

## CHAPTER 179

## (HB 345)

AN ACT relating to nuisance abatement.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 381.770 is amended to read as follows:

- (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; and*
  - (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.*
- (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, ~~or~~ 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)~~(2)~~ *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 subsection (8) of KRS 190.010;*
  - (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~~It shall be unlawful for the owner, occupant, or person having control or management of any land in an unincorporated area to knowingly permit a public nuisance or health hazard to develop thereon through the accumulation of rubbish.~~*
- (4)~~(3)~~ *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)~~(4)~~ 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)~~(5)~~ A~~The~~ 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 subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding.
- (7)~~(6)~~ 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.
- (8)~~(7)~~ The provisions of subsections (5), (6) and (7)~~(4), (5) and (6)~~ 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.

**Approved March 31, 2005.**