

Spencer County, Kentucky
Ordinance No. 21
Fiscal Year 2005 Series

An Ordinance Relating to the Abatement of Public Nuisances

WHEREAS, citizens of Spencer County have been complaining of excessive weed growth, garbage and rubbish accumulation on rural lots and acreage located within Spencer County, but outside the corporate limits of the City of Taylorsville;

WHEREAS, rural lots and acreage overgrown with weeds or strewn with garbage or rubbish distract from the natural beauty of a rural environment, and deprive the residents of the area of their right of enjoyment of that environment;

WHEREAS, in the opinion of the Fiscal Court of Spencer County, it is necessary to enact this ordinance to protect and preserve the safety, welfare and convenience of the inhabitants of Spencer County pursuant to the Fiscal Court's authority under KRS 67.083;

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

Section One: The Spencer County Fiscal Court designates the Solid Waste Coordinator as the county official responsible for enforcing the provisions of this ordinance.

Section Two: It shall be unlawful to own or occupy any residential, commercial or professional property or any lot or acreage located within 100 feet of the boundary of any residential, commercial or professional property in Spencer County but outside the corporate limits of the City of Taylorsville on which garbage or rubbish is allowed to accumulate or excessive amounts of weeds are allowed to grow, and any such acreage or lot on which such garbage, rubbish or weeds are allowed to remain is hereby declared to be a nuisance and dangerous to the health of the people of the county.

Section Three: If any person shall permit or suffer on premises of which he may be the owner, agent or occupant, any of the above described conditions, he shall be subject to the fines and penalties hereinafter provided.

Section Four: Any person violating or assisting in the violation of any part of Sections Two and Three, shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense, and each day's continuance of the condition shall constitute a separate offense.

Section Five: In the event of a violation of Sections Two and Three where it is not possible to have a prosecuting witness obtain a warrant against the violator, the owner, occupant or agent shall be notified to remove the cause of the violation at his expense within a time specified in the notice. Such notice shall be served by the Solid Waste Coordinator by delivering a copy thereof to the owner, occupant or agent of such property or mailing a copy thereof by certified mail. If there is no owner or agent upon whom the notice can be served then the Solid Waste Coordinator shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance is removed or abated within a time specified in the notice, the same will be abated at the expense of the owner, occupant or agent.

Section Six: If the owner, occupant or agent fails to comply with the requirements of any notice provided for in this ordinance, the county shall proceed to have the nuisance, source of filth, or other condition described in the written notice, removed or abated from the lot or premises and the cost thereof shall be the personal debt and liability of the owner or owners, and shall constitute a lien against the real property upon which such cost was incurred.

The Solid Waste Coordinator of the county shall keep an accurate record of the cost, including labor and materials, of the work done, and shall file a certified statement of such costs, together with a statement of compliance with the notice provisions of Section Five of this ordinance, with the county treasurer.

The county treasurer shall enter upon a book provided for that purpose the amount of the cost and shall prepare and mail a bill for said amount to the last known address of the owner as it appears on the current property tax roll.

If after thirty (30) days following the date of the billing the bill remains unpaid, the county treasurer will cause to be filed in the county court clerk's office, a statement of the costs of labor and materials incurred by the county and that amount contained therein will constitute a good, lawful and valued lien against such property, and the same shall constitute a notice to all persons from the time of its recording and shall bear interest at the rate of eight percent (8%) per annum thereafter until paid.

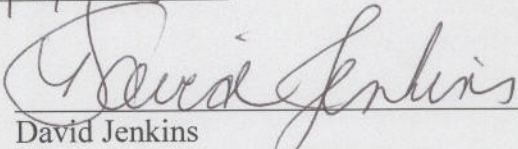
Section Seven: Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be separable and shall continue to be in full force and effect.

Section Eight: All ordinances, or parts thereof, in conflict herewith are to the extent of such conflict hereby repealed.

Section Nine: This ordinance becomes effective immediately upon passage and publication.

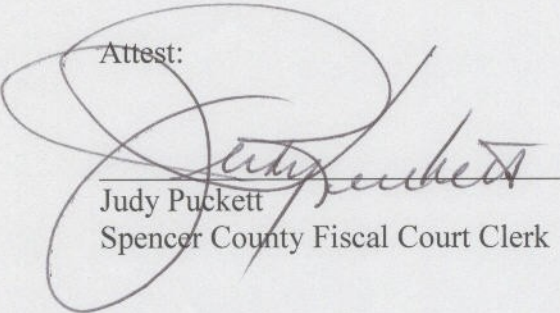
Given first reading and approval on June 20, 2005

Given second reading and approval on July 11, 2005.



David Jenkins
Spencer County Judge Executive

Attest:



Judy Puckett
Spencer County Fiscal Court Clerk