

**CITY OF WALTON, KENTUCKY  
ORDINANCE NO. 2023- 03**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY,  
AMENDING SECTIONS OF CHAPTER 92 OF THE CITY OF  
WALTON CODE OF ORDINANCES IN ORDER TO CLASSIFY  
THE TRACKING OR DEPOSITING MUD OR OTHER  
DEBRIS ON STREETS AND ROADS BY CONSTRUCTION  
VEHICLES AS A NUISANCE AND SETTING THE FINES FOR  
VIOLATIONS.**

**WHEREAS**, the City has previously adopted by Ordinance and amended Ordinances provisions for declaring nuisances and setting fines for violations; and

**WHEREAS**, the City Council of the City of Walton, Kentucky now wishes to amend the Ordinances to classify the tracking or depositing mud or other debris on streets and roads by construction vehicles as a nuisance and setting the fines for violations.

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

**SECTION ONE**

Section 92.09 of the City of Walton Code of Ordinances is hereby amended by adding new subparagraph (V) as follows:

***§ 92.09 NUISANCES DESCRIBED AND PROHIBITED.***

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**(V) To allow any construction vehicle, equipment, trailer, truck or otherwise to track, drop or deposit on any road, street, alley or other public place any mud, dirt, gravel, soil, junk, sticky substances, litter, or foreign matter of any kind.**

**(1) All operators of construction sites shall take precautions to prevent any erosion of or to allow mud, dirt, gravel, soil, junk, sticky substances, litter, or foreign matter of any kind from being carried off the premises and onto any road, street, alley or other public place.**

**(2) Violations of this subsection 92.09(V) shall be subject to a Stop Work Order; and a homeowner violator conducting his or her own maintenance, repair or construction shall also be subject to citations and fines under Sections 34.51 and/or 34.74 and of this Code. Violators who are contractors, subcontractors, property owners, developers, drivers, operators and workers on residential, multi-family, commercial and industrial construction projects shall be subject a Stop Work Order and to the following Fine Schedule:**

**(a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply:**

<b><u>1st Offense</u></b>	<b><u>2nd Offense</u></b>	<b><u>Additional Offenses (Within a 12-Month Period)</u></b>
<b><u>\$250.00</u></b>	<b><u>\$500.00</u></b>	<b><u>\$1000.00</u></b>

**(b) If the citation is contested and a hearing before the Code Enforcement Board is required, the Board, in its discretion, may impose a penalty up to the following maximum amounts:**

<b><u>1st Offense</u></b>	<b><u>2nd Offense</u></b>	<b><u>Additional Offenses (Within a 12-Month Period)</u></b>
<b><u>\$1000.00</u></b>	<b><u>\$2000.00</u></b>	<b><u>\$3000.00</u></b>

**(c) Each day that a violation continues after due notice has been served in accordance with the terms of this subchapter may be deemed a separate offense.**

**SECTION TWO**

Section 92.99 of the City of Walton Code of Ordinances is hereby amended as follows:

**§ 92.99 PENALTY.**

Penalties for violations of this chapter shall be as set forth in § 34.51 and **§ 34.74 and** amendments thereto.

**SECTION THREE**

This Ordinance shall take effect and shall be in full force upon adoption and publication.

**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.

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PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 14<sup>TH</sup> DAY OF MARCH, 2023.

PASSED AND APPROVED ON SECOND READING BY 5 OF 5 MEMBERS OF CITY COUNCIL ON THE 11<sup>TH</sup> DAY OF APRIL, 2023.

APPROVED:

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GABRIEL D. BROWN, MAYOR

ATTEST:

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GEVANA HICKS, CITY CLERK

DATE OF PUBLICATION: APRIL 17, 2023