

**CITY OF MIDDLETOWN  
ORDINANCE 05-12-22-C  
AN ORDINANCE AMENDING CHAPTER 92 OF THE CODIFIED ORDINANCES  
RELATING TO NUISANCES**

**WHEREAS**, the Commission of the City of Middletown finds that there have been many instances of property owners and occupants not complying with the use requirements imposed by the Land Development Code, or the terms and conditions of development and landscape plans, and

**WHEREAS**, the City desires to include violation of the Land Development Code and the terms and conditions of development and landscape plans as an actionable nuisance to provide the City a local enforcement and abatement option to protect the citizens of Middletown from the adverse effects of non-compliance, with authority for this regulations being found in the general powers of the City under KRS 82.082, as well as KRS 65.8840 authorizing cities to enact regulations restricting nuisances and finally KRS Chapter 100, which provides the City of Middletown with the power to regulate zoning in the City,

**NOW THEREFORE**, be it ordained by the City of Middletown that Chapter 92, Nuisances, of the City of Middletown Codified Ordinances, be and hereby amended as follows:

**SECTION 1: Addition to 92.02, Property Maintenance Standards:**

(N) The failure of an owner or occupant of business property in the City to comply with the following property maintenance standards, the Land Development Code, or comply with the terms and conditions of the approved development or landscape plan for a site, including, but not limited to the following:

1. Usage of a property that is not compliance with the Land Development Code.
2. Obstructing the required parking shown on a development plan.
3. Failure to construct or maintain structures and facilities shown on a development or landscape plan.
4. Obstructing, removing, or altering any drainage facilities shown on a development plan. Any storm water drainage facility located within the business premises, which includes deeded property lines of the business, must be kept clear of all debris, properly mowed, trimmed and properly functioning as designed.
5. Failure to maintain landscape areas and to replace any landscape plants which have died or are removed.
6. Obstructing, removing, or altering any pedestrian or vehicular access facilities shown on a development plan.
7. Failure to maintain business signs or allowing signs not specifically permitted on the development plan to be present on the site. Business premises must be clear of all temporary, freestanding signs, posters and banners unless otherwise authorized from the City and granted proper sign permits. All permitted signs must be in proper working order with proper covering and shielding affixed.

8. Outdoor storage of equipment or materials not allowed by the Land Development Code or the approved development plan.
9. Parking lots, sidewalks, dumpster area, approaches, concrete aprons are to be patched, repaired and free from loose gravel, loose dirt, debris, potholes, excessive cracking, weeds, grass, holes, litter or other foreign materials or items.
10. No dumpsters and other portable storage containers located on the property are allowed except as allowed under the approved development plan or proper authorization from the by City through the issuance of a permit. Permanent dumpster must be screened from view as required by the Land Development Code.
11. Vehicles parked or stored outdoors on any lot must be parked in compliance with applicable provision of the Land Development Code. If any vehicle is found illegally parked on any lot in violation of any provisions of this subchapter and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.
12. Any vehicle abandoned or illegally parked on any lot in the City shall be removed at the direction of the City to a tow lot designated by the City. The vehicle may be reclaimed by the owner at the owner's expense including all towing, storage charges and payment of all fines imposed by the City. All police officers, or City Enforcement Officers, are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

**SECTION 2: Section 92.99 is hereby repealed and replaced as follows:**

1. Criminal or Civil Penalty. Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this Chapter as criminal, civil or abatement actions.
  - (a) Misdemeanor. Any person who is violating any of the provisions of this Chapter shall be guilty of a misdemeanor and subject to a fine of no less than \$100 and no more than \$500. Each and every day during which any such offence is committed, continued or allowed shall be a separate offense.
  - (b) Civil Fine. Fine in an amount no less than \$100.00 per day and no more than \$500.00 per day. Each day of non-compliance shall constitute the imposition of per day fine for each day's violation, up to the following maximums. On first violation, the maximum total fine is \$1,000.00. On a second violation that occurs within 12 months of the first violation, the maximum total fine for each person cited is \$3,000.00. On a third violation that occurs within 12 months of the first violation, the maximum total fine shall be \$5,000.00.

**SECTION 3:** This Ordinance shall take effect upon its passage and approval by the Commissioners of the City of Middletown, Kentucky and by publication or distribution as required by law.

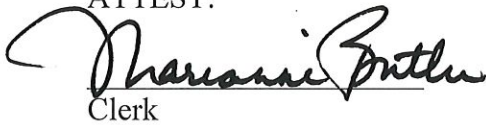
First Reading 5-12-2022

Second Reading 6-9-2022

Passed and approved this the 9 day of June, 2022

  
Mayor

ATTEST:

  
Clerk

Those in Favor 5

Those Opposed 0