

**CITY OF JEFFERSONTOWN  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1308, SERIES 2014**

**AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 95 OF THE JEFFERSONTOWN, KENTUCKY CODE OF ORDINANCES TO DEFINE THE REPEATED VIOLATION OF ORDINANCES AND LAWS ON BUSINESS PREMISES AS A NUISANCE, TO AUTHORIZE REMEDIES INCLUDING REVOCATION OF BUSINESS LICENSES OF SUCH BUSINESSES FOUND TO BE A NUISANCE UNDER THIS ORDINANCE, TO PERMIT ENFORCEMENT OF THE ORDINANCE THROUGH THE CODE ENFORCEMENT BOARD, AND TO DEFINE CERTAIN CONDUCT AS *PRIMA FACIE* EVIDENCE OF A NUISANCE**

**WHEREAS**, the City of Jeffersontown, Kentucky desires to promote public health, welfare and safety, and

**WHEREAS**, the City desires to address those circumstances where business operators and property owners place the public at risk through repeated violations of ordinances and regulations occurring on their premises, and

**WHEREAS**, the City desires to address circumstances where property owners chronically disregard property maintenance which causes a hardship to their neighbors and the public, and

**WHEREAS**, addressing these repeated violations of law will promote the public good for the citizens, residents and businesses of Jeffersontown,

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:**

**Section I.** A new section of Chapter 95 of the Jeffersontown, Kentucky, Code of Ordinances is hereby created as Section 95.05:

**(A) Definitions**

**1. Chronic Violations.** Chronic violations shall be defined as:

- (a). A single occurrence resulting in a charge of violating any provision of Chapter 506 of the Kentucky Revised Statutes relating to criminal gang activity;
- (b) A single occurrence resulting in a charge of violating KRS 507.020 or 507.030;

- (c) A single occurrence resulting in a charge of violating KRS 508.010, 508.020, 508.025, 508.075, 508.078, or 508.080;
- (d) Two or more occurrences within a twelve month period resulting in charges of violating KRS 508.030, 508.040, 508.060, 508.070;
- (e) A single occurrence resulting in a charge of violating any provision of Chapter 510 of the Kentucky Revised Statutes;
- (f) Three or more occurrences within a twelve month period resulting in charges of violating KRS 511.060, 511.070 or 511.080;
- (g) Three or more occurrences within a twelve month period resulting in charges of violating any provision of Chapter 512 of the Kentucky Revised Statutes, except that a single occurrence involving the sale or manufacture of methamphetamine shall constitute a Chronic Violation;
- (h) Three or more occurrences within a twelve month period resulting in charges of violating any provision of Chapter 514 of the Kentucky Revised Statutes;
- (i) A single occurrence resulting in a charge of violating any provision of Chapter 515 of the Kentucky Revised Statute;
- (j) Three or more occurrences within a twelve month period resulting in charges of violating any provision of Chapter 515 of the Kentucky Revised Statutes;
- (k) Three or more occurrences within a twelve month period resulting in charges of violating one or more provisions of Chapter 525, 528 or 529 of the Kentucky Revised Statutes;
- (l) The issuance of three or more OPMC letters to a single property owner within a twelve month period;
- (m) The issuance of two or more citations for violation of any provision of Chapter 95 of the Jeffersontown Code of Ordinances within a twelve month period;
- (n) Two or more occurrences within a twelve month period resulting in charges of violating any provision of Chapter 218A of the Kentucky Revised Statutes; or
- (o) Any combination of two or more of the above occurring within a twelve month period.

(2) Occurrence. Occurrence as used herein means an event taking place on any area of a parcel of property owned, leased, occupied or subject to the control of by the person charged with creating a chronic nuisance, regardless of whether such person was directly or indirectly involved in the event.

(3) Person shall include an individual, partnership, corporation, unincorporated association or any other legal entity recognized pursuant to Kentucky law.

(B) *Prima Facie* Evidence and Rebuttable Presumption. Chronic Violations shall constitute *prima facie* evidence of the existence of a nuisance subject to remediation pursuant to this Chapter, which presumption may be rebutted by a finding of innocence to any charge giving rise to a Chronic Nuisance; provided, however, that disposition of any

charge through a plea to an amended charge shall not rebut the presumption created hereby. All other defenses to a violation of Chapter 95 and a charge of common law nuisance are otherwise preserved.

(C) It shall be unlawful for the owner, occupant, or person having control or management of any land within the City of Jeffersontown, Kentucky, to permit a chronic nuisance thereon.

(D) Adjudication. A Citation for a violation of Section 95.05(C) of the Code of Ordinances shall be brought before the Code Enforcement Board of Jeffersontown, Kentucky pursuant to and in accordance with Chapter 36 of the Code of Ordinances.

(E) Penalties. A Violation of Section 95.05(C) of the Code of Ordinances shall be subject to the penalties of Section 95.99. In addition thereto, the Code Enforcement Board may suspend and/or revoke any license issued by the City of Jeffersontown, Kentucky, to the person charged for a violation of Section 95.05(C), including, but not limited to, a license to do business or to traffic in alcoholic beverages. If, pursuant to a hearing, the Code Enforcement Board finds that there is an imminent and substantial threat to public safety, the Board may enter emergency orders temporarily suspending the license(s) issued By the City of Jeffersontown, Kentucky to the person so charged until a final adjudication of the matter.

**Section II.** This Ordinance shall take effect immediately upon passage and publication.

**INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 15<sup>th</sup> DAY OF April, 2014.**

**READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 16<sup>th</sup> DAY OF May, 2014.**

**VETOED:**

**APPROVED:**

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**BILL DIERUF, MAYOR**

  
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**BILL DIERUF, MAYOR**

**DATE:** \_\_\_\_\_

**DATE:** 5/2/14

**ATTEST:**

*Bill Fox*  

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**BILL FOX, CITY CLERK**