

**381.775 Voluntary agreement with property owner for demolition or removal of dilapidated building.**

- (1) As used in this section:
  - (a) "Dilapidated building" means a structure, including but not limited to manufactured or mobile homes as defined in KRS 227.550, which has become unfit and unsafe for human habitation, occupancy, or use or which is dangerous or injurious to the health or safety of the occupants of the building, the occupants of neighboring buildings, or other residents of the county; and
  - (b) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law, grandparent, grandchild, stepparent, stepchild, or first cousin.
- (2) A county may enter into a voluntary agreement with a property owner for the demolition or removal of a dilapidated building.
- (3) The agreement shall at least include the following terms and conditions:
  - (a) A clear description of the building or buildings to be demolished or removed;
  - (b) Responsibilities of each party to the agreement for disposition of the demolition debris, solid wastes, asbestos materials, or other potential environmental contamination consistent with the requirements of KRS Chapter 224;
  - (c) A method for establishing the fair market value and an agreement for the disposition of materials, fixtures, or other objects on the property or to be removed from the property, and an itemized list of the materials, fixtures, or other objects to be removed from the property which may be attached to the agreement as an addendum; and
  - (d) A clear description of the work to be performed and the final condition of the property upon completion of disposition activities.
- (4) Each agreement may include terms and conditions for remuneration to the county up to the cost of demolition or removal activities on the property. If remuneration is to be provided to the county, terms and conditions describing the remuneration to be provided shall be included in the agreement. If the county agrees to accept responsibility for removal of materials, fixtures, or other objects from the property, any excess value received from the materials, fixtures, or other objects removed from the property shall be retained by or returned to the property owner in accordance with the agreement for the disposition.
- (5) A county shall expend funds necessary to insure any of its employees, officials, and property against any liability or property damage arising out of an act or omission committed in the scope and course of performing work in accordance with an agreement under the provisions of this section for the removal and disposition of materials, fixtures, or other objects located on the owner's property.
- (6) Each agreement shall include the following statement in boldface type "No property owner is required to enter into an agreement under the provisions of KRS 381.775 for the removal and subsequent disposition of materials, fixtures, or other objects located on the owner's property subject to the agreement. Any agreement under the

provisions of KRS 381.775 is strictly voluntary."

- (7) The county shall, in writing and by first-class mail, provide notice to all property owners contiguous to the property on which the dilapidated building exists that the building is to be demolished or removed. That notice shall contain the date of commencement of the demolition or removal of the building and the address of the property on which the building exists. The notice shall be mailed no less than two (2) weeks prior to the date of commencement of the demolition or removal of the building.
- (8) No elected or appointed official or employee of the county, or a relative of an official or employee of the county, shall enter into an agreement under the provisions of this section for the demolition or removal of a dilapidated building on their property. No official or employee of the county, or a relative of an official or employee of the county, shall knowingly own or have a direct or indirect financial or pecuniary interest in any agreement or property subject to an agreement entered into under the provisions of this section. If an official, employee, or relative of an official or employee owns or has a direct or indirect financial or pecuniary interest in any agreement or property subject to an agreement entered into under the provisions of this section, the official or employee shall immediately disclose, in writing, that interest to the legislative body, and the disclosure shall be entered in the minutes of the legislative body. Failure to so disclose that interest shall constitute official misconduct in the first degree, in accordance with KRS 522.020.

**Effective:** July 15, 2008

**History:** Created 2008 Ky. Acts ch. 73, sec. 1, effective July 15, 2008.