

**SUMMARY OF CITY OF COLDSTREAM, KENTUCKY
ORDINANCE NO. 23-04**

The following is a summary of City of Coldstream, Kentucky, Ordinance No. 23-04, prepared in accordance with KRS 83A.060.

The title of the Ordinance is as follows:

**AN ORDINANCE PERTAINING TO ARCHITECTURAL
CONTROL, MAINTENANCE OF PROPERTY AND THE ABATEMENT AND
REMOVAL OF NUISANCES IN THE CITY OF COLDSTREAM.**

A brief narrative setting forth the main points of the Ordinance is as follows:

This Ordinance repeals Ordinance No. 21-03 and reference to prior repealed statutory provisions and specifically, KRS 381.770 and KRS 82.700 et seq, and now includes reference to new statutory provisions included in **KRS 65.8840**, to cause abatement or removal of nuisances.

This Ordinance now includes the definition of “commercial vehicle” as follows:

“Commercial Vehicle”, as found herein, includes, but is not limited to the following:

All motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060;

“Commercial Vehicle”, as found herein, also includes, but is not limited to the following:

- (1) Having dual rear wheels;
- (2) Having a design load carrying capacity of over one ton.
- (3) Designed to carry more than nine (9) passengers, including driver.
- (4) Any vehicle designed to carry business equipment such as having racks or storage bins (exclusive of a single tool box).

This Ordinance addresses the regulation and abatement of the following: Nuisances and Eyesores, Unsafe Conditions, Nuisances, Rubbish, Excessive Growth, Mowing, Vacant Land, Clothes Lines, Fences and Walls, Antennae and Receivers/Transmitters, Firewood, Mailboxes, Use of Other Structures and Vehicles, Parking, Animals, Disposal of Trash, Drainage, Duty to Repair and Build, Duty to Maintain Lot, Easements, Architectural Control, Landscaping, Driveways, Trees, Sidewalks, Severability, Modification, Enforcement, Violations and Penalties.

Section 7C of this Ordinance was amended to add the following language:

No Vehicle shall be parked on any lot (other than in a garage or driveway), street or right-of-way in the City.

Sections 7(d) through (l) of this Ordinance were amended or added to add the following language:

(d) No commercial-type vehicle, airplane, boat, boat trailer, housecar, recreational vehicle (RV), bus, mobile home, trailer, camper, tractor, or part of such vehicle shall be parked or stored on any property zoned single-family residential or on the side of any street adjacent to such property, in the city, except in a garage.

e) No vehicle which is inoperable shall be habitually parked or kept on any lot (except in the garage) or on any street in the city.

(f) Notwithstanding the provisions of section (d) above, any motor vehicle may be temporarily parked upon any legal driveway, exclusive of commercial vehicles as herein defined.

(g) Notwithstanding the provisions of the foregoing divisions, nothing contained herein shall prohibit the temporary parking on a legal driveway or street for cumulative periods of 12 days or less during any calendar year, or for continuous periods of 72 hours or less of a motor vehicle being used in connection with improvements to or maintenance of the residence served during such periods of construction or maintenance, or while such vehicle is being prepared for use or prepared for storage.

(h) The fact that any vehicle which is illegally parked is registered in the name of a person, firm or corporation shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

(i) The owner of any property on which there is any vehicle parked in violation of this section shall be subject to the same penalties as the owner of the vehicle or person illegally parking or storing the vehicle.

(j) Any person who shall violate this section shall be subject to the civil and criminal penalties as set forth below.

(k) The provisions of this section shall not apply to the parking or storage of a recreational vehicle where such use has been substantially continuous since January 1, 1990, and such use was not prohibited by the applicable deed of restrictions, provided however, this exception shall expire upon the sale of or transfer of title to the affected lot.

(l) Vehicles owned by residents that have visible business advertisements may only be parked in a garage or out of sight from the traveled portion of the street.

When any of the conditions set forth in the Ordinance have not been met, said owner, occupant or person having control or management of the property in question shall be given notice and shall have seven (7) days in which to comply with the provisions of this Ordinance of which he or she is in violation. The City, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, restrictions, liens and charges now or hereafter imposed by the provisions of this Ordinance.

When conditions set forth in Sections 7(c) through (m) above have been violated, any vehicles in violation of such conditions are subject to immediate towing and removal, at the owner's expense.

Upon failure of the owner, occupant or person having control or management of the property to comply with this Ordinance and the notice given by the city, the City may take such action as it deems necessary to bring the subject property into compliance. The City shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The owner of the subject property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien.

Any violation of this Ordinance is a civil offense. The maximum civil fine which may be imposed for each violation of the ordinance is two hundred fifty dollars (\$250.00) for each such violation and any continuing violation of this Ordinance shall be considered a separate offense for each day that such violation continues; A civil fine of one hundred dollars (\$100.00) for violation of any section of this Ordinance will be imposed for each offense if the person who has committed the offense does not contest the citation. For a second violation or multiple violations of any section of this Ordinance, any Owner or other person or organization shall be assessed a civil fine of two hundred fifty dollars (\$250.00) for each such violation. Such fine shall be due and owing within 7 days after a citation is written assessing the fine.

The Ordinance provides for emergency cleanup or abatement of nuisances, which may be at the cost of the property owner. Other costs of enforcement may be recovered from the offending property owner. Enforcement procedures and notice are included in the ordinance, providing 5 days notice to the owner, occupant or person having control of property to remedy any violation. The City shall have a lien against the property for the cost of emergency abatement and the cost may be the personal liability of the person or entity responsible for nuisance.

The Ordinance also provides for appeals of any citations within 7 days of issuance, by making written request for a hearing, filed with the City Clerk. Hearings shall be held within 30 days of such requests. Notice of the hearing date shall be provided to the person or entity requesting a hearing not less than 7 days before the hearing. Testimony shall be under oath and shall be recorded. The City Council shall consider testimony and any evidence. The final order of the City Council shall be reduced to writing, including findings and conclusions.

Introduction and first reading of this Ordinance was held on May 18, 2023, and the Ordinance had its second reading and enactment on June 15, 2023.

A copy of the complete Ordinance is available by contacting the City Attorney named below. I hereby certify that I am City Attorney for the City of Coldstream, Kentucky, and that the summary of Ordinance No. 23-04 has been prepared by me in accordance with KRS 83A.060.

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