

**GREENUP COUNTY FISCAL COURT
OFFICE OF THE GREENUP COUNTY JUDGE/EXECUTIVE**

ORDINANCE NO. 164

AN ORDINANCE RELATING TO DISCARDED ITEMS

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

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

SECTION I- 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), 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.

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

(1) The Greenup 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 III- 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 Greenup 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 County's Sheriffs Department.

SECTION IV- ABANDONED MOTOR VEHICLES

For the purpose of this Ordinance, any motor vehicle which is parked on any roadway within Greenup 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.

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.


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 thirty (30) days to remove any discarded items from the subject property. Said thirty (30) day 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 thirty (30) 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 Greenup 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 Greenup 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 owner's 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, seconded and give first reading on the 12th day of February, 2002.

Adopted by the Greenup County Fiscal Court after second reading at a regular meeting on the 11th day of March, 2002, and on same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Greenup County Fiscal Court Clerk and declared to be in full force and effect.


ROBERT W. CARPENTER
JUDGE/EXECUTIVE
GREENUP COUNTY, KENTUCKY

ATTEST:


DIANE CARPENTER, CLERK
GREENUP COUNTY FISCAL COURT

DATED March 12, 2002
DATE PUBLISHED _____