

ORDINANCE NO. 14

2005 SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 15, 1990 SERIES, OF RECORD IN FISCAL COURT ORDER BOOK 15, PAGE 538 RELATING TO THE ABATEMENT OF NUISANCES IN THE UNINCORPORATED AREAS OF FRANKLIN COUNTY, KENTUCKY

WHEREAS, the Franklin County Fiscal Court has the authority pursuant to KRS 69.083 (3) (a), to enact ordinances to cause the abatement of nuisances; and,

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

NOW, THEREFORE, be it ordained by the Fiscal Court of the County of Franklin, 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 is detrimental to the property 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 the depositing on or the 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. Partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicles.
- 3.4. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any residential or commercial property septic material, unless such material is retained in containers or vessels which deny access to humans, 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, or occupying or having charge of any residential or commercial property shall maintain such property in a manner causing

substantial diminishing of the value of other properties in the area in which such premises are located. shall maintain, create or permit such property or condition thereon to be a nuisance.

3. Exterior Storage of Non-Operating Vehicles 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 partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than ~~ten (10)~~ thirty (30) days; and no person shall leave any such vehicle on any property for a longer time than ~~ten (10)~~ thirty (30) days; except that this section shall not apply with regard to any vehicle in an enclosed building. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place and manner when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; nor shall it apply with regard to a vehicle in the appropriate storage place or depository maintained in a lawful place and manner.

4. 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.

4. 5. Petition and Notice

This ordinance shall be enforced upon a complaint being filed with the Franklin County Judge/Executive or the Office of Planning and Zoning. The Franklin County Enforcement Officer shall visit the site of the alleged violation, upon investigation, determine if the owner, lessee, or occupant of any residential or commercial property is maintaining or 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 the residents of Franklin 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 ten (10) days of receipt of the notice.

5. 6. Abatement

In the event that an owner, lessee, or occupant is notified by the Franklin County Enforcement Officer that an abandoned mobile home/manufactured home or camper must be removed from the property, Franklin County Fiscal

Court will provide for the costs of the demolition and compaction of the abandoned structure into a dumpster, along with associated cleaning of the site. The owner, lessee, or occupant shall be responsible for the rest and remainder of the disposal costs.

In the event an owner, lessee or occupant fails to pay for the costs of the dumpster and landfill disposal charges, Franklin 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 Franklin County Court Clerk.

7. Penalty

If the owner, lessee, occupant or person having charge of any residential or commercial property shall maintain or keep a nuisance thereon longer than ten (10) days after notice from the Franklin County Enforcement Officer, 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 a separate offense.

THIS ORDINANCE NO. 14, 2005 SERIES SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

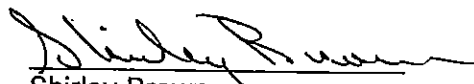
Introduced and given first reading at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky held on the 18 day of August, 2005.

Given second reading and adopted at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 2 day of September, 2005, and of record in Fiscal Court Order Book 20, Page 238.



Robert Roach
County Judge/Executive

Attested to:



Shirley Brown
Fiscal Court Clerk

**Policy on Removal of Abandoned Mobile/Manufactured Homes & Campers
PURSUANT TO FRANKLIN COUNTY ORDINANCE 14, 2005 series**

Franklin County Fiscal Court, having enacted Ordinance 14, 2005 series, addressing nuisances, including abandoned mobile homes and campers,

And the Franklin County Fiscal Court desiring to clarify by policy and procedure the means in which abatement procedures shall be conducted, hereby adopts the following policy setting forth the steps that Franklin County Fiscal Court, through its employees, shall take in removing Abandoned Mobile/Manufactured Homes and campers found to be in violation of Franklin County Ordinance 14, 2005 series:

Upon the filing of a complaint with the Franklin County Judge/Executive's office or the Franklin County Planning & Zoning Office, the Franklin County Enforcement Officer or designee will visit the location of the complaint to determine whether the mobile or manufactured home or camper is abandoned as defined by Ordinance and whether it is in violation of County Ordinance.

After verification, the Enforcement Officer will take the following steps:

1. Determine the owner of the real property on which the mobile or manufactured home or camper is located and determine the owner of the mobile or manufactured home or camper.
2. Send a notice to the owner of the property or the mobile or manufactured home or camper that the structure is in violation of the Franklin County Nuisance Ordinance and advise the owner or the real property or the mobile or manufactured home or camper that they have ten (10) days from the date of the notice in which to abate the nuisance or face penalties, including filing of a complaint in the Franklin District Court and advising the owner that the county may also initiate abatement procedures.
3. The Notice of the enforcement officer will indicate to the owner that Franklin County may dismantle the structure and may remove the structure and upon doing so, Franklin County will assess costs against them pursuant to Franklin County Ordinance 14, 2005 series.

Provided however, that if the County initiates Abatement procedures pursuant to Ordinance and if the owner can show satisfactory proof that the owner is a below the federal poverty guideline as defined by the Department of Housing and Urban Development's standards, then in effect, the Franklin County Fiscal Court agrees to waive all such charges, except for the costs associated with the dumpster rental. Initiation of Abatement procedures shall not be a bar or waiver of the County's authority to pursue penalties in the District Court pursuant to Ordinance 14, 2005 series.

4. If the owner accepts the offer by Franklin County Fiscal Court, to abate the nuisance for the owner, the enforcement officer will notify the road department that the structure shall be removed. After the structure is removed, Franklin County Fiscal Court will send the property owner a bill for the cost of the abatement.

5. If the owner of the property or home does not accept the offer to permit the County to abate the nuisance, after the ten (10) day timeframe has expired, the enforcement officer will visit the site to determine if the structure has been removed.
6. If the structure has not been removed, the enforcement officer will notify the Road Department that the structure shall be removed.
7. The road department will then demolish the structure and abate the nuisance, including having the structure compacted and disposed of.
8. The property owner will be billed for the actual cost of the removal of the structure and the cost of the rental of the dumpster and the landfill cost.
9. In all instances, if the property owner does not pay the costs associated with the abatement, the County reserves the right to file a lien against the property, and said lien shall earn interest at the judgment rate of 12% per annum.