

BOYLE COUNTY FISCAL COURT

ORDINANCE # 830.0

AN ORDINANCE PROHIBITING THE EXCESSIVE
GROWTH OF WEEDS OR GRASS ON RESIDENTIAL PROPERTY

WHEREAS, the excessive growth of weeds or grass have been permitted to occur or develop upon certain parcels or tracts of land situated within the County of Boyle, Commonwealth of Kentucky; and

WHEREAS, the Boyle County Fiscal Court believes and finds that, to promote the general health, safety, and welfare of the citizens of the County of Boyle and to prevent or diminish the deleterious or pernicious effects of the excessive growth of weeds or grass within the County of Boyle, it is necessary and appropriate to prohibit same.

NOW, THEREFORE, be it ORDAINED by the Fiscal Court of the County of Boyle, Commonwealth of Kentucky, as follows:

SECTION 1 - PROHIBITION

It shall be unlawful for the owner, occupant, or person having control or management of any lot or parcel of land consisting of two (2) acres or less and used, maintained, occupied, zoned or otherwise dedicated for residential purposes to permit the excessive growth of weeds or grass upon such property; and, for the purposes of this Ordinance, the term “excessive growth” is defined as more than 12 inches in height.

SECTION 2 – NOTICE TO ABATE

(a) Whenever a violation of Section 1 is discovered, the Boyle County Director of Solid Waste Management (hereinafter referred to as “Director”) shall provide the violator written notice of the violation by:

(1) Mailing notice of the violation to the owner, occupant, or person having control or management of the property at the last known address of such person or entity as revealed by the records of the property valuation administrator, postal service, utility companies, or other agencies;

(2) Posting the written notice of the violation in a conspicuous place on the property; or

(3) Personally serving, or causing to be personally served, the owner, occupant, or person having control or management of the property with the notice of violation, or any combination hereof, in the discretion of the Director.

(b) The written notice shall adequately describe the property cited, state the general nature of the violation, and indicate that, if the violation is not corrected within five (5) days of the issuance of the notice, a citation against the violator shall be issued and the County may take action to correct the violation at the property owner's expense.

(c) Once every April, the Director shall cause a summary of this Ordinance to be published in a local newspaper as a reminder of its contents; however, failure to publish same shall not excuse a violation of same, and violators of this Ordinance shall be forthwith summoned to appear before the appropriate court to be dealt with according to law.

SECTION 3 – ABATEMENT BY THE COUNTY

Upon the failure of the owner of the property to comply with Section 1, after having been cited as provided in Section 2, the Director may request authorization from the County Judge/Executive to enter onto the cited premises and abate the violation. The County shall provide the property owner with notice of the cost of the reasonable value of labor and materials

for the abatement of the nuisance and the cost shall be paid by the property owner within thirty (30) days of the date of the notice by the County.

SECTION 4 - CHARGES AS LIEN AGAINST PREMISES

If the cost of the abatement is not paid by the property owner within thirty (30) days of the notice being provided by the County, the County shall have a lien against the property for the reasonable value of labor and materials used in remedying the violation under Section 3, an administrative fee of \$25.00, and all applicable, reasonable, and necessary recording fees. The affidavit of the Director shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this article, and shall be recorded in the office of the County Clerk within thirty (30) days following the County's abatement of the violation. The lien shall be notice to all persons from the time of its recording and shall bear interest at twelve percent (12%) per annum from filing until paid. The County shall have the option of enforcing collection of that fee or charge against the responsible person(s) or entity (ies) either by filing of an appropriate civil action or by enforcement of the lien. The County may also send notice of the continuing existence of the lien to the property owner by including same with the property owner's annual ad valorem tax bill, although each may be paid separately, and may advertise any liens created hereunder as an unpaid assessment.

SECTION 5 – PENALTIES

Any person or entity violating any provision of this Ordinance shall be deemed guilty of a violation and, upon conviction thereof, shall be fined not less than \$10.00 or more than \$100.00 for each offense; and each day on which any violation of this Ordinance occurs or continues constitutes a separate offense for which the penalty specified herein may be imposed.

SECTION 6 – CONFLICT; SEVERABILITY

In the event any provision of this Ordinance conflicts with any provision of Kentucky law, then that provision or portion of this Ordinance so conflicting shall be deemed void and of no effect to the extent of such conflict; and, if any section, sentence, clause, or portion of this Ordinance, is for any reason, declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

SECTION 7 – EFFECTIVE DATE

This Ordinance shall become effective upon passage after second reading and publication.

This 27th day of September, 2011.

BOYLE COUNTY FISCAL COURT

By:

Harold W. McKinney, Boyle County Judge-Executive

ATTESTATION:

Trille Bottom, Boyle County Clerk/Fiscal Court Clerk

Given 1st Reading and passed this 13th day of September, 2011.

Given 2nd Reading and passed this 27th day of September, 2011.

Publication Dates: 9/18/2011 and 10/02/2011

File a Complaint:

Donna Fechter, Director
Boyle County Department of Solid Waste and Codes Enforcement

Call: 859-319-4803 or Email: dfechter@boyleky.com