

ORDINANCE NO. 1994(7)

AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR THE ENFORCEMENT OF THE ABATEMENT OF NUISANCES IN CERTAIN UNINCORPORATED AREAS OF HOPKINS COUNTY PURSUANT TO KRS 381.770

BE IT ORDAINED by the Fiscal Court of Hopkins County:

1. That the Hopkins County Fiscal Court does hereby establish the following standards and procedures for the enforcement of KRS 381.770 in the abatement of nuisances in areas in platted subdivisions outside corporate city limits of all areas of Hopkins County and in other residential areas of Hopkins County. Residential areas shall include and be limited to dwelling houses and the curtilage thereto.

2. It shall be unlawful for the owner, occupant or the person having control or management of any dwelling house or the curtilage thereto in a platted subdivision or residential area to permit a public nuisance, health hazard or source of filth to develop thereto through the accumulation of rubbish or the excessive growth of weeds or grass.

3. It shall be unlawful for the owner, occupant or person having control of said property to become unfit and unsafe for human habitation, occupancy or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of occupants of the structure, the occupants of neighboring structures or other residents of the County.

ABATEMENT PROCEDURES

1. It shall be the duty of the Hopkins County Sheriff or other responsible officer

designated by the Hopkins County Fiscal Court to serve or to cause to be served a Notice upon the owner or occupant of any premises on which there is kept any nuisance in violation of the provisions of this Ordinance or KRS 381.770 and to demand the abatement of the nuisance within (10) days unless the nuisance constitutes an immediate danger to the health and well-being of the community. If such a danger is present, the nuisance shall be abated within twenty four (24) hours of the notice.

2. Notice shall be served upon persons by certified mail or by the serving of notice by the Hopkins County Sheriff or other responsible officer as designated by the Fiscal Court. A copy of the Notice shall be filed and recorded with the Hopkins County Court Clerk.

3. If the person so served does not abate the nuisance within ten (10) days, Hopkins County may proceed to abate the nuisance, keeping in account the expense of the abatement and the expense shall be charged and paid by the owner or occupant. Proper notice, including at least thirty (30) days notice, shall be given to all owners before any action is taken and prior to the demolition of any unfit or unsafe structure. The Right to a hearing shall be afforded to the property owner.

4. Hopkins County shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The Affidavit of the responsible party shall constitute prima facia evidence of the amount of the lien and the regularity of the proceeding pursuant to KRS 381.770 and shall be recorded in the Office of the Clerk of the Hopkins County Court. This lien created shall take precedence over all subsequent liens, except State, County, School Board and City taxes and may be enforced by judicial proceedings.

5. The County Attorney is authorized and directed to institute collection proceedings

for the lien in the name of the County in any court having jurisdiction over the matter, against any property for which the bill has remained unpaid for ninety (90) days after it has been rendered.

This Ordinance is further subject to all limitations set for in KRS 381.770.

UPON MOTION by Magistrate Pharris, seconded by Magistrate Welch, first reading was held and approved on the 4th day of August, 1994.

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Danny H. Woodward  
Hopkins County Judge/Executive

Attest:

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Devra Heltsley, Clerk

On Motion of Magistrate Pharris and Seconded by Magistrate Purdy, second reading held on the 1st day of September, 1994, and passed on the 1st day of September, 1994.

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Danny H. Woodward  
Hopkins County Judge/Executive

Attest:

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Devra Heltsley, Clerk