

COMMONWEALTH OF KENTUCKY

FLEMING COUNTY, KENTUCKY

FLEMING COUNTY FISCAL COURT ORDINANCE NO. 26-1440

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

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

WHEREAS, there exists in areas of Fleming County, Kentucky, properties whose condition or use causes or tends to cause substantial diminishing value of residential or commercial properties adjacent thereto, or prevent or interfere with the use and enjoyment of adjoining property, or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of the residents of Fleming County, Kentucky; and

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

I. DEFINITIONS

1. Definition of "Nuisance." For the purpose of this ordinance, the term nuisance refers to a public nuisance, which is any condition or use of premises which is detrimental to the property of others, the use and enjoyment thereof, or the value of other property in the immediate vicinity in which such premises are located. This includes, but is not limited to, the accumulation, keeping or existence of the following:
 - a. Ashes, rubbish, garbage, building debris, construction waste, unused appliances, inoperable or unregistered vehicles or auto parts, unused or inoperable farm equipment, or other equipment and any other refuse or waste of any kind, whether liquid or solid.
 - b. Any structure which becomes unfit or unsafe for human use, habitation or occupancy or other condition on property which renders said property unhealthy, unsanitary, dangerous or injurious to occupants of the property or to other individuals, including mobile homes.
 - c. The growth of grass, trees, vines, underbrush or other forms of vegetation or the accumulation of dead trees, vines, bushes, weeds, underbrush, or other vegetation in such a manner and extent that the subject property may reasonably become inhabited by rodents, mosquitos or other vermin or animals, so as to endanger the public health and safety, or to cause or support the transmission of disease. The existence or growth of untended vegetative growth in excess of twelve (12) inches in height shall be prima facie evidence of a nuisance hereunder. However, in

determining the existence of such nuisance, the proximity to other property owners and historic or traditional use and maintenance of the subject property and adjoining properties shall be considered.

- d. Brush piles or other discarded vegetative materials, unless stored at least one hundred (150) feet from the property line of an adjoining neighbor, provided that active composting shall be exempted here from unless causing noxious odor emanating onto the property of others, and further exempting grass clippings or yard waste which may be stored on a residential property for up to thirty (30) days prior to removal.
 - e. Used tires if more than twenty (20) tires accumulate upon property in a building or other enclosed structure protected from the elements and out of view of any public roadway, or more than ten (10) tires accumulate or are stored upon property outside of a building or enclosed structure. Contiguous properties under common operation shall be considered one property for purposes of this section. Under no circumstances shall tires be accumulated or stored within view of a public roadway or adjoining property. If more than twenty (20) tires accumulate in the normal course of business or agricultural activity, such tires shall not be determined to be a nuisance under this ordinance if stored in an enclosed roadworthy trailer until shipment to a recycler or disposal facility. "Normal course of business" shall refer to automobile or equipment repair, or the other use of tires as part of such automobile or equipment, and not to the business of shipping, storing, or trading used tires, which shall be subject to the limitations above unless a licensed tire retailer.
 - f. Sewage, Septic Systems, and Wastewater, Any condition involving the improper collection, discharge, or disposal of human sewage, wastewater, or septic effluent, including but not limited to: Illegal discharges releasing sewage or wastewater onto the ground surface, into ditches, waterways or storm drains; Failing, leaking, overflowing, or malfunctioning septic systems that allow sewage to surface or migrate onto adjacent property; Failure to connect to a public sewer system when such service is available within a reasonable distance as required by law; Any condition in violation of KRS 211.180, 902 KAR 10, or any regulation of the Kentucky Department for Public Health or Cabinet for Health and Family Services governing sewage disposal. Such conditions are hereby declared to be public nuisances per se.
2. Nothing herein shall preclude enforcement of Fleming County Fiscal Court Ordinance No.26-1440, or state or federal statutes and regulations, pertaining to solid waste, and the accumulation of any substance, whether specified hereunder, shall be deemed a nuisance if defined as solid waste by Ordinance, or other applicable law.

II. PROHIBITED ACTS AND/OR OMISSIONS

It shall be unlawful for the owner, occupant or person having control or management of land within Fleming County, Kentucky, to permit or cause a nuisance to develop or exist thereon.

III. ABATEMENT OF NUISANCE

1. **Complaints.** Any citizen may make a Complaint to the Fleming County Fiscal Court, provided that such Complaint shall be made in writing on a form provided by the Fleming County Fiscal Court, and shall identify the complainant. Whether or not a citizen Complaint is made, nuisances shall be investigated by the Fleming County Judge/Executive, Solid Waste Enforcement Officer, peace officers, or any other County employee as designated by the County Judge/Executive.
2. **Notice to Abate.** The Fleming County Judge/Executive, Solid Waste Enforcement Officer, County Attorney, or other authorized officer, shall serve or cause to be served a notice upon the owner, occupant or person having control or management of any premises on which there is kept, maintained or permitted any nuisance in violation of the provisions of this ordinance. Such notice shall describe the nuisance and demand that the nuisance shall be abated within the time provided in the notice.
3. **Service of Notice.** Notice shall be deemed effectuated upon violators, including owners and occupants of the property, by personal service. Additionally, a copy of such notice shall be posted in a conspicuous place on the premises affected by the notice.

IV. ABATEMENT LIEN

1. **Creation of Lien.** The Fiscal Court of Fleming County, Kentucky, shall have a lien against the property upon which the nuisance exists for the reasonable value of labor, materials, equipment use, landfill tipping fees and administrative costs thereby expended and used in abating, correcting or remedying any violation of this ordinance. The affidavit of the Fleming County Judge/Executive or Solid Waste Enforcement Officer shall constitute prima facie evidence of the amount of the lien and shall be recorded in the office of the Fleming County Clerk.

V. APPEALS

1. **Notice of Appeal.** Within thirty (30) days of service of Notice of Abatement, any owner, occupant or person aggrieved may appeal the decision to the Fleming County Fiscal Court by filing a notice of appeal with the Office of the Fleming County Judge/Executive.
2. **Appeal to Circuit Court.** An appeal from the decision of the Fleming County Fiscal Court may be taken to the Fleming County Circuit Court in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

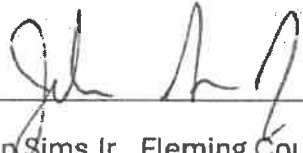
VI. DELEGATION OF ENFORCEMENT RESPONSIBILITY

This ordinance shall be enforced by the Fleming County Judge/Executive, Solid Waste Enforcement Officer, County Sheriff, or County Road Supervisor.

VII. PENALTIES

1. Criminal Penalties. Failure by the owner, lessee, occupant or person having charge of any property where a nuisance is maintained shall constitute a criminal offense and upon conviction be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and/or be sentenced to a period of confinement not to exceed 12 months. Each day of violation shall constitute a separate offense.
2. Civil Penalties. In lieu of criminal penalties, the Fleming County Fiscal Court may recover civil penalties in any lien enforcement or cost recovery action before the Fleming County Circuit Court.

Given FIRST READING this 10th day of February, 2026



John Sims Jr., Fleming County Judge/Executive

Given SECOND READING and enacted this 10 day of March, 2026



John Sims Jr., Fleming County Judge/Executive

Attest:



Tammy L. Gray, Fleming County Fiscal Court Clerk