

ORDINANCE NO. _____ - 2025

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES PERTAINING TO SECTION 12-2 (C) REALTED TO NUISANCES TO ADD GRAFFITI AS A PUBLIC NUISANCE AND SECTION 12-5 RELATED TO PENALTIES TO REDUCE THE TIME PERIOD IN WHICH TO ASSESS CITATIONS AND CIVIL FINES, AND PROVIDING FOR AN ADMINISTRATIVE COST OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00), EFFECTIVE UPON PASSAGE OF COUNCIL.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN

COUNTY GOVERNMENT:

Section 1 – That Section 12-2(c) of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended, so that when amended, the same shall read as follows:

Sec. 12-2. - Nuisances.

- (c) Except as provided in subsection (h) of this section, it shall be unlawful for the owner, occupant, or person having control or management of any premises within the urban county to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation or presence of:
 - (1) Junked, wrecked, non-licensed, improperly licensed or inoperative automobiles, vehicles, or machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;
 - (2) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or inoperative and which are not inhabited;
 - (3) Rubbish, garbage, debris, ashes, trash, or waste of any kind, whether liquid or solid;
 - (4) The excessive growth of weeds, grass and other vegetation as follows:
 - a. Any weeds such as thistle, jimson, burdock, ragweed, cocklebur, poison ivy, poison oak, pokeweed, poison sumac, and poison hemlock and any other weed of a like kind classified by the United States Department of Agriculture as a noxious weed is prohibited and unlawful. Notwithstanding the above, any property known to be a remnant, non-buildable or undevelopable regardless of zoning that is greater than one (1) acre in size shall only be required to have a minimum eight (8) foot buffer maintained in accordance with this section in all areas adjacent to developed properties or within two hundred (200) feet of a structure. This section shall not apply to property for which a current riparian buffer area permit is in effect or lands designated as environmentally sensitive, conservation areas, tree protection areas, greenways and woodlots.
 - b. It shall be unlawful for the owner to permit any weeds, or grass, edible or not, to grow to a height exceeding ten (10) inches anywhere on such premises, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such premises are crossed by a sidewalk, ditch, pathway, private roadway, fence or other natural or manmade boundary or divider, including those portions thereof between such boundary or divider and the edge of the thoroughfare; any such weeds or grass exceeding such height are hereby declared to be a nuisance. Notwithstanding the above, any property known to be a

remnant, non-buildable or undevelopable regardless of zoning that is greater than one (1) acre in size shall only be required to have a minimum eight (8) foot buffer maintained in accordance with this section in all areas adjacent to developed properties or within two hundred (200) feet of a structure. This section shall not apply to property for which a current riparian buffer area permit is in effect or lands designated as environmentally sensitive, conservation areas, tree protection areas, greenways and woodlots. This section shall also not apply to any crops, trees, bushes, shrubs, flowers or other ornamental plants or flowers which are maintained in a clearly definable fashion. This section shall also not apply to native plantings for the purpose of intentional naturalization, which includes plantings used for food or fiber, for aesthetic purposes, to attract or promote pollinators, to offset and control soil loss or erosion, to promote storm water control or water conservation, or to improve the soil. Naturalization does not include vegetation abandonment which is defined as the lack of premises management. Management activities include but are not limited to site preparation, planting, and maintenance. Naturalized gardens shall not contain plant species that are categorized as a level one threat by the Kentucky Exotic Plant Pest Council.

- c. It shall be unlawful for the owner or occupant of any premises to permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or vehicular traffic within the public right-of-way.
- d. All bushes, shrubs, plants, vines and other vegetation, whether classified as edible or not, must be maintained in a way to prevent the possible collection of trash, refuse, rubbish, garbage or debris and must not present a public safety risk and/or fire risk to the property or adjoining properties. Failure to maintain vegetation as indicated may result in its required removal.
- e. There is hereby exempted from the scope of the provisions of subsections a. and b. above property within the urban county zoned for agricultural uses, except that such exemption shall not apply when the property has been planned for development and a subdivision plat has been filed of record in the office of the county clerk reflecting the property as residential.
- f. Special provisions shall be applied to lots known to be remnants, non-buildable or undevelopable regardless of zoning that are greater than one (1) acre in size that provision a. and b. shall maintain an minimum eight (8) foot buffer along adjacent developed properties or within two hundred (200) feet of a structure in accordance with the provisions above.

(5) Graffiti in the form of any inscription, word, figure, or design marked, etched, scratched, drawn or painted on any surface that damages, mutilates or defaces such surface.

Section 2 – That Section 12-5 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended, so that when amended, the same shall read as follows:

Sec. 12-5. - Penalties.

- (a) Every person failing to perform the duties required of him by or to comply with the provisions of section 12-2 shall, for every offense, be fined not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), and each day's continuance of any such violation shall be a separate offense.

- (b) As an alternative to subsection (a), any owner who violates any provision of section 12-2 and has been previously issued at least one (1) nuisance citation for a violation or violations on the same property within a Twelve (12) -month period, may also be assessed civil fines of not less than one hundred dollars (\$100.00) no more than one thousand-five hundred dollars (\$1,500.00), pursuant to the civil find guidelines as set forth herein. In addition, the urban county government may assess the administrative cost involved with any inspection(s), in an amount not to exceed two hundred fifty dollars (\$250.00).
- (c) Civil Fines assessed for violations of section 12-2 shall be based on the number of citations issued within a Twelve (12) -month period, as follows:

	1	2	3	4	5
Number Of Citations	\$100.00	\$250.00	\$500.00	\$1,000.00	\$1,500.00

Section 3 – That this Ordinance shall be effective following passage of Council.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
xxxx-25:GET: 4900-4410-8317, v. 1