

SPENCER COUNTY, KENTUCKY
ORDINANCE NO. 4
FISCAL YEAR 2017 SERIES

AN ORDINANCE RELATING TO THE REGULATION OF NUISANCES IN
SPENCER COUNTY PURSUANT TO THE AUTHORITY IN KRS 381.770

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SPENCER
COMMONWEALTH OF KENTUCKY, after the passage, approval, and publication of this
ordinance as follows:

1. GENERAL.

That the Spencer County Fiscal Court, does hereby establish the following reasonable standards, procedures and penalties for the enforcement of KRS 381.770 as it relates to unincorporated areas within the territorial jurisdiction of Spencer County. This ordinance is complaint driven therefore, it is investigated and enforced by a complaint reported by a Spencer County resident

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Spencer County, Commonwealth of Kentucky, that Ordinance No. 21, Fiscal Year 2005 Series is hereby rescinded and replaced as follows:

2. DEFINITIONS.

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

A. "Abandoned Vehicles" means any vehicles or parts thereof left on public or private property within an area of high population density under circumstances indicating a desertion; relinquishment, nonuse, or divestment of the vehicle.

B. "Accessory Building" means any buildings other than a dwelling.

C. "Discarded Items" means and includes, but is not limited to, items for or used in recycling, motor vehicle parts, tires, boats, home appliances and furniture in a dilapidated or apparently inoperable condition, and left in open storage or discarded on private property for more than three (3) consecutive days. This definition shall not apply to the following:

(1) Any discarded item or part thereof which is enclosed within a building, such as a garage or other fully enclosed accessory building.

(2) Any discarded item stored on private property in a lawful manner in connection with the licensed business of auto body, auto repair, dismantles vehicle dealer and junk or salvage yard, provided that outside storage of

discarded items be within a privacy fence or dumpster area and not on the grass or yard.

- D. "Dwelling" means any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.
- E. "Farm" means any property in Spencer County that is zoned AG1 or AG2.
- F. "Garbage" solid animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, or implements used for a cooking purpose.
- G. "Litter" means refuse which is not contained or disposed of in accordance with the provisions of this Ordinance.
- H. "Nuisance" means any activity or physical condition that is harmful to the health of another person or interferes with another person's reasonable use and enjoyment of his or her property.
- I. "Obnoxious Growth" means any plant growth exceeding 12 inches in height, other than crops, trees, bushes, flowers or other ornamental plants; it is not the intent of this provision to cause a change in the character of any geographical area(s), e.g. vacant farm or undeveloped land of 5 acres or less.
- J. "Refuse" means all offensive solid waste (except body waste) including but not limited to garbage, rubbish, street cleanings, dead animals, abandoned vehicles and industrial wastes.
- K. "Unfit for Human Habitation" means dangerous or detrimental to life or health because of want of repair, defects in: the drainage, plumbing, lighting, ventilation, or construction; infection with contagious disease; or the existence of an unsanitary condition likely to cause sickness among occupants of the dwelling or adjoining properties.

3. Agricultural Exemption from Ordinance.

A. Farm property is exempt from this Ordinance.

4. Common Law and Statutory Nuisances.

In addition to what is declared in this Ordinance to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such, and be proceeded against, as provided in this Ordinance or in accordance with any other provision of law.

5. Certain Conditions Declared a Nuisance.

It shall be unlawful for the owner, occupant, or person having control or management of any land in unincorporated areas within the territorial jurisdiction of Spencer County to permit a public nuisance or health hazard to exist. The following conditions are declared to be public nuisances if visible from a public roadway:

- A. Dwellings unfit for human habitation: Buildings unfit for human habitation that are visible from a county, state, federal or public roadway.
- B. Dilapidated buildings: Any accessory building, house or structure visible from a county, state, federal or public roadway which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire, or which due to inadequate maintenance or neglect, endangers the public health, welfare, or safety.
- C. Accumulation of rubbish: An accumulation or dumping on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing of rubbish into any highway, road, street, sidewalk or property of another.
- D. The parking, storage or abandonment of any kind of motor vehicle on any private or public property for a period of time in excess of thirty (30) days which is inoperative, except on premises authorized by the Community for such purposes, this section shall not apply to abandoned vehicles in an enclosed building.
- E. For any owners, lessee, occupant having control of any dwelling, vacant lots; and all public and private parking lots to maintain or permit the maintenance of obnoxious growth.
- F. This Ordinance prohibits the keeping of discarded items on private property within the unincorporated limits of the county and such discarded items are hereby declared to be public nuisances.

6. Abatement Procedures.

- A. It shall be the duty of the personnel designated by the Spencer Fiscal Court, ("inspector") to serve or cause to be served a notice upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this Ordinance and to demand abatement of the nuisance within seven (7) days unless the nuisance constitutes an immediate danger to the health and well being of the community. If such danger is present, the nuisance shall be abated within 24 hours of notice. If the address of the persons 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 notice 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.

- B. If the person so served does not abate the nuisance within seven (7) 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 persons 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 to notify and publish same and to abate the nuisance. Said costs shall be charged to and paid by the owner and/or occupant.
- C. Charges for 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 when 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.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

FIRST READING: 3-20-2017

SECOND READING: 4-17-2017

PUBLICATION: 5-17-2017

Passed and effective on this the 17th day April, 2017.


JOHN RILEY, JUDGE-EXECUTIVE
SPENCER COUNTY FISCAL COURT

ATTEST: *Lynne Hesselbrink*
Spencer County Fiscal Court Clerk