

**COMMONWEALTH OF KENTUCKY  
OHIO COUNTY FISCAL COURT**

**AN ORDINANCE 2017-1 RELATING TO MAINTENANCE  
OF RURAL LOTS AND ACREAGE**

**WHEREAS**, citizens of Ohio County have expressed their concern with the garbage and rubbish accumulation on rural lots and acreage located within Ohio County but outside the corporate limits of the cities of Ohio County; and

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

**WHEREAS**, in the opinion of the Fiscal Court of Ohio County, it is necessary to enact this ordinance 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 ORDERED BY THE FISCAL COURT OF THE COUNTY OF OHIO, COMMONWEALTH OF KENTUCKY:**

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

**SECTION TWO.** It shall be unlawful to allow to accumulate on 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, any garbage, rubbish, junk, and/or trash. Any such acreage or lot on which such garbage, rubbish, junk, trash allowed to remain is hereby declared to be a nuisance and dangerous to the health of the people in Ohio County.

**Definitions;**

**Garbage** means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, cartons or other containers.

**Litter** means all waste material, rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals or discarded materials of any and every kind and description.

**Junk** any old or discarded material, as metal, paper or rages anything that is regarded as worthless, meaningless or contemptible

**Rubbish** means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operations of stores, offices and other business places, and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked, inoperative or abandoned or junked motor vehicles, abandoned, junked or inoperable furniture, appliances, machinery or equipment and building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices, stumps and any abandoned appliances, including but not limited to washers, dryers and stove.

**SECTION THREE.** If any person shall permit or suffer on his/her/its premises of which he/she/it may be owner, agent or occupant, any of the above described conditions, he/she/it 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 offense.

**SECTION FIVE.** In the event of a violation of Section Two and Three, the owner, occupant or agent shall be notified to remove the cause of the violation at his/her/its 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, occupant or agent upon whom the notice can be served then a sheriff's deputy or Solid Waste Coordinator shall post a written 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.

If after forty-five (45) days following the date of the billing, the bill remains unpaid, the County Treasurer will cause to be filed in the county clerk's office, a statement of the costs of labor and materials incurred by the county and the 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 this recording and shall bear interest at the rate of eight percent (8%) per annum thereafter until paid.

Nothing in this ordinance shall be construed to limit or restrict Ohio County Fiscal Court's ability to pursue other remedies available under any other Ohio County ordinance or pursuant to state or federal law.

**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 part thereof, in conflict herewith are to the extent of such conflict hereby repealed.

**SECTION NINE.** This ordinance becomes effective immediately upon passage and publication.

**INTRODUCED AND READ** on the first reading on this the \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

**INTRODUCED AND READ** on the second reading on this the \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

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DAVID JOHNSTON  
Judge Executive

ATTESTED:

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MIRANDA FUNK  
Court Clerk