

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2020-08**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY,
AMENDING SECTION 92.09(O) OF THE CITY OF WALTON
CODE OF ORDINANCES IN ORDER TO ALLOW UP TO SIX HEN
CHICKENS TO BE KEPT IN THE CITY LIMITS.**

WHEREAS, Walton City Ordinances prohibit the keeping of chickens in the City other than in the agricultural zoned areas; and

WHEREAS, the City Council of the City of Walton, Kentucky now wishes to allow up to six hen chickens to be kept in the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY AS FOLLOWS:

SECTION ONE

Section 92.09(O) of the City of Walton Code of Ordinances are hereby amended as follows:

§ 92.09 NUISANCES DESCRIBED AND PROHIBITED.

The following acts, action, inaction, omissions, behavior, or conditions shall constitute a public nuisance:

(A) No person shall act, fail to act, behave, erect, contrive, cause, continue, maintain in any manner, or permit to exist any public nuisance within the city. Repeated violation of the terms of the International Property Maintenance code, as amended, shall constitute a public nuisance.

(B) Any act, thing, occupation, condition, use of property, non-use of property, misuse of property that continues for a length of time so as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;

(2) In any way render the public insecure in life, peaceful uninterrupted existence, or in the use of their property;

(3) Offend the public morals or decency;

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, including but not limited to sidewalks.

(C) To allow any physical condition, use, or occupancy of any premises or its appurtenances be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, standing pools of water or liquid, basements, excavations, retaining walls, and unsafe fences, accessible to children or other persons, on the premises. No person shall abandon or leave unattended in any place accessible to children any refrigerator, freezer

ice chest, ice box, or similar airtight box or container, which has a locking device inoperable from within, without first unhinging and removing the door or lid thereof or detaching the locking device from the door or lid. Nothing in this section shall be construed to prohibit the normal use of any refrigerator, ice box, freezer, or similar appliance for the storage of food in any home or buildings appurtenant thereto.

(D) For any premises to have unsanitary, defective, or insufficient sewage or plumbing facilities.

(E) To keep or maintain any premises designated by a Code Enforcement Officer as unsafe or unfit for human habitation.

(F) For any premises to present an imminent fire hazard, be in imminent danger of collapse, or to be unsafe or unsecure so as to endanger life, limb, or property.

(G) (1) For any premises to lack electrical service, plumbing, heating, and/or other equipment required by this Code, the International Property Maintenance Code, the Kentucky Building Code, state statutes and regulations, or any other ordinance of the city.

(2) If the utility providing natural gas service to a furnace, water heater, or other equipment determines that the equipment is defective, the utility shall cite or "red tag" the defective equipment and notify the Code Enforcement Officer of such citation. Any equipment so cited by a utility company as defective will be deemed a public nuisance.

(H) For any structure or building to be in a state of dilapidation, deterioration, or decay, or be a product of faulty construction.

(I) For any structure or building to be vacant or abandoned and open or accessible to vagrants or passersby, or damaged by fire so as to not provide shelter.

(J) To allow on any premises or structure any stagnant water in which mosquitoes, flies, or other insects may breed or multiply. For stagnant water that cannot be easily eliminated, a property owner may use mosquito dunks or other environmentally safe larvacides to kill mosquitoes and other insects and evidence of the effective use of such products will constitute a defense to any citation issued under this section.

(K) To allow any rubbish to remain on any premises.

(L) To allow any premises or structure to pollute any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial wastes or other polluting substances.

(M) To allow any premises or structure within the county, to emit or cause any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench repulsive to the physical senses of ordinary persons, or that annoy, cause discomfort, or injure the health of any appreciable number of persons within the county.

(N) Harboring or keeping any canine or hybrid canine outside in a residential neighborhood which by loud and frequent or habitual barking, howling, or yelping, shall cause serious annoyance or ' disturbance to adjacent residents in the neighborhood.

(O) The keeping of cattle, horses, **more than six (6) chickens, roosters,** and other barn type animals shall be prohibited in any non-

agricultural zoned area within the city. **Up to six (6) hen chickens shall be allowed, but no roosters, which shall be kept in a secure chicken coop in the back yard.**

(P) Emission of noxious odors or smoke into the surrounding atmosphere of dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(Q) Storage of explosives or combustible material. The storage of combustible or explosive material which creates a safety hazard to other property or persons in the vicinity.

(R) Any tree, stack of wood or trees, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(S) The operation of any ATV and/or dirt bikes within the city on any day, before 8:00 a.m. or after 10:00 p.m., prevailing time without the muffler system provided by the manufacturer of the ATV and/or dirt bikes as provided by the manufacturer, without any modification thereof other than like kind parts replacement, and which prevents the emission of sound from the ATV and/or dirt bikes in excess of the levels identified in 40 CFR 205.166 for motorcycles; or at any speed in excess of the minimum speed required to maintain the forward motion of the ATV and/or dirt bikes while it is within 150 feet of any dwelling on a lot or parcel of real estate other than that upon which the ATV and/or dirt bikes are being operated.

(T) Any outdoor fire except that of candles, torches, grills, and properly positioned and maintained fire pits, with a fuel load of paper, firewood, charcoal, propane or natural gas and no more than twenty-four (24) square feet in area. Open burning of trees and all forms of vegetation for the purpose of land clearing is prohibited. The burning of trash is also prohibited. Burn permits from the Walton Fire Protection District are not required for the type of fires defined in this chapter.

(U) To allow any motor vehicle to be parked on an unpaved surface.

SECTION TWO

After amendment, Subsection 92.09(O) shall read as follows:

(O) The keeping of cattle, horses, more than six (6) chickens, roosters, and other barn type animals shall be prohibited in any non-agricultural zoned area within the city. Up to six (6) hen chickens shall be allowed, but no roosters, which shall be kept in a fenced back yard or secure chicken coop.

SECTION THREE

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

SECTION FOUR

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION FIVE

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION SIX

This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 4 OF 6 MEMBERS OF CITY COUNCIL ON THE 17TH DAY OF JUNE, 2020.

PASSED AND APPROVED ON SECOND READING BY 5 OF 6 MEMBERS OF CITY COUNCIL ON THE 14TH DAY OF JULY, 2020.

APPROVED:


GABRIEL D. BROWN, MAYOR

ATTEST:


SHARON L. STEVENSON, CITY CLERK/FINANCE

DATE OF PUBLICATION: JULY 23, 2020