Ordinance 930.2

PULASKI COUNTY FISCAL COURT
AMENDMENT TO ORDINANCE #930.1
Section 1 - Definition
Paragraph #3

AN ORDINANCE RELATING TO DISCARDED ITEMS, ABANDONED MOBILE HOME, HOUSES AND UNMOWED LOTS IN SUBDIVISIONS, ENFORCEMENT AND AUTHORITY OF COUNTY, PENALTIES.

A. Lots without any buildings or houses on them: Mow and clean debris from lots at least one (1) time per month, annually, during April, July and October.

First reading this 12th day of June, 2012.

Second reading this 10th day of July, 2012.

Passed this 10th day of July, 2012.

This Amendment to Ordinance #930.1 shall become effective on the 11th day of July, 2012.

Barty Bullock
BARTY BULLOCK
PULASKI COUNTY JUDGE EXECUTIVE

ATTEST:

Ralph Troxtell
RALPH TROXTELL
PULASKI COUNTY COURT CLERK

PUBLISHED THIS 24th DAY OF JUNE, 2012.

PULASKI COUNTY FISCAL COURT
ORDINANCE NO. 930.1
PREAMBLE

AN ORDINANCE RELATING TO DISCARDED ITEMS, ABANDONED MOBILE HOMES, HOUSES AND UNMOWED LOTS IN SUBDIVISIONS, ENFORCEMENT AND AUTHORITY OF COUNTY, PENALTIES.

THIS ORDINANCE SUPERSEDES COUNTY ORDINANCE 820.1
COUNTY ORDINANCE 820.1 IS HEREBY REPEALED

WHEREAS; items in dilapidated and apparently inoperable condition left discarded on private property and visible by the public produce a scenic blight which degrades the environment and adversely affects the proper maintenance and continuing economic development of Pulaski County; and,

WHEREAS; discarded items constitute a public nuisance, detrimental to the welfare and convenience of the inhabitants of Pulaski County; and,

WHEREAS; in the opinion of the Fiscal Court of Pulaski County, it is necessary to enact this Ordinance to protect and preserve the health, safety and welfare of the inhabitants of Pulaski County pursuant to the Fiscal Court's authority under KRS 67.083;

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF PULASKI COUNTY, COMMONWEALTH OF KENTUCKY AS FOLLOWS:

THIS ORDINANCE SHALL APPLY ONLY TO UNINCORPORATED AREAS OF PULASKI COUNTY.

SECTION I-DEFINITION

1. As used in this Ordinance, unless the context requires otherwise, "discarded items" includes, but is not limited to household refuse, items for or used in recycling, motor vehicles, auto body parts, tires, boats, home appliances and furniture, in a dilapidated or apparently inoperable condition and left in open storage or discarded on private property for more than thirty (30) consecutive days.

2. This Ordinance shall apply to abandoned mobile homes and houses in subdivisions that are empty of inhabitants for more than six consecutive months that have begun to deteriorate, and become dilapidated or unsightly creating a health hazard, physical and safety hazard, or generally creating a public nuisance pursuant to this Ordinance.

3. This Ordinance shall apply to unmowed or unmaintained lots in subdivisions.

4. This definition shall not apply to the following:

A. Any discarded item or part thereof which is enclosed within a building, such as a garage or other fully enclosed structure. All farm implements, tractors or equipment.

The preceding exceptions shall not prohibit the maintenance of a public or private nuisance as defined by law.

SECTION II-DISCARDED ITEMS ON PERSON'S OWN PROPERTY PROHIBITED

1. The Pulaski County Fiscal Court finds that the practice of some property owners within the unincorporated areas of the county of allowing discarded items

to remain on their property constitutes a detriment of the welfare and convenience of the residents of the county. Therefore, it is the public policy of this county to prohibit the keeping of discarded items on private property within the unincorporated limits of the county, and such discarded items are hereby declared to be public nuisances.

SECTION III-DISCARDING ITEMS ON PROPERTY OF ANOTHER PROHIBITED

No person shall place, leave, deposit or otherwise undertake to dispose of any discarded item upon any private property or upon any public property or right of way within PULASKI COUNTY.

SECTION IV-DISABILITY

Any persons who are infirmed, physically disabled or financially unable to comply with the provisions of this Ordinance, can upon the presentation of supportive documentation approved by the Pulaski County Solid Waste Coordinator or Pulaski County Litter Enforcement Officer may receive a one time clean up and disposal assistance as previously defined.

SECTION V-ANY PERSON WHOSE PROPERTY LIES WITHIN THE UNINCORPORATED AREAS OF THE COUNTY MAY FILE A COMPLAINT

SECTION VI-AUTHORITY OF THE COUNTY TO REMOVE DISCARDED ITEMS

The County, through its Enforcement Officer, shall issue to the property owner or his agent by certified mail at his last known address an order to remove or properly store the discarded items. This authority shall extend to paragraphs two and three of Section I and all subsequent sections where relevant.

Removal or proper storage of the discarded items will be at the property owners expense.

Upon the failure, neglect or refusal of any owner or agent to comply with the order within TEN (10) DAYS after receipt of the notice as herein above provided or within TWENTY (20) DAYS after the date of such notice in the event the same is returned to the Enforcement Officer because of the inability of the Postal Service to make a delivery thereof, provided the same was properly addressed to the last known address of such owner or agent then the Solid Waste Coordinator, Litter Enforcement Officer or their agents are EMPOWERED TO ENTER UPON THE OFFENDING PREMISES REMOVE ANY AND ALL DISCARDED ITEMS, OR MOBILE HOME OR ELEMENTS OF THE HAZARDS OF THE ABANDONED HOUSE.

SECTION VII-COST TO BE PAID BY PROPERTY OWNERS

The cost to the County of removing the discarded items or other remedial efforts shall be at the property owners expense.

The County shall bill the property owner for its expense of removal and the property owner shall have THIRTY (30) DAYS to pay same in full, commencing with the date of the billing, if not paid by such owner prior thereto, same shall be charged to the owner on such property on the next regular tax bill forwarded to such owner at the time of payment of such tax bill.

SECTION VIII-LIEN ON PROPERTY

Where the amount due the County is not paid by such owner within THIRTY (30) DAYS, the Solid Waste Coordinator, Litter Enforcement Officer or their agent

shall cause to be placed in the office of the Pulaski County Court Clerk, a sworn statement showing:

1. The nature and expense of the work.

2. The date, place and address or location of the property on which said work was done.

The recordation of such sworn statement shall constitute a lien upon the property and shall remain in full force and effect for the amount due in principal and interest, plus court costs, if any, for collection, until final payment has been made; said lien shall bear interest at the accrued rate of TEN (10) PERCENT per annum till satisfied. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and further shall be subject to a delinquent penalty of twenty-five per cent (25%) in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent.

Sworn statements duly recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to all parties concerned that the amount of the statement, plus interest, constitutes a lien against the property designated or described in the statement, and that the same is due and collectable as provided by law. This lien shall also be enforceable as a real property lien under Kentucky law including foreclosure for collection on said lien.

SECTION IX-CRIMINAL SUMMONS

The Pulaski County Solid Waste Coordinator, or Pulaski County Litter Enforcement Officer of their designee, who know, sees or otherwise has knowledge that a property owner violated any section of this Ordinance after issuing an order of notification and after TEN (10) DAYS at their discretion may obtain a criminal summons to such person ordering him to appear before the District Court.

SECTION X-PENALTIES

1. Any person who violates the provisions of Section 1 and 2 of this Ordinance upon conviction shall be fined not less than ONE HUNDRED ($100.00) DOLLARS nor more than FIVE HUNDRED ($500.00) DOLLARS.

2. Any person who violates the provisions of Section 3 of this Ordinance upon conviction shall be fined not less that TWO HUNDRED FIFTY ($250.00) DOLLARS nor more than FIVE HUNDRED ($500.00) DOLLARS.

SECTION XI-SEVERABILITY

If any of this Ordinance shall be held unconstitutional or otherwise invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

First reading this 27 day of March, 2001.

Second reading this 12 day of April, 2001.

Passed this 12 day of April, 2001.

This Ordinance shall not become effective until 12 April, 2001.

DARRELL BESHEARS
PULASKI COUNTY JUDGE/EXECUTIVE

ATTEST:

WILLARD HANSFORD
PULASKI COUNTY COURT CLERK

PUBLISHED THIS 3 DAY OF April, 2001.