

danger to the health and well being of the community. If such danger is present, the nuisance shall be abated within twenty-four (24) hours of notice. Notice shall be served upon persons by certified mail or personal service by an officer authorized to serve summons in this state, but if the whereabouts of the person is unknown and cannot be ascertained by the Chief of Police or responsible officer in the exercise of reasonable diligence, the Chief of Police or responsible officer shall make an affidavit to that effect, and the serving of notice may be made by publication in a paper of general circulation for two (2) separate days, and posting a copy of the notice in a conspicuous place on the premises affected by the notice. Notice to any one (1) owner of the real estate shall constitute notice to all owners of the same property. Notice shall be mailed to an owner at the last address shown on the property tax roll maintained by the Caldwell County Property Valuation Administrator. Each owner having an address other than that shown on the tax rolls shall have a duty to timely notify the city of the proper mailing address of the owner.

(Ord. 5-21-90, passed 6-18-90; Am. Ord. 9-5-95-2, passed 9-18-95)

(B) If the person so served does not abate the nuisance within five (5) days, the city may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the owner or occupant shall be personally liable for the charges for nuisance abatement as set forth in subsection (C), and interest thereon at the legal rate.

(C) Charges for nuisance abatement shall be a lien on the premises. Nuisance abatement charges shall include materials, labor, equipment usage, fuel and oil, attorneys' fees, filing fees, publication costs, court costs, and all other fees and charges whenever incurred by the city for the abatement of the nuisance, enforcement of the lien, and foreclosure on the property, and said charges shall bear interest at the legal rate. Whenever a bill for charges remains unpaid for sixty (60) days after it has been rendered, the City Clerk may file with the County Clerk a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated and a notice that the city claims a lien for this amount. Notice of the lien claim shall be mailed to the owner of the premises if his address is known. However, failure to record the lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for charges as provided in subsection (D) below.

(D) Property subject to a lien for unpaid nuisance abatement charges shall be sold for nonpayment and the proceeds of the sale shall be applied to pay nuisance abatement charges and attorneys' fees after deducting costs. This foreclosure shall be brought in the name of the city.

(E) The City Attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over the matter, against any property for which the bill has remained unpaid sixty (60) days after it has been rendered.

(Ord. 5-21-90, passed 6-18-90)

§ 50.005 **ABANDONED AND JUNK VEHICLES**

(A) The parking or storage of abandoned or junked vehicles on private property is restricted as follows:

(1) Except as allowed by other ordinances or regulations, no currently unregistered motor vehicle shall be parked or stored on any occupied privately owned residential or commercial property within the city, nor shall any currently unregistered motor vehicle be parked or stored on any unimproved property on the premises of a vacant privately owned residential or commercial structure. Furthermore, no motor vehicle shall be at any time in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled, nor shall it undergo major overhaul, including bodywork, on any private property within the city. This section shall not apply to a motor vehicle on the premises of a properly zoned and licensed business enterprise involved in the repair, renovation or servicing of motor vehicles, a motor vehicle in an approved storage place or depository maintained in a lawful place and manner according to city ordinances and regulations, or a motor vehicle inside a fully enclosed structure designed and approved for such purposes.

(2) The parking, storage or accumulation of any currently unregistered motor vehicles on any occupied privately owned residential or commercial property, the parking or storage of any currently unregistered motor vehicle on any unimproved property or on the premises of a vacant privately owned residential or commercial structure, the disassembly, stripping, dismantling or major overhaul, including body work, of any motor vehicle or the parking or storage of any motor vehicle in a state of disrepair, on any private property within the city, shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city, and it shall be the joint and several duty of the registered owner of the motor vehicle, the owner of record of the property, and the person in possession of the private property upon which the motor vehicle is located, to abate the nuisance through removal of the motor vehicle from the city, or to have the motor vehicle stored inside a fully enclosed structure designed and approved for such purposes.

(B) The abatement procedure for the parking or storage of abandoned or junk vehicles in violation of division (A) shall be as follows:

(1) In addition to the penalty provided in § 50.999, the Chief of Police or other responsible officer designated by the City Council may issue written notice and order to the registered owner of the motor vehicle parked or stored in violation of division (A), and to the owner of record and person in possession of the private property upon which the motor vehicle is parked or stored, requiring that the motor vehicle be removed from the city, stored inside a fully enclosed structure designed and approved for such purpose, or that the violation be otherwise removed and abated within seven (7) days.

(2) The above notice may be served on the appropriate party either personally, by first class mail, or by affixing said notice to the motor vehicle parked or stored in violation of division (A).

(3) In the event that any person fails to comply with an order issued pursuant to this section, the Chief of Police or other responsible officer designated by the City Council may have the offending vehicle removed and disposed of in accordance with KRS 376.275. In addition to towing and storage charges secured by lien according to KRS 376.275, the city may impose on the person violating the order a reasonable charge to cover the direct and indirect costs, if any, for the removal and disposition of the motor vehicle or major parts thereof.

(Ord. 6-5-00-1, passed 7-17-00)