

BOYD COUNTY FISCAL COURT

MAR 29 2007
DEBBIE JONES
BOYD CO. CLERK KY

ORDINANCE NO. 01-07

593192

AN ORDINANCE RELATING TO STRUCTURES DEEMED UNFIT FOR HUMANS, INJURIOUS TO PUBLIC HEALTH OR OTHERWISE SUBJECT TO BECOMING DECLARED A NUISANCE AS AUTHORIZED BY KRS 381.770

Be it ordained by the Fiscal Court of Boyd County, Kentucky as follows:

PREAMBLE

While the Abatement Officer and other enforcement officials have broad discretion and authority under the terms of this Ordinance, it is the intent and goal of the Boyd County Fiscal Court to rid the county of abandoned, run down, dilapidated, unsafe and unsanitary houses or dwellings which usually remain, or, in recent history have become unoccupied.

"Structure" as used herein means buildings, residences, homes or any other structure originally intended for human use or occupancy and specifically does not include such structures intended to house farm supplies, including feed, live stock, farm animals or domesticated animals, sheds, out buildings or structures intended for farm use.

(1). It shall be unlawful for the owner or person responsible for the upkeep of any property to allow to exist thereon or to permit to exist thereon any structure which has become unfit or unsafe for human habitation, occupancy or use or to permit conditions to exist in, upon or around any structure which are dangerous or injurious to the health or safety of occupants, occupants of neighboring structures or other residents of the unincorporated area of Boyd County, Kentucky.

(2). Any person who wishes to make a complaint for violation of this Ordinance may do so by contacting the Boyd County Abatement Officer who upon receiving such complaint shall investigate same and if the Abatement Officer believes the structure exists in violation of this Ordinance said officer shall declare the property condemned as unfit for human use or occupation in violation of this Ordinance and enter an Order directing the owner of the premises to correct any conditions that exist which, in the opinion of the Abatement Officer, cause the structure to be in violation. If in the reasonable determination of the Abatement Officer the cost to repair the structure or otherwise bring the structure into compliance exceeds the value thereof he may order the owner to demolish the structure and otherwise bring the real property upon which the structure was located into compliance with all local and state rules, codes and

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regulations. The Abatement Officer shall give the property owner a reasonable time not exceeding forty five (45) days in which to comply and upon failure to do so within said forty five (45) days each day the violation continues to exist the property owner shall be liable to the Boyd County Fiscal Court in the amount of \$100.00 per day civil penalty. In addition to the aforesaid civil penalty this Ordinance may be enforced by civil action and any violation hereof constitutes a Class A Misdemeanor as defined by Kentucky revised statutes with the applicable penalties thereto.

If upon expiration of forty five (45) days from and after Notice of violation is given corrections have not been made the county may enter upon the premises and cause demolition or other corrections to be made thereto all at the cost of the property owner to be enforced by way of lien and other lawful proceedings as further authorized by KRS 381.770. Prior to causing any demolition of the property the Abatement Officer shall give NOTICE to the property owner by posting a conspicuous notice upon the structure or the premises which are in violation and by giving due notice of the proposed demolition in the newspaper of primary circulation located within the community or area. The Abatement Officer may allow reasonable extensions of the forty-five (45) day period provided for herein if the owner or other person responsible for the property is making reasonable and substantial effort toward compliance.

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In addition to any other Notice required herein, Notice shall also be mailed by regular mail, postage pre-paid to the last known title holder as evidenced by records of the Boyd County Property Valuation Administrator at the time the complaint originated and it shall be conclusively presumed that such Notice was duly received provided the other Notices required herein have been given by posting Notice upon the premises as well as advertisement in the newspaper of primary circulation within the County of Boyd.

Prior to demolition of the property or entry upon the premises to make corrections the Abatement Officer shall cause a title search to be made of the property giving Notice of the charges violations and intend the demolition to any other persons holding a legal or equitable interest in the property including any mortgage holders or lien holders.

(3). In addition to the Boyd County Abatement Officer, any law enforcement officer, peace officer, Health Department official or Fire Chief may initiate complaints directly or through the Abateman Officer with the same procedures set forth above to be followed including due and adequate Notice to the property owner prior to any entry upon the premises or demolition by the county.

(4). Any person aggrieved by any decision of the Boyd County Abateman Officer or any other person authorized to enforce this Ordinance may appeal the decision by filing written Notice of such appeal with the Boyd County Fiscal Court clerk not later than ten (10) days following receipt of notice of violation and said matter shall be taken

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up by the Boyd County Fiscal Court at its next thereafter regularly scheduled meeting or as soon thereafter as the Fiscal Court decides to here same and the vote of the Boyd County Fiscal Court shall be final as to whether the Abatement Officer or other officials order shall stand.

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(5). The Boyd County Abatement Officer is hereby authorized to confer with persons professionals or organizations he deems necessary in the enforcement of this Ordinance.

(6). The Boyd County Fiscal Court shall provide a specific line item budget each year hereafter for the continued enforcement of the provisions hereof.

(7). Any person awarded a contract for demolition of any structure or to otherwise enter upon any premises in found violation hereof shall provide proof of liability insurance in such amounts as the Fiscal Court shall deem reasonably necessary with the Boyd County Fiscal Court being a named insured or beneficiary thereof.

(8). KRS 381.770 be and hereby is incorporated by reference to the extent as if fully set out.

This Ordinance shall be effective upon its adoption, re-adoption and publication according to law.

Any Ordinances, resolutions or other past or existing policies, rules or procedures established by the Boyd County Fiscal Court be and hereby are repealed to the extent that any of such are inconsistent herewith but only to the extent of the inconsistency.

William P. Stevens
WILLIAM "BUD" STEVENS
BOYD COUNTY JUDGE EXECUTIVE

1ST READING FEBRUARY 20, 2007

2ND READING MARCH 6, 2007

PUBLICATION DATE MARCH 9 2007

ATTEST:

DEBBIE JONES
BOYD COUNTY CLERK

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