

ORDINANCE NO. 09-2008

2008 SERIES

AN ORDINANCE RELATING TO THE ABATEMENT OF NUISANCES IN ALL  
AREAS OF HANCOCK COUNTY, KENTUCKY

WHEREAS, the Hancock County Fiscal Court has the authority pursuant to KRS 67.083 (3) (a), to enact ordinances to cause abatement of nuisances; and,

WHEREAS, there exists in areas of Hancock County, Kentucky, properties whose condition or use causes or tends to cause substantial diminishing of the value of properties or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of the residents of Hancock County, Kentucky.

NOW, THEREFORE, be it ordained by the Fiscal Court of the County of Hancock, Commonwealth of Kentucky, as follows:

1. Definitions

- a. "Nuisance" means any condition or the use of premises or of building exteriors in a residential or a commercial district which is or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of others, or, which causes or tends to cause substantial diminishing of the value of other properties in the area in which such premises are located. This includes, but is not limited to, the keeping or depositing on or scattering over the premises of any of the following:
  1. Lumber, junk, trash or debris;
  2. Abandoned, discarded or unused objects or equipment such as mobile or manufactured homes, campers, automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
  3. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any property septic material, unless such material is retained in containers or vessels which deny access to human, flies, insects, rodents or animals. This section shall not apply to overflowing septic tanks and lateral lines as those items are subject to existing health department regulations.

2. Duty of Maintenance of Private Property

No person owning, leasing, occupying or having charge of any property shall

shall maintain, create or permit such property or condition thereon to be a nuisance.

3. Abandoned Mobile/Manufactured Homes and Campers Prohibited

No person in charge of or in control of any commercial or residential property, whether as owner, lessee, tenant, occupant or otherwise shall allow any abandoned, junked, discarded or otherwise non-inhabitable mobile/manufactured home or camper to remain on such property longer than thirty (30) days; and no person shall leave any such mobile/manufactured home or camper on any property for a longer time than thirty (30) days; except that this section shall not apply with regard to any camper that is being stored on residential or commercial property when not being used for recreational use or a mobile manufactured home used as a storage building that does not fall under the “nuisance” definition.

4. Petition and Notice

This ordinance shall be enforced upon a complaint being filed with the Hancock County Judge/Executive. The Hancock County Enforcement Officer (Building Inspector) shall visit the site of the alleged violation, upon investigation, determine if the owner, lessee, or occupant of said property is keeping a nuisance thereon or maintaining his premises in a manner causing substantial diminishing of the value of other property in the area, or tends to render such properties as dangerous or detrimental or adverse to health and welfare of residents of Hancock County, then the enforcement authority shall serve notice on the property owner, lessee, occupant or person having charge of the premises directing said person(s) to abate the nuisance within thirty (30) days of receipt of the notice.

5. Abatement

In the event that an owner, lessee, or occupant is notified by the Hancock County Enforcement Officer (Building Inspector) that an abandoned mobile home/manufactured home or Camper must be removed from the property, Hancock County Fiscal Court has the right to remove the said mobile home/manufactured home or camper and all debris associated with the property nuisance, at the owner’s expense.

In the event the lessee or occupant fails to pay for the costs of removal of the mobile home/manufactured home or camper or nuisance items, including but not limited to the costs of the dumpster and landfill disposal charges, labor of county employees, and mileage, Hancock County Fiscal Court shall advance those costs, secured by a lien against the property for those costs plus interest accruing at the rate of 1% per annum, to be filed in the office of the Hancock County Court Clerk.

6. Penalty

If the owner, lessee, occupant or person having charge of any property shall maintain or keep a nuisance thereon longer than thirty (30) days after notice from the Hancock County Enforcement Officer (Building Inspector), then each of them, upon conviction thereof, shall be fined not less than One Hundred (\$100.00) Dollars but no more than Five Hundred (\$500.00) Dollars for each conviction. Each day of violation shall constitute as a separate offense.

THIS ORDINANCE NO. 09, 2008 SERIES SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

Introduced and given first reading at a duly convened meeting of the Fiscal Court of Hancock County, Kentucky, held on the 8th day of September, 2008.

Given second reading and adopted at a duly convened meeting of the Fiscal Court of Hancock County, Kentucky, held on the 22nd day of September, 2008.

Jack B. McCaslin  
Hancock County Judge/Executive

Attested to:

Sage O. Tongate  
Clerk