

AN ORDINANCE OF THE CITY OF PADUCAH,
KENTUCKY, AMENDING CHAPTER 42 OF THE
PADUCAH CODE OF ORDINANCES, ENTITLED
CODE ENFORCEMENT BOARD

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

WHEREAS, the City of Paducah has recently adopted a total revision to Chapter 42, sections 1 thru 100, of the City of Paducah Code of Ordinances in its entirety; and

WHEREAS, the replacement needs further revision, some additions and modification;

NOW, THEREFORE, be it ordained by the City of Commission of the City of Paducah as follows:

Section 1. That Section 42-32 “Definitions” is hereby amended to read as follows:

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

- (a) *Abatement costs* may mean a 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.
- (b) *Citation* shall mean a determination by the Code Enforcement Officer that a violation has been committed, and that determination shall be final, unless properly contested.
- (c) *Code Enforcement Board* shall mean the administrative body created herein and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.
- (d) *Code Enforcement Officer* shall mean all city citation officers as defined in section 2-591 of article VII of chapter 2 of the Paducah Code of Ordinances.
- (e) *Code* shall mean any ordinances adopted by the city in chapter 42, articles I, II and/or III herein.
- (f) *Demolition by neglect shall mean a situation in which a property owner allows a structure or building to suffer severe deterioration beyond the point of repair.*
- (g) *Final Order* means any order: Issued by the code enforcement board in accordance with this ordinance that is not appealed; Created because a violator neither paid nor contested the citation as provided in this ordinance; Or created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in this ordinance.
- (h) *Imminent Danger* means a condition which is likely to cause serious or life-threatening injury or death at any time.

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(i) *Owner* means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

(j) *Person* shall mean any person, individual, firm, partnership, association, corporation, company or organization of any kind.

(k) *Premises or property* shall mean a lot, plot, or parcel of land, including any structures upon it.

(l) *Remedy* shall mean the action taken to abate any nuisance to bring property in violation of the ~~nuisance~~-code into compliance with the requirements of this chapter.”

Section 2. That Sections 42-34(b) and 42-24(c) “*General powers*” is hereby amended to read as follows:

“(b) The Code Enforcement Board shall have the power to conduct hearings, issue remedial and final orders and impose fines upon a final determination as a method of enforcing the ~~nuisance~~-code when a violation of the code has been determined by the Code Enforcement Officer and a contest to the board has been initiated.

(c) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding all ~~nuisance~~-code violations, but shall not have the authority to conduct hearings and make determinations regarding violations of article IV-Noise of chapter 42 of the Paducah Code of Ordinances or violations of buildings and buildings regulations in chapter 18 of the Paducah Code of Ordinances.”

Section 32. That Section 42-39 “*Powers of the Code Enforcement Board*” is hereby amended as follows:

“(i) To conduct hearings to determine if a property owner has allowed a property to become condemned and incur violations by demolition by neglect.”

(j) To set a regular monthly meeting date and call special meetings as needed.”

Section 34. That Sections 42-40(b), 42-40(e), 42-40(f), and 42-40(g) “*Enforcement hearing*” are hereby amended to read as follows:

“(b) Except as provided in subsection (c) below, if a Code Enforcement Officer believes, based on his personal observation or investigation, that a person has violated the code, he shall issue a notice of violation to the offender allowing the offender ~~five (5) seven (7) business~~ days to remedy the violation without fine and advise the offender that the violations may be referred to the county attorney or the commonwealth attorney for criminal prosecution. The offender may be allowed a reasonable extension of time to remedy the violation without fine at the discretion of the Code Enforcement Officer, if requested by the offender.

(e) The citation issued by the Code Enforcement Officer shall contain the following information:

12. Notice that violation may be referred to the county attorney or commonwealth attorney for criminal prosecution.

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- (f) Upon receipt of a citation, the offender shall respond to the citation within seven ~~business~~ days of the date of receipt by either paying the fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the offender responds by paying the fine, the offender shall still be required to remedy the violation and will be given a reasonable time to remedy. If the offender fails to remedy the violation, another Notice of Violation may be issued, in accordance with subsection (b) above, for another violation of the ~~nuisance~~ code. 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.
- (g) If the offender does not contest the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall ~~enter a final order determining~~ that the violation was committed, no contest was initiated, and ~~then~~ cause the violation to be abated and/or impose the fine set forth in the citation ~~and then enter the final order~~. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection (b) above, for another violation of the ~~nuisance~~ code. A copy of the final order shall be served on the offender.”

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Section 45. That Sections 42-41(c) and 42-41(e)(1) “*Enforcement hearing; notice; and final order,*” are hereby amended to read as follows:

- “(a) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The board may hold hearings once a month or more frequently as necessary or needed.
- (b) Not less than seven days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by standard U.S. mail; certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older.
- (c) Any person requesting a hearing before the Code Enforcement Board 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 a determination that a violation was committed shall be entered and become final. The Code Enforcement Board shall enter a final order determining the violation was committed and shall cause the ~~nuisance violation~~ to be abated, ~~if not already abated~~, and/or impose the fine set forth in the citation. ~~The final order shall provide the offender a reasonable time to remedy the violation.~~ If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with section 42-40(b), for another violation of the ~~nuisance~~ code. A copy of the final order shall be served upon the offender.
- (d) All testimony 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 Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. In making its determination, the Code Enforcement Board shall use an arbitrary and capricious standard and shall uphold the citation unless the issuance of the citation was clearly erroneous. The Code Enforcement Board shall uphold the citation if pictorial or photographic evidence supporting the citation is provided by the Code Enforcement Officer. If no pictorial or photographic evidence is

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provided and the board determines that no violation was committed, an order dismissing the citation shall be entered. If pictorial or photographic evidence is provided or if no such evidence is provided and the board still determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both. The Code Enforcement Board may determine that the violations and the real property owner should be referred to the county attorney or commonwealth attorney for criminal prosecution.

~~(1) The final order shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided in the final order, another notice of violation may be issued, in accordance with subsection 42-40(b), for another violation of the nuisance code.~~

- (f) Every final order or findings of fact of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order or findings of fact is issued, the order shall be delivered in accordance with the procedures set forth herein.
- (g) The Code Enforcement Officer, at his discretion, may remedy the violation to bring the property into compliance with the Code, if the citation is not contested or if a final order upholding the citation is entered by the Code Enforcement Board.
- (h) Nothing in this Section shall prohibit the city from taking immediate action in an urgent situation, if necessary, as determined by the Fire Chief or the City Manager.”

Section 6. That Section 42-39(h), Powers of the Code Enforcement Board” is hereby amended to read as follows:

“(h) To conduct hearings to consider appeals from the determination of the Deputy Chief/Fire Marshal of the Fire Prevention Division as to the suspension, revocation, or denial of a rental occupancy permit in accordance with Section 42-41.5.”

Section 57. That Section 42-42(b), “*Appeals; final judgment*” is hereby amended to read as follows:

- “(b) The action before the District Court shall be limited to a review of the record created before the Code Enforcement Board. If the court finds that a violation occurred, the offender shall be ordered to remedy the violation and pay to the city all fines, charges, fees, including attorney's fees, and penalties occurring as of the date of the judgment. The district court judge shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection 42-40(b), for another violation of the ~~nuisance~~-code. If the district court judge fails to provide the offender with time to remedy the violation, the offender shall have the time provided in the final order of the Code Enforcement Board to remedy the violation. If the court finds a violation did not occur, the city shall be ordered to dismiss the notice. The offender shall not be entitled to recover attorney’s fees or costs.”

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Section 8. That Section 42-43(a), “*Ordinance fine Schedule*” is hereby amended to read as follows:

“(a) If a citation for a violation of the ~~nuisance~~ code is not contested by the person charged with the violation, the penalties set forth in this subsection may apply per inspection: If the code enforcement officer is required to make inspections beyond the initial inspection and one additional follow-up inspection, to determine if the required corrections have been made, then the Code Enforcement Board shall assess the following fines not to exceed the value of the property as determined by the Property Valuation Administrator:

Inspections	3rd Inspection and All Subsequent Inspections <u>Each Occurrence</u>
Abandoned Vehicles and Appliances, Grass, Weeds, Litter, Solid Waste, Other Nuisances Defined by 42-50(a)(1-7)	\$100.00

Inspections	3 rd Inspection	4 th Inspection	5 th Inspection and All Subsequent Inspections
Property Maintenance	\$250.00	\$350.00	\$500.00

(b) If the citation is contested and a hearing before the Code Enforcement Board is required, the ~~following maximum~~ penalties may be ~~imposed~~ doubled at the discretion of the board per inspection not to exceed the value of the property as recorded by the Property Valuation Administrator.”

Section 59. That Section 42-44(g), “*Lien; fines, charges, abatement costs, fees, penalties, attorney fees and costs*” is hereby amended to read as follows:

“(g) The provisions of this article shall be enforced in the same manner as other violations of this Code. Any person violating any of the provisions of this article shall be deemed guilty of a Class B misdemeanor, and upon conviction thereof, shall receive a fine not to exceed \$250.00 or a jail sentence not to exceed 90 days for each offense. Each day that such violation continues shall constitute a separate offense. This article and the foregoing penalties shall not be construed to limit or deny the right of the city or any person to such equitable legal remedies as may be available by law.”

Section 610. That Sections 42-46(b) and 42-46(f), “*Ordinances enacted for enforcement*” and the International Property Maintenance Code are hereby amended to read as follows:

“(b) *Additions, insertions and changes* The International Property Maintenance Code is amended and revised in the following respects:

- (1) Section 101.1 (p.1, second line). Insert: City of Paducah.

(2) Section 103.5 refer to Section 42-43(b) Ordinance fine schedule [delete section]

(3) Section 104.7 A Property Maintenance Permit shall be required for the abatement of violations under any of the provision of this code.

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(4) Section 104.8 Prior to a valid work permit being issued to any individual or legal entity, the individual or legal equity must have no other valid work permits for properties (a) where further code enforcement is necessary or ongoing, or (b) where work has ceased or it not being completed in a workmanlike or acceptable manner so as to address the scope of work authorized by any other valid work permits. Additionally, prior to a valid work permit being issued to any individual or legal entity, the individual or legal entity must have no other monies owed to the City of Paducah by way of back taxes, citations, liens, assessments, or other costs or charges. Whenever a valid work permit has been issued to upgrade or repair a structure on which the Code Official has served notice to make corrections or repairs required by such notice the upgrade or repairs shall be commenced within ten days.

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All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to serve the results intended by the order.

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Any cessation of the normal construction or repairs may cause the permit to become invalid.

No work permit shall be issued for a structure when the original permit has become invalid without the applicant going through the appeals process.

(5) Section 111 Means of Appeal is deleted. The Means of Appeals shall be as the contest procedure to the NuisanceCode Enforcement Board as provided in this article.

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(6) Section 202.

Insert: Public Nuisance: Includes, but is not limited to, any of the following:

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1. Any physical condition or occupancy of any premises or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

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Any premises that has unsanitary sewerage or plumbing facilities;

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3. Any premises designated as unsafe for human habitation:

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4. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;

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5. Any premises from which the plumbing, heating or 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;

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6. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or

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7. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

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(7) Section 301.4 Public Nuisance. All premises shall be kept free from public nuisances as defined in Section 202.

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(8) Section 302.4 Insert: 10 inches

(9) 304.14 (p.10, first and second line).
Insert: May 1 thru October 31.

(10) Section 602.3 (p. 17, fifth line).
Insert: September 1 thru May 31.

(11) Section 602.4 (p. 17, third line).
Insert: September 1 thru May 31.

(12) The term “Code Official,” as used in the International Property Maintenance Code, shall be deemed to be, inspectors in the Fire Prevention Division and shall be charged with the administration and enforcement of this code.

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(13) The code enforcement section is hereby created in the Fire Prevention Division and shall be charged with the primary responsibility of enforcement of this code.

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(14) The Board of Appeals referred to in the International Property Maintenance Code shall be the Code Enforcement Board, as set forth in this article.

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(f) *Collection of costs incurred by city.* The city shall be entitled to recover from any responsible party or parties all reasonable attorney fees and other costs and expenses incurred by the city by reason of the collection upon and the enforcement of the responsible party's or parties' liability, and the lien which secures same, under the International Property Maintenance Code as adopted by the city ~~or under KRS 82.720.~~

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Section 11. That Section 42-47, “-Litter” is hereby amended to read as follows:-

“(a) *Definitions for this section.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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Aircraft. Any contrivance now known or here-after invented, used or designated for navigation or for flight in the air. Aircraft shall include drones, helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle. A litter storage and collection receptacle as required and authorized in section 42-49 of this chapter and by the refuse department.

Commercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (a) Which advertises for sale any merchandise, product commodity, or thing;
- (b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which any admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or
- (d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter, garbage, refuse, and rubbish. As defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Motor vehicle. Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways.

Newspaper. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill. Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

Park. A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Private premises. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any

yard, grounds, walk, driveway, porch steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Public place or property. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse. All putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, interior furniture, interior and exterior decorations, crockery and similar materials.

Vehicle. 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, motor homes, campers, and off-highway vehicles.

(b) *Depositing litter in public places.* No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.

(c) *Depositing litter in parks.* No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(d) *Depositing litter in lakes and fountains.* No person shall throw or deposit litter in any river, fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within or bordering the city.

(e) *Depositing litter on private property; duty to maintain private property free of litter.*

- (1) No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.
- (2) The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

(f) *Depositing litter on vacant lot.* No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

(g) *Manner of placing litter in receptacles.* Person placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(h) *Sweeping litter into gutters.*

- (1) No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- (2) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(i) *Throwing litter from vehicle.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(j) *Truck loads causing litter; tires carrying dirt or other material onto street.* No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(k) *Dropping litter from aircraft.* No person in an aircraft or by use of an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

(l) *Distribution of handbills.*

- (1) *Depositing on street, sidewalk or other public place.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city.
- (2) *Depositing in or on vehicles.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a handbill to any occupant of a vehicle who is willing to accept it and to be responsible for disposing of it.
- (3) *Depositing on vacant private premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.
- (4) *Depositing on posted private premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises, in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers, or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(5) *Depositing on inhabited private premises.*

- a. *Generally.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that, in case of inhabited private premises which are not posted as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
- b. *Exemption for mail and newspapers.* The provisions herein shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(m) *Posting notices on trees or utility poles.*

- (1) It shall be unlawful for any person to tack, place or post any signs, cards, placards or advertisements of any character on any utility pole or tree in the public right-of-way, on or along any of the sidewalks, streets, alleys or public grounds in the city. The city may place traffic control signs on utility poles after obtaining a permit from the owner of the utility pole.
- (2) Permits for stretching streamers or placing banners and/or decorations temporarily may be issued by the office of the Mayor at his/her discretion when in the interest of charitable, benevolent, patriotic or municipal causes.”

Section 12. That Section 42-48(d), “*Vehicles and appliances*” is hereby amended to read as follows:

- “(d) *Compliance by removal of vehicle or appliance.* The removal of the vehicle or appliance declared to be a nuisance pursuant to this article from the premises within ~~five business seven~~ days after receipt of notice of violation from city shall be considered compliance with the provisions of this article and no further action shall be taken against the owner of the vehicle or appliance or the owner or occupant of the premises. Written permission given to the ~~nuisance~~-Code Enforcement Officer for the removal of the vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located shall be considered compliance with the provisions of this article on their part and no further action shall be taken against the one giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance.”

Section 13. That Section C, “*Non-exclusivity*” is hereby amended to read as follows:

| The repeal of these sections in Chapter 42 and enactment of this Ordinance shall not release any person from an existing lien, fee, cost or other monetary sum, which is in place on the effective date of this Ordinance. This Ordinance shall not be the exclusive remedy for the city for violations of the ~~Nuisance~~ Code. The city reserves the right to assert other liens or remedies available to it for violations of the above provisions.”

Section 14. *Effective Date.* This Ordinance shall be read on two (2) separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

ATTEST: _____
MAYOR PRO TEM

CITY CLERK

Introduced by the Board of Commissioners June 13, 2017
Adopted by the Board of Commissioners June 27, 2017
Recorded by City Clerk, Tammara Sanderson, June 27, 2017
Published by *The Paducah Sun*, June 30, 2017
Ord\INSP\42 – Amend Nuisance Code Ordinance