

COMMONWEALTH OF KENTUCKY
COUNTY OF PIKE
ORDINANCE NO. 06.19.07.012

AN ORDINANCE OF THE FISCAL COURT OF PIKE COUNTY, KENTUCKY
RELATING TO CONDITIONS WHICH CREATE A PUBLIC NUISANCE IN PIKE
COUNTY, KENTUCKY AND PROVIDING FOR AN ABATEMENT PROCEDURE

WHEREAS, the Fiscal Court of the County of Pike, Commonwealth of Kentucky,
has an obligation to protect its citizens from certain conditions which constitute public
nuisance; and

WHEREAS, such conditions create potential dangers to the public health,
welfare and safety of the citizens of Pike County and adversely affect the environmental
and economic development of Pike County; and

WHEREAS, KRS 381.770 provides that a county may establish by ordinance
reasonable standards and procedures for the enforcement of KRS 381.770.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE
COUNTY OF PIKE, COMMONWEALTH OF KENTUCKY, pursuant to the statutory
authority as set forth in KRS 381.770 and KRS 67.083, does hereby enact the following
ordinance:

SECTION I – CERTAIN CONDITIONS DECLARED A NUISANCE

It shall be unlawful for the owner, occupant, or person having control or
management of any property within Pike County to permit a public nuisance to develop
on such property. The following conditions are declared to be public nuisances:

(A) DANGEROUS AND DILAPIDATED BUILDINGS.

Any abandoned building, house or structure so out of repair and
dilapidated that it will, if the condition is allowed to continue, endanger
the life, limb, or property of, or cause damage, harm, or injury to persons
using the roads or public ways of the County, by reason of the collapse
of the building, house, or structure or by the falling of parts or objects

therefrom, or will constitute a fire hazard liable to ignite or communicate fire, or which will endanger the public health, welfare or safety of owners or occupants of property in the vicinity.

Any structure upon property that is unfit and unsafe for human habitation, occupancy or conditions exist in any structure, which are dangerous or injurious to the health or safety of the occupants of the structure or occupancy of neighboring structures or other residents of the county.

(B) ACCUMULATION OF RUBBISH AND JUNK.

An accumulation on any premises of filth, refuse, trash, garbage, junk, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will ignite or communicate fire and/or attract and propagate vermin.

(C) STORAGE OF EXPLOSIVE OR COMBUSTIBLE MATERIAL.

The storage of combustible or explosive material which creates a safety hazard to persons or property in the vicinity.

(D) ACCUMULATION OF DISCARDED ITEMS.

The accumulation of discarded, dilapidated and/or inoperable items, including but not limited to: motor vehicles, boats, home appliances and furniture within sight of a traveled road or driveway.

The accumulation of junked or wrecked automobiles, vehicles, machines or other similar scrap or salvage materials.

One or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked or nonoperative and which are not inhabited.

The provisions of this section shall not apply to:

(a) Junked, wrecked, or nonoperative automobiles, vehicles machines, or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer or defined under the provisions of KRS 190.010(8);

(b) Junked, wrecked, or nonoperative motor vehicles, including parts cars, stored on private real property by

automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means; and

(c) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed, or leased by a motor carrier.

SECTION II – COMMON LAW AND STATUTORY NUISANCES

In addition to those conditions declared in this Ordinance to be public nuisances, those acts and conditions which the common law, statutes, and regulation of the Commonwealth of Kentucky identify as public nuisances may be treated as such by the County.

SECTION III – ABATEMENT PROCEDURE

(A) This ordinance shall in no way interfere with nor detract from the ability of any law enforcement officer, including the Solid Waste Enforcement Officers, to enforce criminal littering and/or illegal dumping statutes presently in effect.

(B) Upon a finding by the Solid Waste Department, that any person is in violation of this Ordinance, a notice shall be served upon the owner or occupant of any premises upon which the violation exists. Said Notice shall identify the particular condition in question and demand the abatement of the nuisance within thirty (30) days.

(C) Service of said Notice may be made by personal service by the Solid Waste Department or by Certified Mail. Should service of the Notice be unsuccessful by either method, the Solid Waste Department shall so state via affidavit and service shall then be made by publication for two (2) consecutive weeks in a newspaper of general circulation and posted upon the premises affected by the notice.

(D) Should the person or entity so served fail to abate the nuisance within thirty (30) days, the County may proceed to abate the nuisance, keeping an account of the reasonable value of labor and materials used in remedying the situation, and these costs shall be charged to and paid by the owner of the premises in question; in the case of unfit or unsafe structures, the right to a hearing shall be afforded the property owner before any demolition of the structure may occur. The Solid Waste Department shall provide notice to the property owner of the date, time, and place at which the property owner may be heard before the Fiscal Court regarding the unfit or unsafe structure in questions.

(E) All costs incurred by the County for nuisance abatement shall constitute a lien upon the premises. If a bill for same remains unpaid sixty (60) days after service upon the property owner, the County may file a statement and affidavit of lien claim with

the County Court Clerk. The lien shall bear interest at the rate of eight (8%) percent per annum thereafter until paid. Notice of the lien shall be mailed to the owner of the property.

(F) In addition to the remedies prescribed in this Ordinance or any other remedy authorized by law, the property owner shall be personally liable for the amount of the lien, including all interest and other charges, and the County may bring a civil action against the owner for recovery of same. If so directed by the Fiscal Court, the County Attorney shall institute the necessary collection proceedings.

SECTION IV – STATUTORY AUTHORITY; EFFECTIVE DATE

The statutory authority for this Ordinance is set forth in KRS 381.770 and KRS 67.083 now in effect and as from time to time amended. This Ordinance, as amended, shall become effective upon its second reading, adoption and passage, as required by law.

SECTION V

This Ordinance shall be read on two separate days and become effective upon publication pursuant to KRS Chapter 424.

APPROVED by the Pike County Fiscal Court, this the 5th day of

June, 2007.

this the 19th day of June, 2007.

ADOPTED by the Pike County Fiscal Court

Wayne T. Rutherford

WAYNE T. RUTHERFORD

JUDGE/EXECUTIVE

PIKE COUNTY FISCAL COURT

ATTEST:

Rose Farley

Pike Fiscal Court Clerk