

**Spencer County, Kentucky**  
**Ordinance No. 14**  
**Fiscal Year 2021 Series**

**An Ordinance to Amend the Regulations of Nuisances in Spencer County, Kentucky**

**Whereas**, Kentucky Revised Statute Chapter 68, was created for the purpose of creating a sound and efficient administration of county government; and

**Whereas**, on April 17, 2017, the Fiscal Court of Spencer County, Kentucky adopted An Ordinance Relating to the Regulations of Nuisances in Spencer County, Kentucky, as Ordinance No. 4 (2017 Series) pursuant to and as required by KRS Chapter 68; and

**Whereas**, the Fiscal Court has determined it necessary to amend the Ordinance to reflect changes in Abatement Procedures.

**Now Therefore Be It Ordained** by the Fiscal Court of Spencer County, Commonwealth of Kentucky that:

ORDINANCE NO. 4, AN ORDINANCE RELATING TO THE REGULATION OF NUISANCES IN SPENCER COUNTY, is hereby amended to read:

**6. Abatement Procedures**

A. It shall be the duty of the personnel designated by the Spencer Fiscal Court, (“Inspector”) to send a letter to the owner or occupant of any premises on which there is kept or maintained a nuisance in violation of the provisions of this Ordinance and to demand abatement of the nuisance within thirty (30) days. If the address of the person(s) is unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of notice may be made by publication in a newspaper of general circulation for two (2) consecutive publications. A copy of the notice shall also be posted in a conspicuous place on the premises affected by the nuisance, and it shall be recorded in the office of the County Clerk.

B. If the person does not abate the nuisance within thirty (30) days, the county may at the discretion of Fiscal Court, but is not required to, proceed to abate the nuisance or the County may employ, independent contractors to abate the nuisance. The person or process employed to abate the nuisance shall have the full right of access to the property with such personnel, machinery and equipment as are necessary to abate the nuisance. The County shall keep a record of the costs incurred and said costs shall be charged to and paid for by the owner.

C. If the nuisance constitutes an immediate danger to the health and well-being of the community, as determined by the Spencer County Health Department, the nuisance shall be abated within seven (7) days. If the address of the person(s) is unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of notice may be made by publication in a newspaper of

general circulation for two (2) consecutive publications. A copy of the notice shall be posted in a conspicuous place on the premises affected by the nuisance, and it shall be recorded in the office of the County Clerk. Any costs associated with this notice and publication will be included in any lien on the premises.

D. If the person so served does not abate this nuisance which constitutes an immediate danger to the health and well-being of the community as determined by the Spencer County Health Department, the County may at the discretion of Fiscal Court, but is not required to, proceed to abate the nuisance or the County may employ, independent contractors to abate the nuisance. The person or process employed to abate the nuisance shall have the full right of access to the property with such personnel, machinery and equipment as are necessary to abate the nuisance. The County shall keep a record of the costs incurred and said costs shall be charged to and paid for by the owner.

E. Unpaid charges for any nuisance abatement shall be a lien on the premises. Nuisance abatement charges shall include labor, equipment usage, fuel and oil, attorney's fees, filing fees, publication cost, court costs, and all other fees and charges incurred by the County for the abatement of the nuisance, enforcement of the lien and foreclosure on the property. Whenever a bill for charges remains unpaid for sixty (60) days after it has been rendered, the Fiscal Court or its designated representative 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 County claims a lien for this amount. Notice of the lien claim shall be mailed to the owner of the premises if his/her address is known. However, failure to record the lien claim or to mail the notice or failure of the owner to receive the notice, shall not affect the right for the County to file a lien for cleanup charges.

This Ordinance will become effective August 10th, 2021.

**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Spencer County held on the 19th day of July 2021.

**GIVEN SECOND READING AN APPROVED** at a duly convened meeting of the Fiscal Court of Spencer County held on the 2<sup>nd</sup> day of AUGUST, 2021 and of record in Fiscal Court Order Book \_\_\_\_\_, page \_\_\_\_\_.

  
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John Riley  
Spencer County Judge Executive

ATTESTED TO: Lynn Hesselbrock 8-18-2021  
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Lynn Hesselbrock  
Spencer County Clerk