

BOYD COUNTY FISCAL COURT
ORDINANCE NO. 04.05

**AN ORDINANCE RELATING TO REGULATION AND ABATEMENT
OF PUBLIC NUISANCES, HEALTH HAZARDS OR SOURCES OF FILTH
WITHIN THE UNINCORPORATED AREAS OF BOYD COUNTY,
KENTUCKY THROUGH THE ACCUMULATION OF JUNK
MOBILE OR MANUFACTURED HOMES**

BE IT ORDAINED by the Fiscal Court of Boyd County, Kentucky;

1. It shall be unlawful for the owner, occupant or person having control or management of any land within the unincorporated areas of Boyd County, Kentucky to permit any public nuisance, health hazard or source of filth to develop thereon through the accumulation of one or more mobile or manufactured homes as defined in KRS 227.550, a copy of which is attached hereto and incorporated herein by reference, that are junked, wrecked or non-operative and which are not inhabited.

2. A mobile or manufactured home is considered to be junked, wrecked or non-operative when said mobile home is not located upon an established mobile home parking lot or space and does not have full utility services necessary for the operation of everyday conveniences, including but not limited to electric service, gas service, or water service.

3. Upon violation of this Ordinance by any person, firm or corporation, the fiscal court may enforce the provisions hereof by injunctive action and, after notice is given by the County of Boyd through any of its authorized agents to the owner, occupant or other person having control or management of the land upon which the mobile or manufactured home is operated, such violator shall be subject to a civil penalty of not less than \$10.00 nor more than \$100.00 per day for each and every

day that the violation exists with each day constituting a separate offense following the receipt of the notice which may be delivered by certified mail, hand delivery or by securely affixing it to the mobile home or manufactured home which is the subject of the complaint.

4. In addition, violation of the provisions hereof shall constitute a Class A Misdemeanor as defined by the Kentucky Penal Code.

This Ordinance shall be in full force and effect upon its adoption, re-adoption and publication according to law.

Any other ordinances of the County of Boyd which are in conflict with this Ordinance BE AND HEREBY are repealed but only to the extent of such conflict and should any portion of this Ordinance be declared void, unconstitutional or otherwise unenforceable, then only that portion so declared shall be affected and all other portions shall remain in full force and effect until otherwise determined. Further, this Ordinance shall be freely amendable by the Boyd Fiscal Court hereafter.

EMERGENCY DECLARED

The Boyd Fiscal Court does hereby declare an emergency to exist and hereby approves first and second readings of this Ordinance on the same date as authorized by law.

Several situations exist necessitating the declaration of an emergency including but not limited to the fact that similar legislation was pending on a statewide basis at the most recent legislative session, however, it is the court's understanding that due to time constraints or, for whatever reasons, the legislation

prohibiting the conduct prohibited herein will not likely get passed this session and, here in Boyd County, Kentucky, the accumulation and stockpiling of these prohibited materials continues to be a perceived problem and threat to the health and welfare of the community.

Secondly, the fiscal court does not have another regularly scheduled meeting until May, 2004 and, therefore, it is the concern that the health hazards presented by this situation may be perpetuated during that time by the influx of the materials prohibited herein taking place during the interim between meetings.

Lastly, this emergency be and hereby is declared as authorized by and under Kentucky law whether said law be by case law, statutory authority or otherwise.



BILL F. SCOTT
BOYD COUNTY JUDGE EXECUTIVE

ATTEST:



BOYD COUNTY FISCAL COURT CLERK

FIRST READING: 4/6/04

SECOND READING: 4/6/04

PUBLISHED: _____

227.550 Definitions for KRS 227.660, 227.990, and 227.992.

As used in this section to KRS 227.660, 227.990, and 227.992, unless the context requires a different definition:

- (1) "Board" means the Manufactured Home Certification and Licensure Board or the Recreational Vehicle Certification and Licensure Board.
- (2) "Class A seal" means a device or insignia issued by the office to indicate compliance with the standards, rules, and regulations established by the office or the board for recreational vehicles.
- (3) "Class B seal" means a seal issued pursuant to subsection (3) of KRS 227.600.
- (4) "Dealer" means any person, firm, or corporation, who sells or offers for sale three (3) or more manufactured homes, mobile homes, or recreational vehicles in any consecutive twelve (12) month period. The term "dealer" shall not include:
 - (a) A manufacturer, as defined in this section;
 - (b) Any bank, trust company, or lending institution that is subject to state or federal regulation, with regard to the disposition of its own repossessed manufactured housing; or
 - (c) A licensed real estate agent who acts as a negotiator between an owner and a prospective purchaser and does not acquire ownership or possession for resale purposes of three (3) or more manufactured homes in any consecutive twelve (12) month period.
- (5) "Established place of business" means a fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a dealer, which shall include the books, records, files, and equipment necessary to properly conduct such business, or a building having sufficient space therein in which the functional duties of a dealer may be performed. The place of business shall not consist of a residence, tent, temporary stand, or open lot. It shall display a suitable sign identifying the dealer and his business.
- (6) "Federal act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., as amended, and rules and regulations issued thereunder.
- (7) "Manufactured home" means a single-family residential dwelling constructed in accordance with the federal act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or condominium structure. Buildings the construction of which is not preempted by the federal act are subject to building code requirements of KRS Chapter 198B.

- (8) "Manufactured housing" means manufactured homes, mobile homes, recreational vehicles, mobile office or commercial units, add-a-rooms, or cabanas.
- (9) "Manufacturer" means any person who manufactures manufactured homes or recreational vehicles and sells to Kentucky dealers.
- (10) "Mobile home" means a structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure.
- (11) "Office" means the office of the state fire marshal.
- (12) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. It shall include recreational vehicles which are regulated as to length, width, and registration by KRS Chapter 186. The basic entities are: travel trailer, camping trailer, truck camper, motor home, and park vehicle.
 - (a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms.
 - (b) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.
 - (c) Truck campers: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
 - (d) Park vehicle: A vehicle which:
 - 1. Is built on a single chassis mounted on wheels;
 - 2. Is primarily designed as temporary living quarters for seasonal or destination camping and which may be connected to utilities necessary for operation of installed fixtures and appliances;
 - 3. Has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;

4. Has a gross trailer area not less than two hundred forty (240) square feet and is certified by the manufacturer as complying with ANSI A119.5, Park Vehicles.
- (e) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.
- (13) "Secretary" means the Secretary of the Federal Department of Housing and Urban Development.
- (14) "ANSI" means the American National Standards Institute.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 75, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 340, sec. 1, effective July 15, 1996. -- Amended 1982 Ky. Acts ch. 181, sec. 1, effective July 15, 1982; and ch. 395, sec. 22, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 200, sec. 1, effective July 15, 1980. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 19, sec. 1, effective May 12, 1979. -- Amended 1976 Ky. Acts ch. 136, sec. 1. -- Created 1974 Ky. Acts ch. 76, sec. 1.