

Exw # 4  
11-18-02

COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. 02-846-93

Book No. 4 page 93

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AN ORDINANCE RELATING TO AN AMENDMENT TO THE EXISTING ABATEMENT OF NUISANCES ORDINANCE.

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WHEREAS, Oldham Fiscal Court has the authority pursuant to the provisions of KRS Chapter 67.083(3)(a), to enact an ordinance to cause the abatement of nuisances within the county; and,

WHEREAS, Oldham Fiscal Court has the authority pursuant to the provisions of KRS Chapters, 67, 100, and other applicable law to amend ordinances; and,

WHEREAS, the Oldham County Fiscal Court did advertise and conduct a public hearing on the recommended ordinance amending the Oldham County Abatement of Nuisances Ordinance KOC 89-800-846, and the said Fiscal Court having voted to adopt the proposed changes at its regular meeting conducted 11-19, 2002.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OLDHAM, COMMONWEALTH OF KENTUCKY, THAT:

(1) The following language is deleted:

(5) Penalty

If the owner, lessee, occupant or person having charge of any property shall maintain or keep a nuisance thereon longer than ten days after notice from the Oldham County Zoning Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and separate offenses shall be deemed committed on each day the nuisance is permitted to exist.

(2) The following language is added:

(5) Criminal Penalty

If the owner, lessee, occupant or person having charge of any property shall maintain or keep a nuisance thereon longer than ten days after notice from the Oldham County Zoning Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense

(3) The following language is added after Section (5):

(6) Civil Enforcement

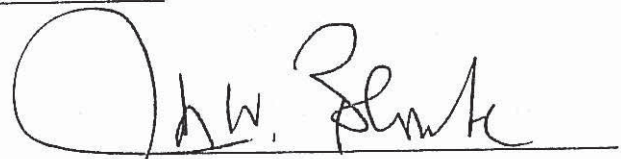
Notwithstanding any other provision for enforcement of this ordinance, civil enforcement of any provision of this ordinance may be undertaken before the Oldham County Code Enforcement Board pursuant to regulations, procedures and penalties established by the Code Enforcement Board and/or the Oldham County Code Enforcement Ordinance. Civil procedures and criminal procedures for any one violation of this ordinance shall be mutually exclusive.

(4) The following language is added after Section (6):

(7) Each day the nuisance is permitted to exist is a separate offense.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 19 day of November 2002.



JOHN W. BLACK  
Oldham County Judge/Executive

COMMONWEALTH OF KENTUCKY

OLDHAM COUNTY

KOC 89-800-846

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AN ORDINANCE RELATING TO THE ABATEMENT OF NUISANCES IN OLDHAM COUNTY, KENTUCKY.

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

WHEREAS, there exists in areas of Oldham County, Kentucky, privately owned properties whose condition or use causes or tends to cause substantial diminution in the value of nearby properties or tends to render such properties as dangerous or detrimental or adverse to the health and welfare or offensive to the senses of the residents of Oldham County, Kentucky;

NOW, THEREFORE, be it ordained by the Fiscal Court of Oldham County, Kentucky that:

(1) Definitions

(a) "Nuisance" means any condition or the 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 properties or which renders such properties as dangerous or detrimental or adverse to the health or welfare or offensive to the senses of the residents of Oldham County. 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 automobiles, furniture, stoves, refrigerators, freezers, cans or containers;

(3) Manure or compost piles or other material which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects. This section shall not apply to farming and nursery operations where the matter is kept over 100 feet from the nearest property line.

(4) Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any property deleterious or 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 or to farming and nursery operations where the matter is kept over 100 feet from the nearest property line.

(2) Duty of Maintenance of Private Property

No person owning, leasing, occupying or having charge of any property shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other properties.

(3) Exterior Storage of Non-Operating Vehicles Prohibited

No person in charge of or in control of property, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or machine to remain on such property longer than fifteen (15) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply to a lawfully operated junk yard in the business of long term sale of parts approved by Planning & Zoning.

(4) Petition and Notice

This ordinance shall be enforced upon the filing of a petition before the Oldham County Zoning Enforcement officer by two (2) residents of the county alleging that an owner, lessee, or occupant of any property is maintaining or keeping a nuisance thereon or maintaining his premises in a manner causing substantial diminution in the value of other property or tends to render such properties as dangerous or detrimental or adverse to health and welfare or offensive to the senses of the residents of Oldham County, then the zoning enforcement authority shall visit the premises of the alleged nuisance and if a preliminary investigation by the zoning enforcement officer discloses a basis for such charges, the zoning 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 the date of the notice.

SEVERABILITY CLAUSE

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

(5) Penalty

If the owner, lessee, occupant or person having charge of any property shall maintain or keep a nuisance thereon longer than 10 days after notice from the Oldham County Zoning Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and separate offenses shall be deemed committed on each day the nuisance is permitted to exist.

This Ordinance shall become effective upon its passage and advertisement according to law.

Dated this September 5, 1989.

This Ordinance repeals Ordinance No. KOC800-841.

Wendell Moore  
WENDELL MOORE,  
Oldham County Judge/Executive

ATTEST:

Martha R. Davis  
MARTHA R. DAVIS  
Oldham County Fiscal Court Clerk

PETITION FOR ABATEMENT OF NUISANCE  
ORDINANCE NO. 89-800-846

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TO: OLDHAM COUNTY ZONING ENFORCEMENT OFFICER  
100 WEST JEFFERSON STREET  
LAGRANGE, KENTUCKY 40031

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We the undersigned, residents of Oldham County, state that \_\_\_\_\_

\_\_\_\_\_ maintains or keeps a nuisance on real property located  
(name)  
at \_\_\_\_\_  
(address)

This nuisance consists of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

KOC 89-800-846(1) (a) "Nuisance" means any condition or the use of the premises or of building exteriors is considered to be detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other properties or which renders such properties as dangerous or detrimental or adverse to the health or welfare or offensive to the senses of the residents of Oldham County.

Please investigate our complaint and take appropriate action.

<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>DATE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Note: A minimum of two (2) Oldham County residents signatures are required.