

Ordinance 2017-1
COMMONWEALTH OF KENTUCKY
OHIO COUNTY FISCAL COURT

**AN ORDINANCE RELATING TO MAINTENANCE
OF RURAL LOTS AND ACREAGE**

WHEREAS, citizens of Ohio County have been complaining of garbage and rubbish accumulation on rural lots and acreage located within Ohio County but outside the corporate limits of the Cities of Ohio County.

WHEREAS, rural lots and acreage with garbage being trash as discarded house hold waste or rubbish (mattresses, furniture, appliances any man made material from the home) distracting 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 Ohio County, it is necessary to enact this ordinances to protect and preserve the safety, welfare and convenience of the inhabitants of Ohio 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 OHIO,
COMMONWEALTH OF KENTUCKY:**

SECTION ONE. The Ohio County Fiscal Court designates the Solid Waste Coordinator as the county official responsible for enforcing the provisions of this ordinances.

SECTION TWO. It shall be unlawful to maintain 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 Ohio County but outside the corporate limits of the Cities of Ohio County on which garbage or rubbish is allowed to accumulate and any such acreage or lot on which such garbage, rubbish are allowed to remain is hereby declared to be a nuisance and dangerous to the health of the people in the county.

SECTION THREE. If any person shall permit or suffer on his premises of which he may be the 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 Five Hundred Dollars (\$500.00) for each offense, and each day's continuance of the condition shall constitute a separate offence.

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 by mailing a copy thereof by registered mail. If there is no owner or agent upon whom the notice can be served then the peace officer 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 shall fail 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 of 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 provision 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.

SECTION SEVEN. It shall be the duty of the Director or any law enforcement to serve or cause to be served upon the owner or occupancy of any premises on which there is kept or maintained any nuisance in violation of the provisions of this ordinance and to demand the abatement of the nuisance within 30 days.

SECTION EIGHT. If the person so served does not abate the nuisance within 30 days, the County may proceed to abate such nuisance, keeping an account of the abatement, and such abatement shall be charged and paid by such owner or occupant. Wherever a bill for such charges remains unpaid for 60 days after that has been rendered, the County may file a statement of lien claim against the property.

SECTION NINE. When the County must clean up and remove an open dump to insure protection of the public health and safety and when the responsible party can be identified, the Director shall require these persons to reimburse the County for the actual cost incurred. Recoverable costs include but are not limited to cost for site assessment and evaluation, labor, equipment, disposal, and legal fees. Should other means of collection prove ineffective, the County may seek such reimbursement of funds ninety days following the completion of the cleanup. Such cost recovery should not apply to property owners who are the victim of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

SECTION TEN. 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 ELEVEN. All ordinances, or part thereof, in conflict herewith are to the extent of such conflict hereby repealed.

SECTION TWELVE. This ordinance become effective immediately upon passage and publication.

INTRODUCED AND PUBLICLY READ on first reading on this the day of , 2015.

PUBLICLY READ AND ADOPTED on the second reading on this the day of , 2015.

COURT

OHIO COUNTY FISCAL

BY: _____

David Johnston
Ohio County Judge Executive

ATTEST:

Miranda Funk
Fiscal Court Clerk