yard of any lot or parcel of real estate; or

2.3.2 In any area of a side yard that is continuously paved with blacktop or concrete, provided that no part of such vehicle is within one (1)

foot of any point in the nearest boundary line; or

2.3.3 In any driveway, provided that:

- i. The area thereof occupied by any such vehicle is in addition to all off street parking areas required by this ordinance; and
- ii. There is no more than one of any such vehicles parked, stored or otherwise located in any portion of any driveway on any one lot or parcel of real estate at any one time; and
- iii. No part of any such vehicle is within one (1) foot of any point in the nearest boundary line.

2.4 The accumulation of any municipal solid waste anywhere unless it is enclosed within a covered municipal solid waste container.

2.5 No person, firm or corporation shall cause or permit municipal solid waste containers or any similar type containers of any kind to be placed at the curb line in front of any premises for collection before the hour of 4:00 p.m., prevailing time of the evening before the collection dates on the street or alley on which the premises are located, and the containers shall be placed at the curb line in front of the premises. It shall be unlawful for garbage or trash containers to be placed for collection prior to the time contained herein on the streets or alleys or for the garbage or trash containers to remain on the streets or alleys except on the collection dates. After the containers have been emptied, the person owning the containers shall remove the containers from the front of the premises and place them within two feet of their premises or garage with the goal of hiding them from view as much as practical.

No garbage or trash containers shall be placed on the streets or alleys in violation of the provisions of this section by any person for any reason

2.6 The collection and removal of any municipal solid waste by mechanical means during the period of time after 12:00 A.M. and before 6:00 A. M., from any real estate that is not used for residential purposes but which abuts, is adjacent to or across a street from any real estate that is used for residential purposes.

2.7 The occurrence of any unleashed animal anywhere in the City other than on lot or parcel of real estate enclosed by a fence:

2.7.1 In which the owner or custodian of the unleashed animal has an ownership or possessory interest; or

2.7.2 Upon which the unleashed animal has been authorized by someone who has an ownership or possessory interest in that lot or parcel of real estate.

2.8 The occurrence of any sound, odors or anything else from any animal or animals on any lot or parcel of real estate in the City that unreasonably interferes in any way with the occupation, use or enjoyment of any other lot or parcel of real estate in the City by any owner, tenant, occupant, resident or user thereof.

2.9 Any open burning without the permit required by City Ordinance 2086.

2.10 The location of any rubbish on any public sidewalk and the failure of those with any ownership or possessory interest in any lot or parcel of real estate abutting thereon to remove it within a reasonable period of time

after such rubbish has been deposited thereon.

- 2.11 Any more than one (1) banner sign on the premises of any business.
- 2.12 Any sign that isn't in a condition of good repair, and in a clean, neat and safe and functional condition in compliance with all applicable laws, including, without limitation, all building and property maintenance codes.
- 2.13 The occurrence, existence or continuation of any graffiti.
- 2.14 The outside storage or other location of any equipment in any front or side yard where it may be seen from a public street, while that equipment is in a position or condition in which the design and purpose of that equipment may not be accomplished.
- 2.15 Any outdoor swimming pool in which:
  - 2.15.1 The water in the pool is contaminated with dangerous disease causing pathogens, including bacteria; or
  - 2.15.2 Water may be retained and impounded in the pool to a depth of twenty-four (24) inches or more at any one point; and the pool area isn't always completely surrounded by a fence that is at least four (4) feet in height, which precludes access to the water in the pool without opening a gate or climbing over the fence, with all of the gates in the fence having an automatic self closing mechanism.
- 2.16 The location of any fowl or livestock within 500 feet of any residence other than that of the owner of such fowl or livestock.
- 2.17 The distribution or accumulation of any unsolicited written material on any portion of any lot or parcel of real estate in the City outside of a building other than:
  - 3.20.1 On a porch, if one exists, nearest to the front door; or
  - 3.20.2 Securely attached to a door; or
  - 3.20.3 Between an exterior door and an interior door; or
  - 3.20.4 Personally with any occupant of the lot or parcel of real estate.
- 2.18 The use of any area of ground outside of a building that is either unpaved or paved with something other than concrete or blacktop for the purpose of parking or any other location of a motor vehicle thereon, except that any such area of ground that has been continually used for such purpose since 1992 may continue to be used for such purpose provided that such area is continually covered with at least two (2) inches of gravel.
- 2.19 The use of any portion of any residential lot or parcel of real estate outside of a building for the storage or other location of any inoperable motor vehicles or any motor vehicle parts.
- 2.20 The use of any lot or parcel of real estate, or any portion thereof, including, without limitation, any building or any portion thereof located on that lot or parcel of real estate, for any criminal activity involving disorderly conduct, alcoholic beverages, firearms, menacing, physical injury to person or property, deadly weapons, gambling, prostitution, or controlled substances, or any other felony or misdemeanor to such an extent that

there have been documented responses to any of them by peace officers or other personnel of the City on five (5) or more separate occasions within any one period of twelve consecutive calendar months; provided that an owner of that lot or parcel of real estate has been notified at least once during that period of twelve (12) consecutive calendar months of the occurrence of any such criminal activity; and provided further that the eviction of any tenants of that lot or parcel of real estate who were involved in such criminal activity shall be a defense to any civil or criminal prosecution for a violation of this section.

2.21 The use of any paved area other than sidewalks within the right of way of any street within the City for any athletic or other recreational activity.

2.22 The location of any apparatus for the athletic or other recreational use of any area within the right of way of any street within the city, whether that apparatus is located within or outside of that right of way.

2.23 The growth of any tree, shrub, or bush in or into the area within the right of way of any street in the city in any manner that is hazardous to the public use of that right of way.

2.24 The location of any motor vehicle in any manner that any portion of it is on or above any portion of any sidewalk in the City, potentially blocking the pedestrian use thereof.

2.25 The location of any inoperable motor vehicle anywhere within the right of way of any street in the city.