

**COMMONWEALTH OF KENTUCKY
OHIO COUNTY FISCAL COURT**

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

ORDINANCE #2020-4

WHEREAS, citizens of Ohio County have expressed their concern with the garbage and trash 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 trash 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. There is established a Solid Waste Coordinator which shall be employed to see to the enforcement of this ordinance, among other things. The Solid Waste Coordinator appointment and removal is designated by the County Judge Executive as the county official responsible for enforcing the provisions of this ordinance.

SECTION TWO.

Definitions;

Household Trash means accumulation of Household trash comprising of garbage (such as bottles, cans, clothing, food packaging, newspapers and home furniture) that originates from private homes or apartments. It may also contains household hazardous waste. Also called domestic waste or residential waste.

SECTION THREE. It shall be unlawful to allow to accumulate on any residential, commercial, or professional property, or any lot or acreage located within line of sight of any residential, commercial or professional property in Ohio County, but outside the corporate limits of the cities of Ohio County, any household trash. Any such acreage or lot on which such household trash allowed to remain is hereby declared to be a nuisance and dangerous to the health of the people in Ohio County.

SECTION FOUR. If person and/or entity 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 FIVE. Any person violating or assisting in the violation of any part of Sections Three and Four, shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than One Thousand Dollars (\$1000.00) for each offense, and each day's continuance of the condition shall constitute a separate offense.

SECTION SIX. In the event of a violation of Section Three and Four, 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 SEVEN. 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, agent and/or occupant 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 seven 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 agent and/or occupant of the property 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. This lien shall remain applicable until released by the Ohio Co. Judge Executive or fifteen years from the date of the filing of the lien with the Ohio County Clerk.

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 EIGHT. 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 NINE. All ordinances, or part thereof, in conflict herewith are to the extent of such conflict hereby repealed.

SECTION TEN. This ordinance becomes effective immediately upon passage and publication.

INTRODUCED AND READ on the first reading on this the ____ day of _____, 2019.

INTRODUCED AND READ on the second reading on this the ____ day of _____, 2019.

PASSED AND ADOPTED on this the ____ day of _____, 2019.

Voting Yea: _____

Voting Nay: _____

DAVID JOHNSTON
OHIO COUNTY JUDGE EXECUTIVE

ATTESTED:

MIRANDA FUNK, COURT CLERK