

SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 16-06

AN AMENDMENT TO ORDINANCE NO. 10-03
DATED MAY 10, 2010, RELATING TO HIGH
WEEDS, GRASS AND UNTENDED
VEGETATION IN RESIDENTIAL AREAS

WHEREAS, the Fiscal Court adopted an ordinance on May 10, 2010 related to high weeds and grass in residential areas (Ordinance No. 10-03); and

WHEREAS, it has become apparent that an amendment to the current ordinance is necessary to further define conditions that fall within the interest of public safety, health and abatement of public nuisances in Scott County, Kentucky;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF SCOTT COUNTY, KENTUCKY, THAT ORDINANCE NO. 10-03 SHALL BE AND IS HEREBY AMENDED TO INCLUDE THE FOLLOWING PROVISIONS:

SECTION 1: Definition:

(A) "Residential Area" means any area which is zoned either R-1A, R-1B, R-1C or R-2, R-3, or B-1, B-2, B-3, B-4, B-5, BP-1, P-1, P-1B, I-1, I-2, ESL-1, A-1, A-1R, A-S or A-5 for which a final plat has been recorded for residential development to include five-acre tracts and cluster development lots. This definition shall also apply to all non-conforming uses that are used for housing. However, farmland designated as A-1 and areas of a cluster development which are designated as reserved tracts shall be exempt as long as they are active in agricultural/silvicultural operations as defined in KRS 413.072 (3) (4).

SECTION 2: All persons shall keep their premises in residential areas (including all sidewalks, streets, highways and alleys abutting their property) clear and free from weeds, grass and untended vegetation that exceeds TEN (10) INCHES in height.

SECTION 3: It shall be the duty of the owner of any real estate within areas designated "Residential Area" as defined herein, and within Scott County, Kentucky, and also the duty of the occupant of any building located upon said real estate, to cut and maintain grass, weeds and other untended vegetation growing upon said real estate to levels of TEN (10) INCHES or less in order to prevent at all times such real estate from becoming unsightly or offensive in any manner which causes a nuisance or health menace.

Upon all property where the Scott Fiscal Court, the Scott County Sheriff, Building Inspector, Code Enforcement Officer or property owner in proximity thereto shall have reason to believe that an uncontrolled growth of weeds, grass and/or untended vegetation constitutes a health menace or nuisance, then in such event, the Scott Fiscal Court or its designated agent, shall notify said property owner, his/her agent or occupant, to cut said weeds, grass and/or untended vegetation to the TEN (10) INCH level or below by providing said property owner and/or his/her agent or occupant ten (10) days written notice, with said notice being mailed to the address listed with the Office of the Property Valuation Administrator, or if home, to post same upon the premises where the weeds, grass and/or untended vegetation are located.

Upon failure of the owner, agent or occupant to comply with the written notice then the Scott Fiscal Court may cause the cutting of said weeds, grass and/or untended vegetation and file a lien against said property for the reasonable value of

labor and materials used in remedying said situation. Said lien shall be notice to all persons from date of its recording in the Office of the Scott County Clerk and shall bear interest at eight (8%) percent per annum thereafter until paid.

SECTION 4: In the event any section of this ordinance and amendment thereof, conflicts with existing state law, the conflicting section of this ordinance and its amendment shall be inapplicable to the extent of the conflict. The provisions of this ordinance and amendment thereof shall be in addition to any existing state or local laws.

SECTION 5: If any provision of this Amended Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 6: All provisions contained in prior ordinances relating to weeds, grass and untended vegetation growing in a residential area and adopted by the Scott County Fiscal Court that are inconsistent with this amendment are hereby repealed.

SECTION 7: This Amendment to Ordinance shall become effective upon passage and publication.

WHEREUPON, the foregoing Amendment to Ordinance No. 10-03 was read for the first time on August 12, 2016, and adopted and approved on the second reading conducted on Oct. 14, 2016.



GEORGE LUSBY
SCOTT COUNTY JUDGE/EXECUTIVE

ATTEST BY:



STACY HAMILTON
SCOTT FISCAL COURT CLERK
sfc, ordinance, weeds, grass, etc, amended, 16-06