

**MEADE COUNTY FISCAL COURT
ORDINANCE 2022-04**

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-09.01, AN ORDINANCE
CREATING A BASIC PROPERTY MAINTENANCE
CODE IN MEADE COUNTY, KENTUCKY**

WHEREAS, the Meade County Fiscal Court has determined it to be in the public interest to amend Ordinance No. 2019-09.01, an ordinance creating a basic property maintenance code in Meade County, Kentucky;

**NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MEADE
COUNTY, KENTUCKY, THAT THE BASIC PROPERTY MAINTENANCE CODE
SHALL BE AMENDED AS FOLLOWS:**

SECTION ONE

ESTABLISHMENT.

(A) This chapter shall be known and may be cited as the "Property Maintenance Code".

(B) This chapter shall apply to every building, structure or appurtenance connected or attached to such building or structure within the county. This ordinance shall not apply to agricultural operations.

(C) In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance or regulation of the city, the provision which establishes the higher standard shall prevail, except for the provisions of the Kentucky Building Code and Kentucky Residential Code.

RESPONSIBILITY.

It shall be the responsibility of all owners to maintain their real estate in a manner consistent with the standards and definitions provided in this chapter and to ensure that their real estate is properly maintained in such a manner to prevent it from being declared a nuisance.

PROHIBITIONS.

The following actions are prohibited and considered unlawful within the county.

(A) It shall be unlawful for an owner to permit any structure upon his or her premises to become unfit for human habitation, occupancy, or use or to permit conditions to exist on the structure or premises which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the county.

(B) It shall be unlawful for the owner of any real estate to permit a public nuisance, health hazard or source of filth to develop thereon.

(C) It shall be unlawful for any person to interfere with, harass or otherwise impede an authorized agent or officer of the county when such agent or officer is inspecting real estate, investigating possible violations or otherwise enforcing this chapter.

SECTION TWO

ENFORCEMENT OFFICIAL.

(A) The administration of this chapter shall be the responsibility of the Meade County Fiscal Court in close cooperation with the local Fire Department, the state's Health Department and other officials and agencies. Fiscal Court (Magistrates) may seek written opinions concerning the conditions of dwellings or other buildings.

(B) Meade County Fiscal Court, Magistrates, employees, or agents shall be free from personal liability for acts done in good faith in the performance of official duties.

(C) Meade County Fiscal Court, Magistrates, employees or agents shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, except where he or she is the owner and shall not act as an agent for real estate sales, leases or rentals.

(D)(1) The Meade County Fiscal Court is authorized to conduct surveys and make inspections in any area of the community to determine compliance with this chapter or other ordinances the Magistrates are empowered to enforce, after a complaint is filed.

(D)(2) The Meade County Fiscal Court shall investigate all complaints whether they be written or in the form of a petition alleging or charging a violation of this chapter exists or a building or dwelling is unfit or unsafe for human habitation or other occupancy.

(E) The Meade County Fiscal Court (Planning and Zoning Office) shall keep records of all complaints received, right of entry forms, inspection reports, orders and complaints issued and of all other actions taken. The records shall be available for public inspection. The Planning and Zoning Administrator shall prepare an annual report including statistics based on the records kept.

SECTION THREE

PROPERTY MAINTENANCE CODE ADOPTED.

(A) The Basic Property Maintenance Code (hereinafter the "Property Maintenance Code" or "this Code") shall apply to the maintenance of any and all buildings and structures in the county.

(B) Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, Kentucky Plumbing Code, Kentucky Mechanical Code, Kentucky Standards of Safety, National Fire Code and the National Electrical Code, as well as any other codes adopted by the Commonwealth of Kentucky now and in the future. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance for Meade County, Kentucky.

(C) The Meade County Fiscal Court shall be responsible for the enforcement of the Property Maintenance Code. The employees of the Meade County Fiscal Court who are responsible for the enforcement of this code shall be known as enforcement officials under this Code.

(D) No enforcement of this ordinance shall occur unless a written complaint is filed with the Meade County Planning and Zoning Office.

SECTION FOUR

PENALTY (ENFORCEMENT).

(A) The provisions of this ordinance may be enforced by the Meade County Fiscal Court, or in the alternative, the Meade County District Court, as a misdemeanor and/or violation. The decision on whether enforcement shall take place with the Meade County Fiscal Court or the Meade County District Court shall be at the Meade County Fiscal Court's discretion.

(B) Any person who violates any provision of this section shall be guilty of a violation and shall be subject to a fine for the first or second offense. A first offense under this chapter shall result in a fine of not greater than \$100.00, a second offense shall result in a fine of not greater than \$250.00, a third or subsequent offense shall constitute a Class B Misdemeanor, punishable by up to 90 days in jail and/or a \$250.00 fine. Each day that a violation continues shall constitute a separate offense.

SECTION FIVE

NOTICES AND ORDERS

5.1 Penalties. Penalties for noncompliance with orders and notices shall be as set forth by the Fiscal Court and adopted by Ordinance.

5.2 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a final order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the final order or notice of violation has been complied with to the satisfaction of the Meade County Fiscal Court, unless permission is given by Meade County Fiscal Court.

SECTION SIX

UNSAFE STRUCTURES AND EQUIPMENT

6.1 General. When a structure or equipment is found by Meade County Fiscal Court to be unsafe or when a structure is found unfit for human occupancy or unlawful, such structure shall be condemned pursuant to the provisions of this code.

6.2 Standards. The standards attached as Appendix A are hereby adopted by reference and shall be the minimum standards for real estate under this chapter.

6.3 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the enforcement official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the enforcement official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

6.4 Notice. Whenever the enforcement official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

6.5 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the enforcement official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

6.6 Placard removal. The enforcement official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the enforcement official shall be subject to the penalties provided by this code.

6.7 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the enforcement official. Any person who shall occupy placarded premises or shall operate placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION SEVEN

DEMOLITIONS

7.1 General. The Meade County Fiscal Court shall order the owner of any premises upon which is located any structure, which in the enforcement official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy and such it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or

where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

7.2 Notices and orders. All notices and orders shall comply with the provision of this Ordinance.

7.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Meade County Fiscal Court shall cause the structure to be demolished and removed by contract or arrangement with private persons and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

7.4 Owner Consent. After receipt of a citation for an unsafe structure, an owner may elect to execute a consent and waiver form, a copy of which is attached hereto and incorporated herein by reference as Appendix B. Upon execution of the consent and waiver form, the county may proceed to remedy the violation through all appropriate means, including the demolition of any unsafe structure, and to file a lien against the real estate.

SECTION EIGHT

GENERAL DEFINITIONS

ABANDONED PROPERTY. Any private property containing at least one structure, dwelling, or facility that is not actively connected to public utilities and is not occupied or in active use for a period of six (6) continuous months, which contains any condition which constitutes a public nuisance as described herein.

ABATEMENT COSTS. Meade County's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

APPROVED. Approved by Meade County Fiscal Court.

AUTOMOBILE PARTS. Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

BASEMENT. That portion of a building partly or completely below grade.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

COUNTY. Meade County Fiscal Court or its authorized agent.

ENFORCEMENT OFFICIAL. Meade County Fiscal Court, its agents, and/or employees.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power. The accumulation of more than two (2) inoperative automobiles, vehicles, machines or other similar scrap or salvage materials located on the premises as well as motor vehicles which due to their condition are unfit for further use and left on that property for a period in excess of sixty (60) days. The accumulation of automobile parts that includes,

but is not limited to, items for or used in recycling, auto body parts, tires, boats, home appliances and furniture in a dilapidated or apparently inoperative condition and the accumulation of other items not part of the dwelling, landscaping, or necessary for the ongoing habitation of the property and left in open storage or discarded on private property for more than sixty (60) consecutive days. This definition shall not apply to the following:

- a) Any discarded item or part thereof, which is enclosed within a building, such as a garage or other fully, enclosed accessory building.
- b) Any discarded item not visible from an adjacent or abutting residence, public street, public road, or public park.
- c) Any discarded item stored on private property in a lawful manner in connection with the licensed business of auto body, auto repair, dismantled vehicle dealer, and junk or salvage yard, provided that outside storage of discarded items be within a privacy fence or dumpster area and not on the grass, or yard.
- d) Items for the purpose of a yard or garage sale displayed during the yard or garage sale event.
- e) Unlicensed hobby vehicles utilized or in preparation for use in off-road hobby activities including but not limited to demolition derby, organized off-road racing and similar activities. (Only the hobby vehicle is exempt. Other vehicles or portions thereof, not to exceed two, being "parted out" to support hobby vehicles may remain on the property). These vehicles may not be maintained in the area of the property between the primary dwelling and the primary right-of-way and must be tarped or otherwise out of direct sight of adjoining property owners when not actually being dismantled.

NUISANCE. An unsafe structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

ORDINARY PUBLIC VIEW. Means a sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REAL ESTATE. Any structure and the real property on which it is located.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

UNFIT FOR HUMAN OCCUPANCY. A structure found by the citation officer that is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

UNLAWFUL STRUCTURE. A structure found in whole or in part to be occupied by more persons than permitted under this code or that was erected, altered or occupied contrary to law.

UNSAFE EQUIPMENT. Includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

UNSAFE STRUCTURE. A structure found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

UNUSABLE MOBILE OR MANUFACTURED HOMES. The accumulation of one (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked or non-operative or unfit for human habitation that constitutes a public nuisance, health hazard or source of filth.

VACANT. A structure open and accessible to the public.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to or removing such air from, any space.

WEEDS, GRASS, AND UNSIGHTLY VEGETATION. Grass, noxious weeds, and/or unsightly vegetation that are a detriment to the health and welfare of the inhabitants of the county.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

SECTION NINE

APPENDIX A: MINIMUM STANDARDS CHECKLIST UNSAFE STRUCTURE MINIMUM STANDARDS

Property Location: _____

Owners Name: _____

Mailing Address: _____

Date Inspected: _____

Inspector: _____

BUILDING EXTERIOR

Yes / No 1. Foundation has cracks, or breaks, wood foundation is decaying.

Yes / No 2. Exterior walls are out of plumb and/or holes exist, and/or siding material is missing and/or structural elements are decaying.

Yes / No 3. Porches, decks, balconies, columns supporting overhang extensions are missing structural elements and/or structural elements are in decay.

Yes / No 4. Handrails/guardrails are structurally unsound, and/or elements are in decay.

Yes / No 5. Roof has holes, and/or is sagging, and/or structural elements are in decay.

Yes / No 6. Chimney has loose bricks and/or is missing mortar.

Yes / No 7. Windows are broken, and/or window sills/framing is in decay.

Yes / No 8. Doors and windows are not secured and/or do not exist.

Yes / No 9. Trash, garbage or debris has been allowed to accumulate on the property creating an unsanitary condition.

Yes / No 10. If structure is a mobile home, is not properly anchored or tied down.

COMMENTS:

ELECTRICAL

Yes / No 11. Structure has no electric meter.

GAS

Yes / No 12. Structure has had gas meter removed.

ACCESSORY STRUCTURE (GARAGE/STORAGE BUILDING)

Yes / No 13. Roof structurally unsound and/or roof covering is detached.

OVERALL CONDITIONS

Yes / No 14. The owner has allowed the structure to become a nuisance by allowing the structure to deteriorate and become dilapidated.

Yes / No 15. Conditions exist with the structures which are dangerous or injurious to the health or safety of the occupants of adjoining properties or other residents of the City.

Yes / No 16. Conditions of the structure have worsened since the initial inspection.

COMMENTS:

Structures which fail to meet 51% (9) of the 16 applicable items listed would be deemed to have failed to meet minimum standards and would be considered an unsafe structure. Structures that are inspected which do meet the minimum standards but are in a state of disrepair, shall be listed and the property owner to be notified as to the inspection and results.

SECTION TEN

APPENDIX B

CONSENT AND RELEASE

Each of the undersigned designated Owners represent that he/she is an owner of the property described below (hereinafter referred to individually and collectively as the "Owners"). The Owners acknowledge the property is in a poor and unsafe condition; that it is unoccupied and uninhabitable; that it presents a health hazard and a possible danger to the community.

The Owners unconditionally and irrevocably give permission and consent for Meade County, Kentucky, through its employees, agents, contractors, and volunteers to enter upon the property and to demolish, burn, or remove all structures, debris, trash, rubble, weeds, and other items and plants deemed by the County to be a hazard, nuisance, or an eyesore, and to do and perform all other work which, in the sole discretion of the County is appropriate to improve the current condition of the property.

Meade County hereby releases the Owners from all personal liability for the costs associated with the above clean-up of the described property. However, Meade County is hereby authorized to file a lien against the property for the cost of clean-up and any other permitted charges against the property under the applicable ordinance, including but not limited to civil penalties, court costs, and attorney's fees. The Owners acknowledge that while they are not personally liable for these charges, the described property may be sold to pay for the same.

In consideration of the above, the Owners, individually and on behalf of all other owners (if any), fully and unconditionally release and forever discharge Meade County and its employees, agents, officers, council members, contractors, and volunteers from any and all claims, causes of action, demands and liability of every kind and nature resulting from, arising out of, or in any way related to the property; and the Owners expressly waive and forever abandon all rights to proceed against Meade County and any of its employees, agents, officers, council members, contractors, and volunteers for any claim or demand resulting from the work done at the time or in the future.

In addition, the Owners hereby agree to indemnify and to hold harmless Meade County and other released parties described in the preceding paragraph from any and all claims, including court costs and attorney's fees, incurred to defend any claim asserted by any third party against Meade County arising out of the matters referred to herein.

Each of the Owners agrees to properly maintain the property hereafter in neat and sanitary condition, keeping it free and clear of all unsafe structures, trash, debris, and tall weeds and grass.

DATED: THIS _____ DAY OF _____, 20____.

OWNERS Signature: _____

OWNERS Signature: _____

Print Name _____

Print Name _____

Street Address _____

Street Address _____

City, State and Zip _____

City, State and Zip _____

Telephone Number: _____

LOCATION OF PROPERTY:

STATE OF KENTUCKY)

SCT.

MEADE COUNTY)

Subscribed and sworn to before me by _____ and
_____ this _____ day of _____, 20____.

Notary Public

My commission expires: _____

SECTION ELEVEN

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

SECTION TWELVE

Any and all ordinances inconsistent with this ordinance are hereby repealed.

SECTION THIRTEEN

This ordinance shall take effect after its passage and publication according to law. This ordinance shall only be in effect until December 30, 2022 2026, at which time it shall be null and void, unless readopted by Meade County Fiscal Court.

Given first reading on the 15th day of November, 2022.
Given second reading on the 13th day of December, 2022, 7:00 pm EST at the Meade County Courthouse, 516 Hillcrest Drive, Brandenburg, KY 40108;
Adopted by the Fiscal Court of Meade County, Kentucky on the 13th day of December, ~~2019~~ 2022.

MEADE COUNTY FISCAL COURT:

BY: Leslie Stith
Leslie Stith
Meade County Judge Executive

ATTEST:

Tammy Graham
Tammy Graham
Fiscal Court Clerk

APPROVED AS TO FORM:

BY: Jessica Brown Roberts
Jessica Brown Roberts
Meade County Attorney