



## Meeting Notice & Agenda

# MARION CITY COUNCIL

Monday April 20, 2026 – 5:00 PM

Marion City Hall, 217 South Main Street, Marion, KY

### Agenda

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Prayer**
- IV. Public Comments**
- V. Minutes**
  - a. Consideration of Approving Minutes of March 16, 2026, Regular Meeting
  - b. Consideration of Approving Minutes of March 31, 2026, Special Meeting
- VI. Proclamations**
  - a. April 2026 – Sexual Assault Awareness and Prevention Month
  - b. May 4, 2026 – Firefighter’s Appreciation Day
- VII. New Business**
  - a. Consideration of Subcommittee Appointments
  - b. Consideration of Establishing a City of Marion/Crittenden County, Spring Cleanup Event
  - c. Consideration of Resolution #26-05 entitled, “A RESOLUTION OF THE CITY OF MARION, KENTUCKY, TO ENTER INTO AN AGREEMENT WITH \_\_\_\_\_ FOR TOWING AND VEHICLE STORAGE”
  - d. Introduction and First Reading of Ordinance #26-06 entitled, “AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING TITLE IX: GENERAL REGULATIONS, BY AMENDING CHAPTER 92.02: MAINTAINING PUBLIC NUISANCE”
  - e. A Representative of the Crittenden County 250<sup>th</sup> Legacy Liberty Event to Address the Council
  - f. Introduction and First Reading of Ordinance #26-07, “AN ORDINANCE AMENDING ORDINANCE #25-9 AND ORDINANCE #26-01 ADOPTING THE CITY OF MARION, KENTUCKY ANNUAL BUDGET FOR FISCAL YEAR 07/01/2025 THROUGH 06/30/2026 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT”
  - g. Review and Consideration of Marion Street and Alley Priority List
  - h. Consideration of Going Out for Bids (RFB) for Water Treatment Plant (WTP) Clearwell Improvement Project
  - i. Consideration of Going Out for Bids (RFB) for Waterline Replacement Project
  - j. Introduction and First Reading of Ordinance #26-08, “AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING ORDINANCE NO. 01-23 TO REZONE LOT NUMBERS 069-00-00-018.06, 069-00-00-018.07, MARION, KENTUCKY, FROM I-2, LIGHT INDUSTRIAL TO AG, AGRICULTURAL”
  - k. Consideration of Going Out for Bids (RFB) for Code Enforcement Mowing Services
- VIII. Continuing Business**
  - a. Second Reading of Ordinance #26-04 entitled, “AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING CHAPTER 35: PERSONNEL POLICIES TO AMEND THE EMPLOYEE HANDBOOK FOR

EMPLOYEES OF THE CITY TO INCORPORATE RECOMMENDED UPDATES BY KENTUCKY LEAGUE OF CITIES (KLC)”

- b. Second Reading of Ordinance #26-03 entitled, “AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING TTITLE XV: LAND USAGE, BY ADDING CHAPTER 150.21: DEMOLITION PERMITS”
- c. Code Enforcement Software Discussion

**IX. Department Reports**

- a. City Administrator/Treasurer
- b. Police
- c. Fire
- d. Water Plant
- e. Sewer Plant
- f. Code Enforcement/Planning & Zoning/Board of Adjustment
- g. Public Works

**X. Mayor/Council/Staff Comments, Reports, and Questions**

**XI. Adjourn**

To: Mayor and City Council  
From: Adam Ledford, City Administrator  
Re: Agenda Description  
Date: April 20, 2026

**I. Call to Order – Presiding Officer: Mayor D’Anna Browning**

**II. Pledge**

**III. Prayer**

**IV. Public Comments:** Actionable items presented during public comments are recommended to be assigned to the agenda for the next regular meeting unless emergency action is required. This ensures that a proper evaluation of the issue may be conducted prior to final council action.

**V. Minutes**

**A. March 16, 2026**

Your packet includes:

- A copy of the March 16, 2026, Regular Meeting Minutes
- 1. It is unnecessary to abstain from voting if you are not in attendance. A motion and second following by a called vote are required. If you have any proposed corrections you would like to submit prior to the meeting, please contact the office and speak with Cortny. Any proposed modifications will be submitted on the night of the meeting at your location in the council chambers.

**B. March 31, 2026**

Your packet includes:

- A copy of the March 31, 2026, Special Meeting Minutes
- 1. It is unnecessary to abstain from voting if you are not in attendance. A motion and second following by a called vote are required. If you have any proposed corrections you would like to submit prior to the meeting, please contact the office and speak with Cortny. Any proposed modifications will be submitted on the night of the meeting at your location in the council chambers.

**VI. Proclamations**

**A. May 4, 2026: Firefighter’s Appreciation Day**

- A copy of the proclamation is in your packet.
- 1. A proclamation is a formal declaration by the Mayor typically used for ceremonial purposes to raise awareness or recognition. No action from the council is under consideration. The Mayor will further announce plans for an event on Saturday, May 2 at 4 pm to further recognize the Marion Fire Department as part of a small open house at the fire station.

**VII. New Business**

**A. Council Subcommittee Appointments**

Your packet includes:

- A proposed list of subcommittee appointments

1. These appointments will recognize assignments through the end of 2026 and will be replaced by new assignments in January of 2027.
  2. Upon any discussion about the potential appointments, the council can consider approval. A motion and second following by a voice vote are required.
- B. Consideration of Establishing A City of Marion/Crittenden County Free Dump Days Event  
Your packet includes:
- A copy of proposed advertisement
  - A report on the proposed framework for the joint event
1. After discussions between representatives from the City and the County a proposed deal has been reached to bring back a spring free dump event. The details of the event are included in the report and advertisement. The cost of the event is controlled by a limited number of dumpsters and a voucher-based delivery system.
  2. Upon any discussion about the items and methods of disposal, the council can consider approval. A motion and second following by a roll call vote are required.
- C. Consideration of Res 26-05 Towing & Storage Agreement  
Your packet includes:
- A copy of the Resolution
  - A copy of proposed agreement
  - A copy of the RFB responses
1. This agreement assures terms of a relationship and fee structure with the vendor. This will serve to avoid any confusion and disagreement over how the relationship operates and prevent situations of using vendors not qualified to provide services at a professional level.
  2. Upon any discussion, the council can consider authorizing an award via contact. A motion and second following by a roll call vote are required. Don't forget, resolutions only require 1 reading.
- D. Intro & 1<sup>st</sup> Reading Ord 26-05 Nuisance Ordinance Amendment - Vehicles  
Your packet includes:
- A copy of the Ordinance with highlighted changes
  - A draft of the amending Ordinance
1. After reviewing the recommendations from the March Marion Council Meeting, this proposal is consistent with the request stated at that time related to a new exemption for decorative displays in appropriate zoning districts and an extended time period related to short-term, small events.
  2. The mayor will require an Introduction to perform the 1<sup>st</sup> reading. The council may take action to modify the ordinance on 1<sup>st</sup> reading as well.
- E. Crittenden County 250<sup>th</sup> Event Representative
1. A representative from the event is planning to come to speak with the council about the activities and potentially request certain resources and coverage for the event. Among those requests:
    - Blanket Liability Coverage for June 26-27
    - Public Safety Services (Police/Fire)
    - Road Closures (Already requested as part of event application)

2. Upon any discussion about the options, the council can consider approval of any requested items or request more information before further action. A motion and second following by a roll call vote are required.

F. Intro & 1<sup>st</sup> Reading Ord 26-07 Year End Budget Amendment

Your packet includes:

- A copy of Ordinance 26-07
1. Every year in April/May the city conducts a review of financial plans for the fiscal year 4<sup>th</sup> QTR. The commonwealth requires that cities do not exceed planned expenditures on a program level basis (police, admin, streets, etc.). It is widespread practice for the final budget amendment to be considered to ensure compliance with commonwealth rules. Below are the proposed changes of note:
    - The degree of error related to the annual calculation of insurance cost (liability, property, vehicles, and employee healthcare) cannot be ignored. The main changes related to all funds are tied to this error. Layten and I planned to separate these types of insurance into separate line items to help prevent any future administrators from duplicating this error. Only now has the depth of this error fully addressed.
    - The fire budget increase is to address several identified improvement needs related to equipment, facilities, and vehicle state.
    - I will again remind the council; this proposal shows a \$70,000 loss in the sewer department. Directly related to paying 2 years' worth of property insurance in 1 year. Some loss is acceptable related to lingering improvements to capital items (1-time expenditures) necessary.
  2. The mayor will require an Introduction to perform the 1<sup>st</sup> reading. The council may take action to modify the ordinance on 1<sup>st</sup> reading as well.

G. Review and Consideration of Street & Alley Priority List

Your packet includes:

- A copy of the initial recommendations from the maintenance department
1. Whatever the council decides will be incorporated into the 2026-2027 budget plan as part of the capital plan (CIP) limited to funds available on a priority basis.
  2. A simple voice motion, second, and vote will serve to provide clear direction.

H. Consideration of RFB for WTP Clearwell Improvements

Your packet includes:

- A copy of the proposed RFB packet
1. The City has been awarded CDBG funds to cover 80% of the cost of a project the council has previously approved. Tonight, the council is considering the bid packets approved by the state for construction services on the project. If approved, the City will advertise and follow-up in a future meeting to review and award construction.
  2. Upon any discussion, the council can consider approval. A motion and second following by a roll call vote are required.

I. Consideration of RFB for Waterline Replacement Project

Your packet includes:

- A copy of the proposed RFB packet

1. The City has been awarded CDBG funds to cover 80% of the cost of a project the council has previously approved. Tonight, the council is considering the bid packets approved by the state for construction services on the project. If approved, the City will advertise and follow-up in a future meeting to review and award construction.
2. Upon any discussion, the council can consider approval. A motion and second following by a roll call vote are required.

J. Intro & 1<sup>st</sup> Reading Ord 26-08 Rezoning Property in the Industrial Park Area

Your packet includes:

- A copy of the Ordinance
1. The council will be presented with the recommendations of the Marion Planning & Zoning Commission related to this issue. They met last Thursday to first consider this matter and passed the measure before you tonight.
  2. The property under consideration is currently owned by Crittenden County Economic Development and they wish to sell it, but the deal is contingent on obtaining a rezoning from industrial to agricultural. To do so requires consideration by the P&Z commission and approval from the city council.
  3. The mayor will require an Introduction to perform the 1<sup>st</sup> reading. The council may take action to modify the ordinance on 1<sup>st</sup> reading as well.

K. Consideration of RFB for Enforcement Mowing

Your packet includes:

- A copy of the proposed RFB packet
1. Tonight, the council is considering the bid packets for code enforcement mowing services. If approved, the City will advertise and follow up in a future meeting to review and award the bid. This would be covered under the funding of the P&Z budget and prevent additional strain on the maintenance team. It is worth noting that the jail cannot be utilized for this service as that team cannot operate on private property,
  2. Upon any discussion, the council can consider approval. A motion and second following by a roll call vote are required.

**VIII. Continuing Business**

A. 2<sup>nd</sup> & Final Reading Ord 26-04 Employee Handbook Update – KLC Recommendations

Your packet includes:

- A copy of the Ordinance
  - A copy of the complete, updated handbook (changes highlighted) along with some new ones in yellow.
  - A letter from the Kentucky Finance and Administration Cabinet
1. Last year, KLC recommended to the previous administrator to update the handbook with various minor corrections and code updates. After becoming aware of this recommendation, I assigned Anna Baker to draft a modified version which was then presented to staff and legal representation. Tonight, you have a copy of manual with proposed changes. None of these changes present a policy change but do constitute continuous improvement action. This can also serve as a full review by the council, which is why we provided the entire document for your discussion.
  2. In your packet I have included a few internal recommendations we would like the council to consider including in this update:
    - Time Off Allocations – Currently if an employee has medical or vacation leave, the time must be taken in 4- or 8-hour time allocations. We believe it would better serve the employees and the employer to move to a 1-hour time allocation model. This

would allow short uses to not inhibit half a day or work while preserving time off for actual need over structured requirements. While we wish to remain with solid hour blocks for ease of administration, we find no reason not to encourage this change.

- Travel Daily Meal Limits – At the time the council set this, holidays, and milage in the employee manual, the city used the commonwealth standards. Since that time, the milage has remained the same, however, meal limits have slightly changed in recognition of the increased cost of meals. We recommend incorporating the modification to match the state with our manual. A copy of the state limits established by the Finance and Administration Cabinet are included in your packet. The change would move daily limits from \$44 to \$50 while also limiting the amount, as the state does, by meal:
  - \$12 Breakfast
  - \$15 Lunch
  - \$23 Dinner

The council may take different actions

- Vote:

A council member may move to approve the ordinance as presented. Along with a second and discussion, the mayor may then call the question. A roll call vote will then be conducted to determine the outcome. If the ordinance fails to obtain a motion or a second, it is deemed dead.
- Modify the Question:

Any council member may propose a motion to modify the original question (motion) being considered. The mayor will then ask for a second to the modification, if one is given, the council will then discuss the modification and vote on it before returning to action on the original question (modified or not based on the vote).
- Table:

If the council believes the ordinance is not ready for adoption for any reason, but wishes to continue to consider action, a motion may be made to table consideration until the next meeting or at the time they designate.

#### B. 2<sup>nd</sup> & Final Reading Ord 26-03 Demolition Permits

Your packet includes:

- Ordinance 26-03
- A copy of the proposed permit
- 1. The city currently has no demolition permit process inside city limits. This is a widespread practice that provides several health and safety precautions within public interest:
  - Ensure all utilities (Water, Gas, Sewer, Electric) are aware of the plan and that arrangements have been made with the suppliers.
  - Ensure proper insurance has been considered to protect potentially impacted parties.
  - Ensure proper steps have been taken to consider if traffic will be impacted.
- 2. We are proposing a \$0 cost permit as the goal is not to generate revenue but ensure proper steps have been taken to preserve public health and safety.

The council may take different actions

- Vote:

A council member may move to approve the ordinance as presented. Along with a second and discussion, the mayor may then call the question. A roll call vote will then be conducted to determine the outcome. If the ordinance fails to obtain a motion or a second, it is deemed dead.
- Modify the Question:

Any council member may propose a motion to modify the original question (motion) being considered. The mayor will then ask for a second to the modification, if one is given, the council will then discuss the modification and vote on it before returning to action on the original question (modified or not based on the vote).

- Table:  
If the council believes the ordinance is not ready for adoption for any reason, but wishes to continue to consider action, a motion may be made to table consideration until the next meeting or at the time they designate.

**C. Consideration of Code Enforcement Software**

Your packet includes:

- Report on Software Options
- 1. This matter was discussed at the March council meeting. There was time provided to address some concerns raised about alternative options and value of the software to overall productivity and cost. Tanya will present some follow-up to answer those questions.
- 2. A simple voice motion, second, and vote will serve to provide clear direction.

**IX. Department Reports**

Your packet includes (may include supporting information):

- City Administrator/Treasurer Report
- Police Report
- Fire Report
- Water Plant Report
- Sewer Plant Report
- Enforcement, BOA, and P&Z Report/Minutes
- Public Works Report
- Tourism Update
- Airport Commission Update
- Park Commission Update

**X. Mayor/Council/Staff Forum**

**XI. Adjournment**

**Meeting of the Marion City Council  
Monday, March 16, 2026, at 5:00 PM**

The Marion City Council met in regular session on March 16, 2026, at 5:00 PM with Mayor Browning presiding. Council members present were as follows: Randy Dunn, Wanda Olson, Taylor Davis, Dwight Sherer, Bobby Belt and Cutter Singleton. City employees present were as follows: Chief Bobby West, Adam Ledford, Layten Croft, Cortny Cosby, Anna Baker, Greg Tabor, Tony Jackson, Jeff Black, Tanya Byers, Ronald Howton and Legal Service Officer Bart Frazer.

**Public Comments**

Kenneth Downs, the pastor at Ambassadors for Christ expressed concerns about the lack of parking at the church and stated the church was willing to sell and relocate to resolve the issue. Kenneth Downs also mentioned previous concerns about snow being piled up blocking the path into the church. Mayor Browning advised she spoke with Greg Tabor and Adam Ledford about the snow removal.

**General Government**

Cutter Singleton requested a revision be made, a name change from Rachel Arflack to Kathy Arflack. A motion was made by Randy Dunn, seconded by Cutter Singleton to approve revised minutes from the regular meeting February 16, 2026. All present members voted yes. Motion carried.

Mayor Browning stated she was awaiting a response from the Mayoral appointment candidate for the Marion Planning and Zoning Commission.

Adam Ledford referenced the subcommittee sign-up sheet included in the packet and requested the council to fill it out and bring it back to City Hall before the next meeting.

Bart Frazer provided the first reading of **ORDINANCE NO. 26-04 AN ORDINANCE OF THE CITY OF MARION, KENTUCKY AMENDING CHAPTER 35: PERSONNEL POLICIES TO AMEND THE EMPLOYEE HANDBOOK FOR EMPLOYEES OF THE CITY TO INCORPORATE RECOMMENDED UPDATES BY KENTUCKY LEAGUE OF CITIES (KLC)**. Adam Ledford provided a brief explanation of the ordinance. Dwight Sherer sponsored ORDINANCE NO. 26-04 AN ORDINANCE OF THE CITY OF MARION, KENTUCKY AMENDING CHAPTER 35: PERSONNEL POLICIES TO AMEND THE EMPLOYEE HANDBOOK FOR EMPLOYEES OF THE CITY TO INCORPORATE RECOMMENDED UPDATES BY KENTUCKY LEAGUE OF CITIES (KLC).

Bart Frazer read **RESOLUTION NO 26-01** entitled, **RESOLUTION OF THE CITY OF MARION ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF MARION'S ANNUAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS**. Adam Ledford explained that the resolution was a necessary step. A motion was made by Wanda Olson, seconded by Randy Dunn to approve RESOLUTION NO 26-01 entitled, RESOLUTION OF THE CITY OF MARION ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF MARION'S ANNUAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS. All present members voted yes. Motion carried.

Bart Frazer read **RESOLUTION NO 26-02** entitled, **A RESOLUTION OF THE CITY OF MARION, KENTUCKY, DECLARING CITY-OWNED PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO SELL OR OTHERWISE DISPOSE OF SAID PROPERTY AS PERMITTED UNDER KENTUCKY LAW**. Adam Ledford advised an additional list was handed out at this meeting that included the Marion Police Department. Bobby Belt asked if the police department speed gun could be used for the high school baseball team. Chief Bobby West advised the equipment was ancient and could not be repurposed. Adam Ledford advised items can be viewed by appointment only. Adam Ledford stated the Marion Fire Department will add to the list at a later date. A motion was made by Bobby Belt, seconded by Cutter Singleton to approve RESOLUTION NO 26-02 entitled, A RESOLUTION OF THE CITY OF MARION, KENTUCKY, DECLARING CITY-OWNED PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO SELL OR OTHERWISE DISPOSE OF SAID PROPERTY AS PERMITTED UNDER KENTUCKY LAW. All present members voted yes. Motion carried.

Bart Frazer provided the first reading of **ORDINANCE NO. 26-03, AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING TITLE XV: LAND USAGE, BY ADDING CHAPTER 150.21: DEMOLITION PERMITS**. Cutter Singleton sponsored

ORDINANCE NO. 26-03. Adam Ledford advised that it was common practice. Tanya Byers advised prior to this, individuals were to obtain a building permit.

Adam Ledford advised the City has been reviewing the best method of proceeding forward with a formal agreement with towing and storage related to enforcement actions by code enforcement or police officers. Mayor Browning advised this would be a non-exclusive arrangement and could potentially have a rotation. No action was taken at this meeting.

Tanya Byers and Adam Ledford began a discussion on the program to ramp up enforcement through 2026 using existing and newly implemented ordinances that are necessary to ensure we are compliant with current federal, state and local laws. This month the topic was signage. Adam Ledford expressed the importance of education before enforcement. Wanda Olson had questions regarding temporary signs such as campaign signs. No action was taken at this meeting.

Tanya Byers proposed new software for Code Enforcement, she explained all of her duties and how the program could benefit the city. Mayor Browning asked if there was a commitment required for the dollar amount Tanya Byers presented. Tanya Byers advised yes and the price would be locked in for 3 years. Bobby Belt voiced concerns and asked several questions such as how it would be paid for. Mayor Browning advised that the software could pay for itself in fines and efficiency. Taylor Davis asked how much time this would save Tanya Byers. Dwight Sherer asked Tanya Byers to provide the other options. Cutter Singleton asked Adam Ledford for his opinion. Randy Dunn stated that we needed to give her the tools she needs. Mayor Browning advised a vote would be on next month's agenda.

Bart Frazer provided the second reading of **ORDINANCE NO. 26-02, AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING CHAPTER 35: PERSONNEL POLICIES TO AMEND THE EMPLOYEE HANDBOOK FOR EMPLOYEES OF THE CITY TO ADD CYBERSECURITY**. A motion was made by Wanda Olson, seconded by Randy Dunn to approve ORDINANCE NO. 26-02, AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING CHAPTER 35: PERSONNEL POLICIES TO AMEND THE EMPLOYEE HANDBOOK FOR EMPLOYEES OF THE CITY TO ADD CYBERSECURITY. Roll call: Randy Dunn, yes; Wanda Olson, yes; Taylor Davis, yes; Dwight Sherer, yes; Bobby Belt, yes; Cutter Singleton, yes. All present members voted yes. Motion carried.

Bart Frazer provided the second reading of **ORDINANCE NO. 26-01, AND ORDINANCE AMENDING ORDINANCE #25-09 ADOPTING THE CITY OF MARION, KENTUCKY ANNUAL BUDGET FOR FISCAL YEAR 07/01/2025 FOR THE OPERATION OF CITY GOVERNMENT**. A motion was made by Cutter Singleton, seconded by Taylor Davis to approve ORDINANCE NO. 26-01, AND ORDINANCE AMENDING ORDINANCE #25-09 ADOPTING THE CITY OF MARION, KENTUCKY ANNUAL BUDGET FOR FISCAL YEAR 07/01/2025 FOR THE OPERATION OF CITY GOVERNMENT. Roll call: Randy Dunn, yes; Wanda Olson, yes; Taylor Davis, yes; Dwight Sherer, yes; Bobby Belt, yes; Cutter Singleton, yes. All present members voted yes. Motion carried.

Adam Ledford began a discussion on Ordinance #92 related to nuisance vehicles, at the previous meeting the council indicated they may want to make changes, but no formal action was taken. Wanda Olson requested exceptions for commercial business. Mayor Browning agreed but did not want to make businesses completely exempt. Bobby Belt requested an amendment for yard sales lasting 72 hours.

Adam Ledford recognized Anna Baker for evaluating the current employee manual and updating it to better match KLC recommendations.

Adam Ledford stated the city will be conducting inventory of water service connections and identifying what each connection consists of per EPA regulations, he stated this was mandated by Federal and State Government.

Bobby West advised KLC has supplied a TI Simulator for the month beginning Thursday and invited the council and public to take part in the simulator.

Red Howton reported the new fire truck was up and going and performed several runs already.

Jeff Black reported he had two lakes full of water.

Tony Jackson reported that the technicians were in today to repair the coarse screen at the sewer plant, he stated they were waiting on tools.

Mayor Browning mentioned the paving list. Wanda Olson requested paving at N Maple and Poplar Street by Farmers Bank. Bobby West requested Moore St by the nursing home.

Adam Ledford acknowledged that the staff pulled together and completed all of the KLC recommendations, saving the city several thousand dollars in insurance according to Ben Cook.

Layten Croft provided an update reflecting projects she was involved in within the past few weeks. A full version was included in the packet.

### **Other Business**

Cutter Singleton mentioned Kathy Arflack's yard on Moore St. And a leak on Kevil St. Cutter Singleton asked about the pothole behind City Hall. Cutter Singleton inquired about the new meters and asked how effective they are at preventing water loss at this point.

Bobby Belt advised there was a pothole forming on Chadd St. Bobby Belt asked why the meter change out was not complete. Adam Ledford advised several meters were commercial and would likely need the area around the meter replaced as well. Bobby Belt stated the parking lines were gone along Main Street.

Dwight Sherer mentioned farm season approaching and asked what was happening to keep chicken manure from polluting the water again. Mayor Browning advised that she spoke with the property owner. Cutter Singleton advised that he spoke to Cindy Jenkins from the Conservation District very briefly. Adam Ledford stated that beavers were also an issue. Dwight Sherer recognized Adam Ledford and the maintenance team for their work on Fords Ferry Rd.

Wanda Olson stated that the one-way street sign behind the new courthouse was blocked by construction materials. Wanda Olson asked about the veteran flags being stored at the VFW. Mayor Browning advised to prevent fading, the flags are exhibited in the city for a certain duration and then relocated to the VFW, where they can be observed when not in use.

Randy Dunn mentioned the potholes on Chapel Hill Rd.

### **Adjournment**

There being no further business to come before the council, a motion was made by Wanda Olson, seconded by Randy Dunn to adjourn. The meeting was adjourned at 7:00 PM.

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Mayor D'Anna Browning

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ATTEST: Cortny Cosby, City Clerk

**Meeting of the Marion City Council**  
**Tuesday, March 31, 2026, at 5:00 PM**

The Marion City Council met in special session Tuesday, March 31, 2026, at 5:00PM with Mayor Browning presiding. The special meeting took place at the Crittenden County Office Complex at 200 Industrial Drive, Marion, KY. Council members present were as follows: Randy Dunn, Dwight Sherer, Bobby Belt, and Cutter Singleton. Employees in attendance were as follows: Chief Bobby West, Adam Ledford, Cortny Cosby, Anna Baker and Tanya Byers.

**General Government**

Mayor Browning presented the Marion Planning and Zoning Commission Mayoral appointments replacing Joe Hunt and Casey Winstead. Mayor Browning advised consideration for Scott Tabor and Alec Pierce. A motion was made by Randy Dunn, seconded by Bobby Belt to appoint Scott Tabor to the Marion Planning and Zoning Commission. All present members voted yes. Motion carried. A motion was made by Dwight Sherer, seconded by Randy Dunn to appoint Alec Pierce to the Marion Planning and Zoning Commission. Randy Dunn, Dwight Sherer and Bobby Belt voted yes, Cutter Singleton opposed. Motion carried.

Mayor Browning began discussing **the nonexclusive franchise agreement for motor vehicle and storage services**. Adam Ledford explained in detail. A motion was made by Cutter Singleton, seconded by Randy Dunn to approve the nonexclusive franchise agreement for motor vehicle towing and storage services. All present members voted yes. Motion carried.

Mayor Browning read **Resolution No. 26-03, A RESOLUTION OF THE CITY OF MARION, KENTUCKY, DECLARING CITY-OWNED PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO SELL OR OTHERWISE DISPOSE OF SAID PROPERTY AS PERMITTED UNDER KENTUCKY LAW**. Adam Ledford provided a copy of additional surplus. A motion was made by Bobby Belt, seconded by Randy Dunn to approve Resolution No. 26-03, A RESOLUTION OF THE CITY OF MARION, KENTUCKY, DECLARING CITY-OWNED PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO SELL OR OTHERWISE DISPOSE OF SAID PROPERTY AS PERMITTED UNDER KENTUCKY LAW. All present members voted yes. Motion carried.

Mayor Browning read **Resolution No. 26-04, A RESOLUTION OF THE CITY OF MARION, KENTUCKY, DESIGNATING AN AGENT TO EXECUTE ALL REQUIRED FORMS AND DOCUMENTS FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE UNDER DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT**. Adam Ledford explained Resolution No. 26-04 briefly. A motion was made by Cutter Singleton, seconded by Randy Dunn to approve **Resolution No. 26-04, A RESOLUTION OF THE CITY OF MARION, KENTUCKY, DESIGNATING AN AGENT TO EXECUTE ALL REQUIRED FORMS AND DOCUMENTS FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE UNDER DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT**. All present members voted yes. Motion carried.

**Adjournment**

There being no further business to bring before the council, a motion was made by Cutter Singleton, seconded by Randy Dunn to adjourn. Meeting was adjourned at 5:10 PM.

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MAYOR D'ANNA BROWNING

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ATTEST: CORTNY COSBY, CITY CLERK



# Firefighter Appreciation Open House!

**Stop by Marion's fire station on  
May 2<sup>nd</sup>, 2026 starting at 4pm  
to join in thanking our brave firefighters!**





## **PROCLAMATION**

**WHEREAS**, the volunteer firefighters of our community stand as guardians of safety, courageously answering the call at any hour, in any weather, and under any circumstance; and

**WHEREAS**, these dedicated individuals risk their own well-being to protect lives, homes, businesses, and natural resources, often confronting danger with skill, composure, and unwavering resolve; and

**WHEREAS**, beyond emergency response, firefighters serve as educators, mentors, and advocates for safety, conducting fire prevention programs, safety drills, and community outreach that save lives before danger strikes; and

**WHEREAS**, their work demands not only physical strength and technical expertise, but also compassion, teamwork, and a deep commitment to the people they serve; and

**WHEREAS**, it is both fitting and necessary that we pause to recognize the extraordinary contributions of these men and women, whose service embodies the highest ideals of duty and public trust;

**NOW, THEREFORE**, I, D'Anna Browning, Mayor of the City of Marion, do hereby proclaim May 4, 2026, as

### **FIREFIGHTER RECOGNITION DAY**

in the City of Marion of Crittenden County Kentucky, and I urge all residents to join in honoring the bravery, dedication, and sacrifice of our firefighters, and to express heartfelt gratitude for their steadfast protection of our community. I further encourage all residents to take part in an appreciation open house on May 2, 2026, at 4 pm.

---

D'Anna Browning, Mayor - City of Marion / DATE

# Sexual Assault Awareness and Prevention Month Proclamation

April 2026

**WHEREAS**, Sexual Assault Awareness and Prevention Month is observed annually in April to raise public awareness about sexual violence and to educate communities on how to prevent it; and

**WHEREAS**, sexual assault, harassment, and abuse affect people of every age, race, gender, sexual orientation, socioeconomic background, religion, and ability, and have profound and lasting impacts on survivors, families, and communities; and

**WHEREAS**, according to the Kentucky Association of Sexual Assault Programs, 39% of women in Kentucky and 18% of men in Kentucky will experience sexual violence at some point in their lives, underscoring the urgent need for prevention and intervention efforts; and

**WHEREAS**, sexual violence is preventable through education, community engagement, healthy relationship promotion, bystander intervention, and policies that promote equity, respect, and accountability; and


**WHEREAS**, we honor the courage and resilience of survivors and recognize the importance of trauma-informed, culturally responsive support services that promote healing and justice; and

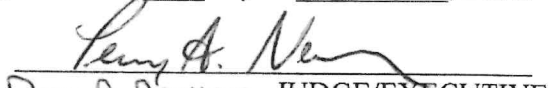
**WHEREAS**, advocates, educators, healthcare providers, law enforcement professionals, and community leaders play a critical role in responding to sexual violence and creating safe environments in schools, workplaces, and neighborhoods; and

**WHEREAS**, Sanctuary, Inc. is the designated sexual assault resource center that serves the nine counties of the Pennyryle Area Development District with prevention education and supportive and restorative services to victims and survivors of sexual assault;

**NOW, THEREFORE**, We, D'Anna Browning, Mayor of the City of Marion, and Perry A. Newcom, Judge/Executive of Crittenden County, do hereby proclaim April 2026 as **Sexual Assault Awareness and Prevention Month** in Marion, Kentucky and call upon all residents, community organizations, schools, businesses, and institutions to support prevention efforts, stand with survivors, and commit to fostering a culture of respect, dignity, and safety for all.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of March, 2026.

  
D'Anna Browning MAYOR  
City of Marion

  
Perry A. Newcom, JUDGE/EXECUTIVE  
Crittenden County, Kentucky

Name	Role
Marion Revolving Loan Committee	Voting Member
Cutter Singleton	
Wanda Olson	
City/County Park Board	Observe & Report
Randy Dunn	
Drug Coalition	Voting Member
Cutter Singleton	
Economic Development Corporation	Voting Member
Dwight Sherer	
250th Celebration Committee (Ends June 2026)	Observe & Report
Taylor Davis	
Crittenden 911E Commission	Observe & Report
Wanda Olson	
Crittenden KU Extension	Observe & Report
Taylor Davis	
Crittenden County Fiscal Court	Observe & Report
Cutter Singleton	
Marion Tourism Commission	Observe & Report
Randy Dunn	
Code Enforcement Committee	Observe & Report
Wanda Olson	
Marion Planning & Zoning Commission	Observe & Report
Bobby Belt	
City/County Airport Commission	Observe & Report
Dwight Sherer	
Marion Chamber Main Street Board	Observe & Report
Cutter Singleton	
Marion Board of Adjustment	Observe & Report
Bobby West	
Police	Advise
Cutter Singleton	
Street & Alley	Advise
Dwight Sherer	
Fire	Advise
Taylor Davis	
Safety	Advise
Dwight Sherer	
Water	Advise
Cutter Singleton	
Sewer	Advise
Cutter Singleton	
Finance	Advise
Cutter Singleton	
Dwight Sherer	

**City of Marion/Crittenden County**

# **FREE DUMP DAYS!**

**City residents: Stop by Marion City Hall to  
obtain your voucher.**

**County Residents: Stop by the county offices to  
obtain your voucher.**

**MAY 1, 2026 | MAY 2, 2026**  
**8am-3:30pm | 8am-12pm**

***Residential waste only, one load per residence.***

***First come, first serve; until capacity is reached.***

***Unacceptable waste includes wet paint and  
petroleum based products.***

***Waste tires accepted, thanks to a grant through  
the KY Dept. of Environmental Protection,  
Div. of Waste Mgt.***

**Location:**

**1901 US-60**

**Marion, KY 42064**

**Behind Crittenden County Road Department**

## Marion/Crittenden Dump Event

- May 1 & 2
  - 8-3:30 on 1<sup>st</sup>
  - 8-12 on 2<sup>nd</sup>
- Located at the Crittenden County Convention Center
- Tire collection will be available due to a state grant obtained by Judge Executive Perry Newcom. There may be some cost in excess of the grant.
- Waste restrictions will be:
  - No commercial waste or commercial project waste
  - No petroleum-based products
  - No wet paint
- Crittenden County Jail will provide inmates to manage transfer of materials from customers to dumpsters
- Marion agrees to pay 33% of cost up to \$18,000
  - Any scrap metal collected during the event will offset costs for each party along the same division of cost
- Marion will provide:
  - Backhoe & Driver
  - Traffic Control Support
  - Police Support
  - ID/Load Monitoring Staff
  - Advertising Documents
- Voucher System:

A voucher will be implemented. Anyone planning to participate will need to stop by the City Office or Crittenden County Office to collect a voucher that must be presented when you come to the convenience center. No voucher no dumping.



RESOLUTION 26-05

A RESOLUTION OF THE CITY OF MARION, KENTUCKY, TO ENTER INTO AN AGREEMENT WITH \_\_\_\_\_ FOR TOWING AND VEHICLE STORAGE

WHEREAS, the Marion City Council recognizes the need to contract for towing and vehicle storage pursuant to enforcing city ordinances.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, Kentucky, as follows:

Section 1. That the Mayor, and Successors-in-Title are hereby authorized to enter into an Agreement with \_\_\_\_\_ for towing and vehicle storage services.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved this \_\_\_\_\_ of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Mayor

Attest

\_\_\_\_\_  
City Clerk

## CHAPTER 92: NUISANCES

### Section

#### General Public Nuisances

- 92.01 Definitions
- 92.02 Maintaining public nuisance
- 92.03 Non-exclusive regulation
- 92.04 Enforcement
- 92.05 Notice to abate; hearing; appeal
- 92.06 Removal by city; lien
- 92.07 Liability
- 92.08 Compliance; written permission
- 92.09 Junked, wrecked, or nonoperative mobile or manufactured homes Accumulation of Rubbish and Weeds
- 92.15 Definitions
- 92.16 Accumulation of rubbish and weeds prohibited
- 92.17 Notice to abate
- 92.18 City to have lien for value of remedy
- 92.99 Penalty

Statutory reference: Private nuisances, see KRS 411.500 through 411.570

#### GENERAL PUBLIC NUISANCES

##### § 92.01 DEFINITIONS.

For the purpose of §§ 92.01 through 92.08 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"APPLIANCES." Any unit, or part thereof, of furniture, industrial or business equipment, whether functional or ornamental and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, china, tables, chests, antiques, the condition of which is one of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded; or
- (7) Display for purpose of sale.

"JUNKED MOTOR VEHICLES." Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned; or
- (6) Discarded.

"PERSON." Any individual, firm, partnership, association, corporation, company, or organization of any kind.

(Ord. passed 8-21-72)

## § 92.02 MAINTAINING PUBLIC NUISANCE.

(A) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance. It shall be unlawful for any person to cause or maintain such a public nuisance by placing an appliance on, or by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding any motor vehicle on the real property of another, or to suffer, permit, or allow a junked motor vehicle or appliance to be parked, left, or maintained on his own real property, provided that this provision shall not apply with regard to:

(1) Any motor vehicle or appliance in an enclosed building.

(2) Any motor vehicle or appliance on property occupied and used for repair, reconditioning, and remodeling of motor vehicles, or appliances.

(3) Any appliance, bedding, rugs, clothing, or other units of fabric, glass, crockery, ceramics, and other items or ornaments outside of an enclosed building displayed for the specific purpose of conducting a public auction, private sale, sidewalk sale, garage sale, or any other type of sale on a temporary basis not to exceed 48 hours, provided, that any person, firm, or corporation shall be limited to six such sales per year.

(B) The owner, occupant or agent of any owner or occupant of lots, parcels or areas within the city limits permitting pools of water to accumulate and remain on the premises and become stagnant and foul.

(C) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

(Ord. passed 8-21-72; Am. Ord. passed 7-16-73; Am. Ord. 02-18, passed 7-17-02) Penalty, see § 92.99(A)

Statutory reference: Nuisance abatement, see KRS 65.8840

## § 92.03 NONEXCLUSIVE REGULATION.

Sections 92.01 through 92.08 are not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or appliances within the city. Such junked motor vehicles or appliances are declared to be a public nuisance and unlawful as set out in § 92.02 above. The provisions of §§ 92.01 through 92.08 are supplemental and in addition to all other regulatory codes, statutes, and ordinances heretofore enacted by the city, state, or other legal entity or agency having jurisdiction.

(Ord. passed 8-21-72)

## § 92.04 ENFORCEMENT.

The provisions of §§ 92.01 through 92.08 shall be administered and enforced by the City Administrator. In the enforcement of §§ 92.01 through 92.08, such officer and his duly authorized agents, assistants, employees, or contractors, may enter upon private or public property to examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance, and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to §§ 92.01 through 92.08.

(Ord. passed 8-21-72; Am. Ord. 85-1, passed 3-18-85)

## § 92.05 NOTICE TO ABATE; HEARING; APPEAL.

(A) Whenever the enforcement officer shall deem such a public nuisance to exist, he shall issue a notice to the parties hereinafter stated, and such notice shall:

(1) Be in writing;

(2) Specify the public nuisance and its location;

(3) Request the public nuisance to be abated; and

(4) Advise the party that he has ten days to abate the nuisance or to make a written demand for a hearing before the enforcement officer or else the public nuisance will be removed and abated by the city.

(B) The notice shall be sent by registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall be mailed also to the occupant. The enforcement officer shall coordinate his efforts to determine ownership of a junked motor vehicle with the City Police Department, and notice shall also be sent to the last registered and legal owner of record of the junked motor vehicle, unless the owner is the owner or occupant of the premises whereon the nuisance is located, and unless identification numbers are not available to determine ownership of the vehicle. If the owner, or his address, of any junked motor vehicle is not known or cannot be readily ascertained, the notice to him to abate, and his right to a hearing may be given by attaching such notice to the vehicle no less than ten days before action is to be taken. If the latter method of service is used, the enforcement officer shall make an affidavit attesting to such facts. Where a junked motor vehicle is found to be upon any public property within the city, notice to the owner of the vehicle is all that shall be required. Where a junked appliance is found on public property, no notice shall be required.

(C) In the event a hearing is demanded, such hearing shall be held within five days after the demand is made and shall be conducted by the enforcement officer, who shall hear all the facts and testimony on the condition of the junked motor vehicle or appliance, and the circumstances concerning the location. Such hearing shall not be limited by technical rules of evidence. The enforcement officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purposes of §§ 92.01 through 92.08. He may delay the time for removal of the junked motor vehicle or appliance, if, in his opinion, circumstances justify it. At the conclusion of any hearing, the enforcement officer may find that a junked motor vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property or that an appliance has been abandoned, wrecked, dismantled, is inoperative, or displayed for sale on private or public property, and order the same removed from the property as a public nuisance and order disposal of same. The order requiring removal shall include a description of the appliance or junked motor vehicle and the correct identification number and state license tag number of the junked motor vehicle, if available at the site.

(D) Any interested party may appeal the decision of the enforcement officer by appealing to any court of competent jurisdiction pursuant to the rules of civil procedure within 14 days after the decision. If no appeal is taken within the time prescribed, or immediately after a final judicial review affirming the right to remove the nuisance, the enforcement officer shall cause the junked motor vehicle or appliance to be removed and disposed of in any manner as he may provide.

(Ord. passed 8-21-72)

#### § 92.06 REMOVAL BY CITY; LIEN.

(A) Upon the failure, neglect, or refusal to abate by any owner/occupant or owner of private property who has been notified and ordered to abate such public nuisance within the times as set forth above, the enforcement officer is authorized, empowered and directed to remove same and dispose of it.

(B) The cost of such removal and disposal shall be accounted for by the enforcement officer, and where the full amount due the city for such service is not paid by such owner within 30 days after the disposal of such nuisance, then and in that case, the enforcement officer shall cause to be recorded in the County Court Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(Ord. passed 8-21-72)

#### § 92.07 LIABILITY.

Neither the owner or occupant of the premises from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the city, or its agents, shall be liable for any loss or damage to the junked motor vehicle or appliance while being removed or as a result of any subsequent sale or other disposition.

(Ord. passed 8-21-72)

#### § 92.08 COMPLIANCE; WRITTEN PERMISSION.

The removal of the junked motor vehicle or appliance from the premises prior to the time for removal by the city shall be considered compliance with the provisions of §§ 92.01 through 92.08 and no further action shall be taken against the owner of the junked motor vehicle or appliance, or the owner or occupant of the premises. Written permission given to the enforcement officer for the removal of the junked motor vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located, shall be considered compliance with the provisions of §§ 92.01 through 92.08 on their part and no further action shall be taken against the ones giving such permission except for collection of towing charges or hauling costs for the removal of the nuisance.

(Ord. passed 8-21-72)

#### § 92.09 JUNKED, WRECKED, OR NONOPERATIVE MOBILE OR MANUFACTURED HOMES.

It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of one or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are not inhabited.

(Ord. 17-02, passed 5-15-17) Penalty, see § 92.99(A)

#### ACCUMULATION OF RUBBISH AND WEEDS

##### § 92.15 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"EXCESSIVE GROWTH." Weeds or grass in excess of 15 inches which shall constitute a public nuisance. This definition shall not apply to farm land, growth on land that is more than 300 feet from a city street, state highway, or federal highway. The City Administrator is authorized to exempt any other property from this definition that will not detract from the beautification of the city and which will not create a public nuisance, health hazard, or source of filth to develop thereon. Any such permit issued by the City Administrator shall be made only upon written application by the owner of the property or his authorized agent and shall be for such period of time as the City Administrator, in his discretion, shall deem appropriate.

"RUBBISH." All sweepings; cleaning; trash; refuse; litter; garbage; industrial and domestic wastes; organic wastes; residue of animals sold as meat, fruit or other vegetable matter from kitchens, dining rooms, markets, or places dealing in the handling of meats, fowl, fruit, grain, or vegetables; offal; animal excretes; the carcasses of animals; tree or shrub trimmings; dirt, wood, stone, brick, plaster, or materials resulting from the demolition, alterations, or construction of buildings or structures; accumulated waste materials; or substances which may become nuisances.

(Ord. 87-30, passed 8-17-87)

§ 92.16 ACCUMULATION OF RUBBISH AND WEEDS PROHIBITED.

(A) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

(B) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to cause or permit the accumulation of rubbish in, about, or upon premises owned, occupied, or used by them when and if such accumulation is unsightly, unsanitary, or hazardous to the property, life, health, safety, or welfare of the public.

(Ord. 87-30, passed 8-17-87) Penalty, see § 92.99

§ 92.17 NOTICE TO ABATE.

Whenever a violation of § 92.16 is discovered, the Mayor or City Administrator shall give five days' written notice to remedy such situation. The notice shall be mailed to the last known address of the owner of said property, as it appears on the current tax assessment roll, and, if known, the occupant or person having control or management of the property. Upon the failure of the owner or occupant or person having control or management of the property to comply with the provisions of this subchapter, the Mayor or City Administrator or other responsible officer is authorized to send employees upon the property to remedy the situation.

(Ord. 87-30, passed 8-17-87)

§ 92.18 CITY TO HAVE LIEN FOR VALUE OF REMEDY.

The city shall have a lien against the property for the reasonable value of labor and materials used in remedying such situation as prohibited by § 92.16. The affidavit of the Mayor or City Administrator shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this subchapter, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid.

(Ord. 87-30, passed 8-17-87)

§ 92.99 PENALTY.

(A) In addition to the civil remedies provided for in §§ 92.01 through 92.08, it shall be unlawful for any person to continue and maintain the public nuisance as described herein, and any person violating any provisions of §§ 92.01 through 92.08 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not less than \$5 nor more than \$100 or be imprisoned in the city jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. passed 8-21-72)

(B) Any person who shall fail to conform to the provisions of §§ 92.15 through 92.18 or violates any provisions of §§ 92.15 through 92.18 shall be guilty of a violation thereof and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than \$25 nor more than \$250 and shall be liable for the costs of prosecution for each such offense. Each day that a violation continues to exist shall be considered a separate and distinct violation.

(Ord. 87-30, passed 8-17-87)

## § 92.02 MAINTAINING PUBLIC NUISANCE.

(A) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance. It shall be unlawful for any person to cause or maintain such a public nuisance by placing an appliance on, or by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding any motor vehicle on the real property of another, or to suffer, permit, or allow a junked motor vehicle or appliance to be parked, left, or maintained on his own real property, provided that this provision shall not apply with regard to:

(1) Any motor vehicle or appliance in an enclosed building.

(2) Any motor vehicle or appliance on property occupied and used for repair, reconditioning, and remodeling of motor vehicles, or appliances.

(3) Any appliance, bedding, rugs, clothing, or other units of fabric, glass, crockery, ceramics, and other items or ornaments outside of an enclosed building displayed for the specific purpose of conducting a public auction, private sale, sidewalk sale, garage sale, or any other type of sale on a temporary basis not to exceed 48 72 hours, provided, that any person, firm, or corporation shall be limited to six such sales per year.

**(4) Any motor vehicle or appliance displayed by a licensed business on commercial or industrial zoned property (C-1, C-2, C-3, I-1, I-2) that is utilized for display purposes but does not otherwise violate any other provisions of the Marion City Code of Ordinances.**

(B) The owner, occupant or agent of any owner or occupant of lots, parcels or areas within the city limits permitting pools of water to accumulate and remain on the premises and become stagnant and foul.

(C) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

(Ord. passed 8-21-72; Am. Ord. passed 7-16-73; Am. Ord. 02-18, passed 7-17-02) Penalty, see § 92.99(A)