

**381.770 Abatement of nuisance -- Exceptions -- Enforcement ordinance -- Lien -- Personal liability of property owner.**

- (1) As used in this section:
  - (a) "Automobile collector" means a person who collects and restores motor vehicles; and
  - (b) "Ordinary public view" means a sight line within normal visual range by a person on a public street or sidewalk adjacent to real property;
  - (c) "Parts car" means an automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles; and
  - (d) "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.
- (2) Except as provided in subsection (3) of this section, it shall be unlawful for the owner, occupant or person having control or management of any land within a city, county, consolidated local government, urban-county, or unincorporated area to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of:
  - (a) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;
  - (b) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are not inhabited;
  - (c) Rubbish; or
  - (d) The excessive growth of weeds or grass.
- (3) The provisions of paragraph (a) of subsection (2) of this section shall not apply to:
  - (a) Junked, wrecked, or nonoperative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010(8);
  - (b) Junked, wrecked, or nonoperative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means; and
  - (c) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed, or leased by a motor carrier.
- (4) It shall be unlawful in any city, county, consolidated local government, or urban-county for the owner of a property to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure 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 city, county, consolidated local government, or urban-county.
- (5) Any city, county, consolidated local government, or urban-county may establish

by ordinance reasonable standards and procedures for the enforcement of this section. The procedures shall comply with all applicable statutes, administrative regulations, or codes. Proper notice shall be given to property owners before any action is taken pursuant to this section; and, prior to the demolition of any unfit or unsafe structure, the right to a hearing shall be afforded the property owner.

- (6) Unless imminent danger exists on the subject property that necessitates immediate action, the city, county, consolidated local government, or urban-county government shall send, within fourteen (14) days of a final determination after hearing or waiver of hearing by the property owner, a copy of the determination to any lien holder of record of the subject property by first-class mail with proof of mailing. The lien holder of record may, within forty-five (45) days from receipt of that notice, correct the violations cited or elect to pay all fines, penalty charges, and costs incurred in remedying the situation as permitted by subsection (7) of this section.
- (7) A city, county, consolidated local government, or urban-county shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the responsible officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in subsection (8) of this section. The lien may be enforced by judicial proceeding.
- (8) The lien provided in subsection (7) of this section shall not take precedence or priority over a previously recorded lien if:
  - (a) The city, county, consolidated local government, or urban-county government failed to provide the lien holder a copy of the determination in accordance with subsection (6) of this section; or
  - (b) The lien holder received a copy of the determination as required by subsection (6) of this section, and the lien holder corrected the violations or paid the fines, penalty charges, and costs incurred in remedying the violation.
- (9) In addition to the remedy prescribed in subsection (5) of this section or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city, county, or urban-county may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed. The failure of a city, county, consolidated local government, or urban-county government to comply with subsection (6) of this section, and the failure of a lien to take precedence over previously filed liens as provided in subsection (8) of this section, shall not limit or restrict any remedies that the city, county, consolidated local government, or urban-county government has against the owner of the property.
- (10) The provisions of subsections (5), (7), and (9) of this section shall not apply to

an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant, or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of the rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons onto the property.

**Effective:** June 8, 2011

**History:** Amended 2011 Ky. Acts ch. 95, sec. 10, effective June 8, 2011. -- Amended 2005 Ky. Acts ch. 179, sec. 1, effective June 20, 2005. -- Amended 1990 Ky. Acts ch. 8, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 298, sec. 1, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 145, sec. 3, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 384, sec. 509, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 108, sec. 1. -- Amended 1970 Ky. Acts ch. 99, sec. 1. -- Amended 1968 Ky. Acts ch. 10, sec. 1. -- Created 1956 Ky. Acts ch. 9, sec. 1.