

Code Enforcement

Complaint
Received

Provide Notice
Certified Mail
Publication
County - 30 days

Owner present/
able to make contact
w/owner

Publication done &
unknown owner or
unable to locate owner

CRIMINAL

CIVIL

Exhausted criminal
actions/still
non-compliant

Prelim research of
property & presentation to
fiscal court/ city council

WHAT QUALIFIES AS A NUISANCE?

- Dwellings unfit for human habitation
- Dilapidated buildings
- Accumulation of rubbish
- Noxious or vile odors or smoke
- Noise
- Trees and Shrubbery obstructing highways, county roads, and streets
- Excessive growth of weeds or grass
- Storage of explosives or combustible material
- Keeping of animals
- Control of animals
- Junk; scrap metal; motor vehicles
- Abandoned mobile/manufactured homes and campers
- Open wells
- Other - Any condition endangering public health

CRIMINAL PROCESS

Defendant is summoned to Hopkins County District Court

Range of Punishments:

[1] Fine of \$10.00 to \$100.00 for each occurrence

[2] If the violation persists for more than 30 days after notice, the charge can be amended to a Class A misdemeanor which can carry a punishment for up to 360 days in jail and/or fine of up to \$1,000.00

[3] All criminal cases can include a court order to abate the nuisance.

Benefits:

The threat of criminal punishment and ability to obtain court orders at no cost to the county.

Negatives:

The Defendant/Responsible Party must be located.

CIVIL PROCESS

[1] After notice, offender has 30 days to abate the nuisance.

- UNLESS it constitutes an immediate danger to the health and well-being of the community, then it shall be abated in 24 hrs.

[2] If notice cannot be provided by personal service or certified mail, the officer issues an affidavit to that effect and notice may be made in a newspaper for 2 days.

[3] After the appropriate time period post-notice, the county MAY abate the nuisance itself.

[4] The County may place a lien on the real estate for costs associated with abating the nuisance if it goes unpaid for 60 days.

[5] After a lien has been placed on the property, the county may begin the foreclosure proceeding by instituting a complaint through the county attorney or other contracted attorney.

[6] Foreclosure would serve to initiate a sale of the property at the courthouse by Master Commissioner and proceeds would go to reimburse the County and other lien holders according to KRS and case law.

- Benefits - the property is guaranteed to be cleaned up and the County creates real estate that may be used in a positive manner and create a healthier tax base.
- Negatives - the County is spending money without a guarantee of recoupment and the process takes a long time to complete.