

BOYD COUNTY FISCAL COURT  
ORDINANCE NO.2003-1

AN ORDINANCE RELATING TO DISCARDED ITEMS AND DECLARING A NUISANCE

Whereas pursuant to KRS 67.083, the Boyd County Fiscal Court has the authority to enact ordinances and otherwise issue regulations, appropriate funds, employ personell and otherwise perform public functions specifies therein the following ordinance is hereby adopted:

Items in dilapidated and apparently inoperable condition left discarded on private property and visible from a street, roadway, adjacent or public park produce a scenic blight which degrades the environment and adversely affects the property maintenance and continuing economic development of Boyd County, they then create a public nuisance and are detrimental to the welfare and convenience of the inhabitants of Boyd County.

It is the opinion of the Fiscal Court of Boyd County, that it is necessary to enact this Ordinance to protect and preserve the health, safety and welfare of the inhabitants of Boyd County pursuant to the Fiscal Courts authority under KRS .

SECTION 1- DEFINITION

As used in this Ordinance, unless the context requires otherwise, discarded items include but is not limited to motor vehicles, boats, and home appliances and furniture in a dilapidated or apparently inoperable condition and/or left discarded on private property for more than seven consecutive days. This definition shall not apply to a discarded item or parts thereof which is enclosed within a building or where the discarded item or part thereof is not visible from an adjacent or abutting property, street, road, or public park, or otherwise is totally concealed with appropriate covering/enclosure (if a fence is used, said fence shall be no less than 8 feet in height and shall be constructed of wood or metal and shall be of one color and shall be conducive to the surrounding properties), or a discarded items which is stored or parked in a lawful manner on private property in connection with the business of a licensed dissembler, licensed vehicle dealer, junk yard or salvage yard both of which must be duly licensed by the state, provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provision of law other than this ordinance.

Nuisance - For term nuisance is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes but not limited to, the following:

1. Ashes, rubbish, garbage, lumber, bricks, cinder blocks, insulation material, building debris, refuse or waste of any kind, whether liquid or solid.
2. Abandoned, discarded or unused objects or equipment such as automobile, furniture, stoves, refrigerators, freezers, cans or containers.
3. Any weeds such as jimson, burdock, ragweed thistle, cocklebur, poison ivy, poison oak or other weeds of a like kind found growing in any lot or tract of land within the urban county are hereby declared to be a nuisance.
4. It shall be unlawful for the owner or occupant of any building or lot to permit any tree, bush, hedge or other vegetation to grow in a manner which interferes with the normal sidewalk traffic or to grow so as to pose a threat to safety, on public right-of-ways due to obstruction of view or passage or in any other manner.
5. It shall be unlawful for the owner or occupant of any building or lot to permit any weeds, grass, plants, or other crops, trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve (12) inches anywhere on such lots, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such lot is crossed by sidewalk, ditch, pathway, private road, fence or other natural or man-made boundary or divider.
6. Section 1, Number 5, is hereby exempted from the scope of this ordinance, as it relates property within the urban county used for agricultural uses.

SECTION 11- DISCARDED ITEM(S) ON A PERSONS OWN PROPERTY IS PROHIBITED.

(1) The Boyd County Fiscal Court finds that the practice of allowing discarded items to remain on an owner's property, constitutes a detriment to the welfare and convenience of the resident of the County. Such discarded items detract from the appearance of the County and affects the economic development of the County. Therefore, it is the public policy of this County to prohibit the keeping of discarded items on private property within the limits of the County and such discarded items are hereby declared to be public nuisances.

(2) Any law enforcement officer who knows, sees or otherwise has knowledge that a property owner has allowed a discarded item to remain on his/her property is in violation of this ordinance and shall be issued a citation to such property owner ordering him to appear before the District Court.

#### SECTION 111- DISCARDED ITEMS ON PROPERTY OF ANOTHER IS PROHIBITED.

No person shall place, leave, deposit or otherwise undertake to dispose of any any discarded item(s) upon any private property or right-of-way in Boyd County. Any person whose property lies within the County and on whose property a discarded item(s) is disposed may file a complaint with the Boyd County Solid Waste Department, County Police Department or County's Sheriffs Department.

#### SECTION IV- ABANDONED MOTOR VEHICLES

It is declared to be a nuisance to permit a junk, wrecked, partially dismantled or abandoned motor vehicle to be parked or allowed to remain on public or private property within Boyd County, Kentucky.

For the purpose of this Ordinance, any motor vehicle which is parked on any roadway within Boyd County for a period of time in excess of 48 hours shall be deemed a discarded item and may be towed with any associated costs being charged to the owner of said motor vehicle.

No person, Corporation or legal entity in control of premises whether owner, lessee, tenant, occupant or otherwise shall be allowed any junk, wrecked, partially dismantled or abandoned motor vehicles to remain on such property for more than 15 days, except with regard to any vehicles enclosed in buildings or fenced in accordance with Section #1 of this ordinance.

#### SECTION V- PENALTIES

Any person who violates the provisions of Section II or III of this

ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and, each day that a violation continues shall constitute a separate offense for which a citation may be issued and fine imposed.

SECTION VI- AUTHORITY OF THE COUNTY TO REMOVE DISCARDED ITEMS FROM PRIVATE PROPERTY AND ASSESS THAT COST OF SAID REMOVAL TO THE PRIVATE PROPERTY OWNER, INCLUDING PLACING A LIEN ON THE REAL ESTATE.

THE PRIVATE PROPERTY OWNER, INCLUDING PLACING A LIEN ON THE REAL ESTATE.

If after a finding by the Solid Waste Coordinator or Designee that any person is in violation, the Solid Waste Office, shall issue

an order to the property owner to remove the discarded Item(s), as described in this ordinance, from the property or premises. Said order shall allow the property owner fifteen (15) days to remove any discarded items from the subject property. Said fifteen (15) days period shall commence with the date of mailing of said order by certified mail to the property owner. Removal of discarded items by the property owner will be at the property owner's expense. After fifteen (15) days have expired and all discarded items have not been removed, then and in such an event, the offender shall be served with a summons to appear before the Boyd County District Court for said offense. The above-mentioned time limits may be extended by the Solid Waste Coordinator if he or she finds the property owner is making a good faith effort to correct the violation. Said amount of the fine(s) is set out in Section IV-Penalties above. Said fines shall be turned over to the Boyd County Fiscal Court to help defray clean-up costs. Any additional costs to the County of removing the discarded Item(s) from the private property shall be at the owners expense. Upon private property by the County, the County shall cause a billing to be forwarded to the property owner to reimburse the County for the additional cost of removal of the discarded items. The property owner shall have thirty (30) days to pay said billing. Said thirty (30) day payment period shall commence with the date of the billing. If the bill is not paid within said thirty (30) day period, then and in that event, the County may at its option place a lien on said real property with the County Clerk, for the actual cost of removal of the discarded items from said property. Said lien would bear interest at the rate of twelve percent (12%) per annum. Said lien shall be enforceable as a real property lien under Kentucky Law, including foreclosure for collection on said lien.

SECTION VII.. SERVEABILITY AND ENFORCEABILITY

Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be servable and shall continue to be in full force and effect. This ordinance shall be in full force and effect immediately upon adoption and after being published pursuant to law.

Introduced for seconded and give first reading on the \_\_\_\_ day of \_\_\_\_\_, 2003.

Adopted by the Boyd County Fiscal Court after second reading at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2003, and on same occasion signed in open session by the County Judge/ Executive as evidence of his approval, attested under seal by the Boyd County Fiscal Court Clerk and declared to be in full force and effect.



BILL F. SCOTT  
JUDGE/EXECUTIVE  
BOYD COUNTY.. KENTUCKY

ATTEST:



ANGIE DURHAM; -CLERK  
BOYD COUNTY FISCAL COURT  
DATED \_\_\_\_\_  
DATE PUBLISHED \_\_\_\_\_