

COMMONWEALTH OF KENTUCKY
SHELBY COUNTY FISCAL COURT
ORDINANCE NO. 03-04-02, SERIES 2025

**AN ORDINANCE REPEALING SHELBY COUNTY CODE OF ORDINANCE NO. 07-20-05
AND SIMULTANEOUSLY ENACTING A NEW ORDINANCE ADDRESSING NUISANCES IN
SHELBY COUNTY, KENTUCKY.**

WHEREAS, Shelby County, Kentucky, through the Shelby County Fiscal Court, has previously adopted ordinances addressing nuisances in Shelby County, Kentucky, and

WHEREAS, Shelby County, Kentucky, through the Shelby County Fiscal Court, codified that ordinance in the Shelby County Code of Ordinances, Chapter 91 Nuisances, and

WHEREAS, Shelby County, Kentucky, through the Shelby County Fiscal Court has reviewed that Ordinance and, based upon that review, now wishes to repeal said ordinance and simultaneously enact a new ordinance addressing nuisances in Shelby County, Kentucky,

THEREFORE, BE IT ORDAINED by Shelby County, Kentucky, through the Shelby County Fiscal Court, as follows:

1. Shelby County Code of Ordinances No. 07-20-05, Nuisances, as previously codified is hereby repealed.
2. Shelby County, Kentucky, through the Shelby County Fiscal Court hereby simultaneously adopts a new ordinance addressing nuisances as follows:

SECTION 1: GENERAL

The Shelby County Fiscal Court has determined that there is a need in Shelby County, Kentucky for local laws concerning the regulation of litter and refuse disposal and to protect all citizens and property owners from the perpetuation of nuisances by any persons, businesses, corporations or other legal entities as it relates to unincorporated areas, or any municipality without a nuisance chapter, within the territorial jurisdiction of Shelby County, Kentucky as consistent with the Local Government Code Enforcement Board Act as codified in Kentucky Revised Statutes (KRS) 65.8801 to 65.8839.

The Shelby County Fiscal Court does hereby establish the following reasonable standards, procedures and penalties for the enforcement of KRS 65.8840.

SECTION 2: DEFINITIONS

This Ordinance adopts and incorporates herein by reference the definitions contained in KRS 65.8805.

Except as may otherwise be provided or clearly implied by context, the following definitions shall apply:

1. **Code Enforcement Board:** The administrative body established by Shelby County Fiscal Court in Ordinance No. 12-1-08, Series 2020, creating the Shelby County Code Enforcement Board under the authority of KRS 65.8801 to 65.8839.

2. **Clean Community Coordinator:** an employee of the County tasked with receiving and investigating complaints and issuing Notices of Violation.
3. **Code Enforcement Officer:** a citation officer, county sheriff, deputy sheriff, or other public law enforcement officer with the authority to issue a citation.
4. **Ordinary Public View:** a sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.
5. **Nuisance:** anything that endangers life or health, gives offense to the senses, violates the laws of decency and obstructs the reasonable and comfortable use or enjoyment of property, including the unreasonable, unwarrantable, or unlawful use by a person of his own real or personal property.
6. **Refuse:** all putrescible and non-putrescible solid waste (except body waste) including, but not limited to, garbage, litter, rubbish, ashes, street cleanings, dead animals, swill, demolition and construction waste, and market and industrial waste.
7. **Unfit for further use:** in a dangerous condition, having defective or missing parts; or in a condition generally as to be unfit for any further use whatsoever.
8. **Travel Trailer:** a non-motorized recreational vehicle (RV) that is towed behind a vehicle and typically used as a dwelling while traveling.
9. **Mobile Home:** a structure, transportable in one (1) or more sections, regardless of body width or body length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating and electrical systems contained therein.
10. **Not fit for human habitation:** a mobile home or home on a permanent foundation shall be presumed as not fit for human habitation if required utilities, including plumbing, heating and electrical systems, have not been installed, connected as required by law and are operable, or if such required utilities once having been connected, have then been disconnected or have become inoperable or are in such condition as to violate state regulations concerning such utilities. In addition, a mobile home or home on a permanent foundation shall be considered not fit for human habitation if conditions exist within or around said mobile home or home which create a risk of death or serious physical injury to any person or create chronic serious health risks.

SECTION 3: COMMON LAW AND STATUTORY NUISANCES

In addition to what is declared in this ordinance to be a public nuisance, those offenses which are known to the common law and Kentucky statutes as public nuisances may be treated as such and be proceeded against as provided in this ordinance in accordance with any other provision of law.

SECTION 4: MAINTAINING PREMISES FREE OF NUISANCE

1. **Littering unlawful:** it shall be unlawful in Shelby County, Kentucky for any person, business, corporation or other legal entity to place, leave, dump or accumulate any refuse in any building or on any property so that the same may afford food or harbor for rodents, flies, roaches or other vermin or so as to create a health hazard or to cause a public nuisance. It shall be unlawful for any person, business, or corporation to deposit or

dispose of any solid waste or refuse on any site other than a properly licensed and permitted solid waste landfill. It is specifically declared to be unlawful to deposit, dump or otherwise dispose of any solid waste or refuse on any private or public property, or on any county, state, federal or subdivision road, sidewalks or gutters of any such street or road. It shall not be unlawful for any person, business, corporation or other legal entity to place animal manure on the ground for purposes of fertilization of the ground.

2. **Residential refuse disposal and collection:** all household refuse shall be placed in closed containers and secured in such a way as to prevent the contents from escaping. Wet garbage shall be drained or placed in waterproof containers so that the fluid does not escape onto the ground, roads, or streets. Toxic or hazardous substances are prohibited from being placed in residential refuse containers. Any person placing garbage or litter at curbs or roadsides is responsible for garbage or litter until it is picked up by the refuse truck. If the garbage or litter is scattered by animals or traffic or weather, including wind, it is the responsibility of the individual who generated the refuse and/or the individual who placed the garbage or litter at the curb or roadside to pick up all litter so scattered within twelve hours.

3. **Commercial and industrial refuse disposal and collection:** all commercial and industrial establishments shall dispose of refuse in closed containers or dumpsters which are designed for their use and which are contained and secured in such a way that the said containers or dumpsters shall not overflow and the refuse so deposited shall not escape. If any refuse is placed by a commercial or industrial establishment in such a way that it is scattered, the owner and/or manager shall be responsible for picking up all litter within twelve hours. All loading and unloading docks at all commercial and industrial establishments shall be maintained in such a way that litter does not escape and if any litter, refuse or other debris escapes and is deposited on private or public property or any county, state, federal or subdivision roads, or on the sidewalks or gutters of said streets or roads, the owner and/or manager of the business shall be responsible for picking up that material within twelve hours.

4. **Unlawful Use of Commercial or Industrial Containers:** it shall be unlawful for any individual, business, or corporation to dispose of refuse in a container or dumpster that has been set up and designed for use by any other residence or commercial or industrial establishment.

5. **Disposal of refuse at construction sites:** All construction and demolition sites shall be maintained litter-free, and it shall be the responsibility of the property owners, contractors, subcontractors, and supervisors to ensure that no litter, debris or refuse from the construction or demolition site leaves the site and is deposited on private or public property or on any county, state, district, or subdivision roads.

6. **Trees Shrubbery Obstructing Roadways, etc.:** The growth of trees, shrubs and other vegetation in such a way as to interfere with the use, construction or maintenance of county, state, federal or subdivision road, sidewalks or gutters of any such street or road, or which cause injury to any such streets, roads or sidewalks or gutters of any such street or road or which constitute an obstruction to drainage from such roads are a public nuisance and the owner, tenant, occupant or person responsible for property where such trees, shrubs or other vegetation is growing shall remove such trees, shrubs, or

other vegetation so as not to constitute such a nuisance. Nothing within this section shall be considered to apply to growing crops regardless of whether the growing crops interfere with the use, construction or maintenance of county, state, federal or subdivision roads, etc. Provided however, that no person shall be permitted to plant crops within county, state or federal highway rights of way.

7. **Debris from Fire and other Disaster:** all solid waste, refuse, litter, and debris that is created as a result of fire, storm, wind, or another natural disaster shall be completely removed from the property on which it remains within six (6) months of the disaster. During the intervening time period, the owner, tenant, occupant, or other person responsible for the property shall take all means necessary to eradicate and eliminate rats, roaches, flies, and other vermin and shall keep all weeds and grass around the site mowed so as to avoid a public nuisance. Time periods may be extended if extenuating circumstances such as disputes regarding insurance coverage or payment of insurance proceeds warrants.

9. **Dangerous conditions:** Any object of any nature whatsoever which exists in a condition that if allowed to continue would or could endanger the life, limb or property of any person or cause hurt, damage or injury to persons or private or public property, including the public streets and roads, sidewalks or gutters of any such street or road, if the same were to fall, the same is a public nuisance and shall be removed by the owner, tenant, occupant or other person responsible for the continuance of the nuisance.

10. **Storage of Hazardous or Explosive Material:** The storage of explosive or hazardous material by any person, business or corporation which creates a hazard of death, injury or property damage is a public nuisance and no such material may be stored in Shelby County. Nothing within this ordinance shall abrogate or supersede the provisions of the Shelby County Hazardous Materials Ordinance and where the two are in conflict the Hazardous Materials Ordinance shall control and any person, business or corporation dealing with hazardous or explosive materials shall be required to abide by the Hazardous Materials Ordinance

11. **Maintenance of private property.** All owners of private dwellings and all owners of commercial or industrial sites and their lessees shall be responsible for maintaining a litter-free environment in the areas surrounding the dwellings, yards, driveways, parking areas and upon the county, state, federal and subdivision roads immediately adjacent to their property up to the paved or graveled portion of any such street or road. All lots where homes are occupied, and all vacant residential lots shall be mowed and kept free of all litter and any obnoxious growth of grasses, weeds, or other vegetation which tends to be a gathering place for litter or which could be a harbor for rats or any other vermin shall be eliminated. The Shelby County Fiscal Court, Code Enforcement Office or Code Enforcement Board shall have the option of employing someone to maintain lots which are not kept mowed and free of all litter and obnoxious growth of grass, weeds or other vegetation which tends to be a gathering place for litter or which could be a harbor for rats or other vermin and to bill the property owner for the costs of such maintenance. Shelby County Fiscal Court shall have the right to file a lien against the real property or any property owner who does not pay the bill for such maintenance within thirty (30) days of presentation of such bill and all such bills shall bear interest at the

legal rate from the date the work is done until fully paid and satisfied. If there are inoperative motor vehicles or farm machinery that are being kept on the property in order to salvage parts, the owner of the property shall be responsible for mowing around the vehicles or farm machinery in order to reduce the possibility of nuisance created by the presence of vermin. Nothing in this section shall apply to crops or other agricultural endeavors.

12. **Landfill is Only Approved Disposal Site:** The only area in which solid waste or refuse may be deposited or disposed of is a properly licensed and permitted solid waste landfill. No other area in Shelby County shall be used to deposit or dispose of any solid waste or refuse, and no person shall permit the deposit or disposal of any solid waste or refuse on their property without a solid waste landfill permit and license.

13. **Legal Presumption Regarding Waste Generation:** If any solid waste or refuse is found disposed of, deposited on or dumped on any private or public property or on any county, state, federal or subdivision road, and there is any means of identifying the person who generated the waste (e.g. prescription medicine labels, magazine subscription labels, addresses on envelopes, etc.) it shall be prima facie evidence and shall be presumed that the person whose name appears on such identifying material was the person who generated the waste and it shall be presumed that the person is responsible for the disposal or depositing or dumping of the waste illegally. If the name of more than one person is identified as a generator of such waste, each such person identified shall be held responsible. If the person responsible for generation of the waste can prove by paid receipt or canceled check that he/she paid a waste hauler to dispose of their waste, the waste hauler so paid shall be presumed to be the person who disposed of, deposited or dumped the waste illegally and the hauler then shall be responsible under the law.

14. **Waste Disposal after Public Events:** The organizers of all public events shall be responsible for obtaining proper containers or dumpsters for the disposal of all solid waste and refuse generated at the event, shall be responsible for maintaining the containers or dumpsters during the event so that no litter escapes from the containers or dumpsters, shall be responsible for proper disposal of the waste during or following the event and shall be responsible for picking up and properly disposing of all litter which escapes the containers or dumpsters during each day of the event and no later than twelve hours following the close of the event.

SECTION 5: SPECIAL DISPOSAL PROBLEMS

1. **Abandoned mobile homes:** Any travel trailer, mobile home or manufactured home that has been abandoned or is no longer fit for human habitation as defined herein shall be deemed to be a nuisance under this Ordinance and the owner of said mobile home shall take all necessary steps to abate the nuisance and properly dispose of the mobile home within thirty (30) days of notice by public authorities that the home is considered abandoned or no longer fit for human habitation. Failure to properly dispose of the mobile home shall be considered a violation of this ordinance. Notwithstanding the terms of this section, if a mobile home has been damaged or destroyed by fire or other casualty and there is an ongoing dispute regarding insurance

coverage or payment of insurance proceeds, the time period for properly disposing of the said mobile home may be extended with the approval of the Shelby County Code Enforcement Officer or other authorized public official pending the outcome of the insurance controversy.

3. **Permanent structures:**

- i. Any structure, including but not limited to homes and outbuildings, that is constructed on a permanent foundation or otherwise cannot be considered a "mobile home" under the definitions contained herein that has been abandoned and is no longer fit for human habitation shall be deemed a nuisance under this Ordinance. The owner of said home shall take all necessary steps to abate the nuisance and properly dispose of the home or in the alternative board the home and post No Trespassing signs thereto. Notwithstanding the terms of this section, if a structure, under this section, has been damaged or destroyed by fire or other casualty and there is an ongoing dispute regarding insurance coverage or payment of insurance proceeds, the time period for properly disposing of the said home may be extended by approval of the Shelby County Clean Community Coordinator or other authorized public official pending outcome of the insurance controversy.
- ii. If the owner of a permanent structure (that is considered to be a nuisance under this ordinance is able to show proof that the home or other structure is capable of being reconstructed or refurbished so that it will once again serve a useful purpose and that the same will be done within a reasonable period of time then the Shelby County Clean Community Coordinator or other authorized public official may grant a permit for such reconstruction or refurbishing as long as the owner shows sufficient progress toward restoring the building to a useful purpose.

SECTION 6: WATERWAYS, SINKHOLES AND SEWAGE

1. **Disposal into Water Sources:** It shall be unlawful and shall be considered a public nuisance for any person, business or corporation to dispose of, deposit or dump any refuse in any form into any stream, creek, river, spring, pond, ditch, storm sewer, sanitary sewer or other drain within Shelby County. It shall likewise be unlawful to dispose of, deposit or dump any refuse in any flood plain or other area where streams, creeks, rivers, springs, ponds, ditches or storm sewers are likely to wash the material away during times of heavy rains or high water. This section shall not apply to the disposal of putrescible waste into a sanitary sewer system or septic system after proper processing in a home "garbage disposal" system.

2. **Disposal in Sinkholes:** It shall be unlawful and shall be considered a public nuisance for any person, business or corporation to dispose of, deposit or dump any refuse or solid waste of any type in sinkhole. This section shall not apply to depositing dirt,

soil or vegetative waste (not to include garbage) in and on the sinkhole in an attempt to seal the sinkhole.

3. **Sewage Disposal:** It shall be unlawful and shall be considered a public nuisance for any person, business or corporation to discharge human waste or sewage in any manner other than approved by law into a sanitary sewer, septic system or sewer disposal system that has been approved the State Department of Health.

SECTION 7: ENFORCEMENT

1. Notwithstanding any other provisions of this ordinance, if the Clean Community Coordinator issues a Notice of Violation as authorized, to the owner, operator or person having management or control of the premises, unless the violation poses an imminent danger as defined herein, the violator shall have thirty (30) days from the date of the Notice of Violation to remedy said violation without penalty. This time period may, in the sole discretion of the Clean Community Coordinator, and for good cause shown, be extended up to an additional thirty (30) days. If the violation poses an imminent danger, the owner, occupant or person having management or control of the premises shall only have twenty-four (24) hours from the date of the Notice of Violation to remedy the violation.

2. If any person has been previously been issued a notice of violation (NOV) or cited to court for offenses under this ordinance, regardless of whether the nuisance has been abated or not, the person committing a second or subsequent offense hereunder shall be given ten (10) days notice to abate the nuisance or they shall be cited to Court. No extension shall be permitted for any person committing a second or subsequent offense hereunder.

3. In the event a violator fails to remedy a violation after receiving a Notice of Violation, the Code Enforcement Officer shall issue a citation to the violator with a date for the violator to appear before the Code Enforcement Board for a hearing and final order.

4. Any owner, occupant or person having management or control of a premises found in violation of this ordinance pursuant to a final order issued by the Code Enforcement Board or a final court judgment pursuant to the procedures authorized by this ordinance, shall be deemed to have committed a civil offense in conformity with KRS 65.8801, et seq.

5. Upon the entry of a final order by the Code Enforcement Board, the Code Enforcement Board may bring the matter before the Shelby County Fiscal Court who may, but is not required to, remedy and abate the violation and may take all reasonable steps deemed necessary including but not limited to utilizing the services of independent contractors.

6. All persons, machinery and equipment necessary to remedy and abate any violation of this Chapter shall have full access to the subject property.

7. In addition to all remedies prescribed herein and pursuant to any other Shelby County, Kentucky ordinances, Shelby County Fiscal Court may file a civil action in Shelby Circuit Court, seeking an injunction, mandamus, abatement or any other proceeding to prevent, enjoin, abate, remove or otherwise address any violation of this ordinance.

8. Any owner, occupant or person having control or management of a premises found to have committed a civil offense in violation of this ordinance pursuant to a final order or a final court judgment shall be fined not less than two hundred (\$200) dollars nor more than five hundred (\$500) dollars and shall pay all costs and expenses incurred by the county in pursuing and, if necessary in remedying the violation. Each day constitutes a new violation.

9. Pursuant to KRS 65.8835, Shelby County Fiscal Court shall possess a lien on property owned by the person found by a final order, as defined by KRS 65.8805(8), or by a final judgment of the court, to have committed a violation of this Ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the Clean Community Coordinator shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this ordinance and KRS 65.8801 to 65.8839.

a. The lien:

- i. shall be recorded in the office of the county clerk;
- ii. Shall be notice to all persons from the time of its recording and shall bear interest until paid;
- iii. Subject to KRS 65.8836, shall take precedence over all other liens, except state, county, school board, and city taxes;
- iv. Shall continue for ten (10) years following the date of the on appealable final order, or final judgment of the court; and
- v. May be enforced by judicial proceedings, including an action to foreclose.

b. In addition to the remedy prescribed herein, the person found to have committed the violation shall be personally responsible for the amount of the lien, including all civil fines assessed for the violation and for all charges, fees, and abatement costs incurred by the local government in connection with the enforcement of the ordinance. The local government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt. This may include attorney's fees.

c. Nothing in this section shall otherwise affect the rights or obligations between the owner of the property and those persons who claim a security interest in the property.

SECTION 8: AGRICULTURAL AND SILVICULTURAL (forestry) OPERATIONS AND PREMISES ASSESSED AS AGRICULTURAL LAND FOR TAX PURPOSES

1. THIS ORDINANCE DOES NOT APPLY TO agricultural and silvicultural operations or any appurtenances when the operator of the agricultural or silvicultural operation utilized normal and accepted practices in the course of their agricultural or silvicultural operation.
2. Pursuant to KRS 65.8840, the provisions of this ordinance shall not be enforced upon any premises situated in an unincorporated portion of the county that is

assessed as agricultural land for tax purposes by the property valuation administrator.

SECTION 9: SEVERABILITY

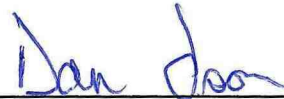
If any section or part or section of this Ordinance is found to be unconstitutional or otherwise invalid, such part shall be deemed severable and the invalidity of that section or part of a section shall not affect the remaining parts of this Ordinance and the same shall remain in full force and effect unless amended or revoked by subsequent ordinance.

SECTION 10: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage by motion and second reading after two readings at meetings of the Shelby County Fiscal Court and publication as required by the Kentucky Revised Statutes.

INTRODUCED, SECONDED AND GIVEN A FIRST READING AND APPROVAL, at a duly convened meeting of the Shelby County Fiscal Court held on the 18th of February 2025.

INTRODUCED, SECOND AND GIVEN A SECOND READING AND APPROVAL at a duly convened meeting of the Shelby County Fiscal Court held on the 4th day of March 2025.



DAN ISON
Shelby County Judge Executive

Attest:



Tony Harover
Shelby County Clerk