

**CITY OF FINCASTLE
ORDINANCE NO. 3, SERIES 2026**

**AN ORDINANCE OF THE CITY OF FINCASTLE, KENTUCKY
(A) PROHIBITING NUISANCES AND ESTABLISHING
PROPERTY MAINTENANCE STANDARDS; (B) REPEALING
ORDINANCE NO. 2, SERIES 1983 RELATING TO DUTY OF
PROPERTY OWNERS TO KEEP LOTS FREE OF DEBRIS
AND UNDESIRABLE VEGETATION; AND (C) REPEALING
ORDINANCE NO. 1, SERIES 2024 RELATING TO PROPERTY
MAINTENANCE STANDARDS**

WHEREAS, the City Commission of the City of Fincastle (the “**City**”) desires to prohibit nuisances and establish property maintenance standards to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City;

WHEREAS, the City, pursuant to the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839, created the City of Fincastle Code Enforcement Board (the “**Code Enforcement Board**”) empowered to issue remedial orders and impose fines to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with City ordinances; and

WHEREAS, the City Commission elects to authorize enforcement of City ordinances through the Code Enforcement Board without limiting any other enforcement methods available to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FINCASTLE:

SECTION 1. DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) “**Abatement costs**” means the City's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety, and welfare in accordance with this Ordinance.

(B) “**Code enforcement officer**” means a safety officer, citation officer, public law enforcement officer, or other person authorized to issue a citation.

(C) “**Owner**” means a person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property.

(D) **“Occupant”** means any person who has actual use, possession, or control of a premises, whether or not that person has legal title.

(E) **“Premises”** means a lot, plot, or parcel of land, including any structures and trees upon it.

(F) **“Person having control or management”** of property means any person, firm, or entity, other than the owner, that has charge, care, or control of property, whether as tenant, executor, administrator, trustee, or other representative.

SECTION 2. PROPERTY MAINTENANCE STANDARDS; NUISANCES

It is hereby declared to be a public nuisance for any owner, occupant, lessee, or other person in control or management of any premises in the City to cause, permit, maintain or allow any of the following conditions on any premises or on any adjacent sidewalks, streets, alleys, or rights-of-way:

(A) Abandoned, dismantled, wrecked, inoperable, or discarded objects, equipment, or appliances, including but not limited to water heaters, refrigerators, furniture, fixtures, machinery, equipment, automobiles, trucks, trailers, boats, cans, containers, or similar items;

(B) Discarded food, garbage, rubbish, refuse, trash, or limbs;

(C) Oil, grease, petroleum products, paint, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) stored or maintained in such a manner as to constitute a health, fire, or environmental hazard or which degrades the appearance of or detracts from the aesthetic and property values of neighboring properties;

(D) Lumber (excluding lumber for a construction project on the premises with a valid permit), salvage materials (including but not limited to auto parts, scrap metal, or tires) or other debris stored on the premises for more than 72 hours and visible from a public street, walkway, alley, other public property, or adjoining property;

(E) Renovation or construction to structures or grounds not completed through consistent and sustained effort, such that work ceases for an unreasonable period given the type of project. A period of 120 days without consistent and sustained effort shall be deemed unreasonable absent express written permission from the City;

(F) Refuse and recycling receptacles visible from a public street, walkway, alley, or other property more than 24 hours before or after the regularly scheduled refuse pickup for the premises. Receptacles for such items must be removed from view of any public property within 24 hours after the day of collection;

(G) Any swimming pool, pond, spa, or other body of water, or excavation which is abandoned, unattended, unsanitary, empty, not securely fenced, or (if not in use) does not have a secure and suitable cover that will not collect water, or otherwise constitutes a hazard;

(H) Premises or structures which, due to dilapidation, deterioration, or decay, or lack of security, detrimentally impact adjacent property or surrounding neighborhood, are unsafe for their current use, or are not properly secured;

(I) Grass or weeds exceeding 8 inches in height, or the excessive accumulation of grass, weeds, rubbish, leaves, dead trees, flowers, bushes, or other ornamental plants. It shall be the duty of any owner, occupant, or person having control or management of any property abutting a public street within the City to maintain all grass at a height not exceeding 8 inches, and to remove all refuse, weeds, trash, waste, and litter from sidewalks and curbing to the edge of the pavement of such streets;

(J) Any structure, improvement or condition that obstructs, inhibits, alters, or prevents proper drainage in a drainage ditch, device, or system;

(K) Any accumulation of ashes, leaves, wood, lumber, twigs, storm debris, or any residue from burning combustible material;

(L) Firewood that is not (1) stacked in cord-like fashion; (2) stored at least 6 inches off the ground on non-decaying supports to permit proper air circulation, (3) stacked no higher than five feet; and (4) cut to 48 inches or less in length. No more than 2 cords of firewood may be stored at any one time, excepting only residences which heat primarily with wood and have applied for and been granted special storage permission by the City;

(M) Any structure or residence that is unfit or unsafe for human habitation or occupancy, or any conditions therein which are dangerous or injurious to the health or safety of the occupants or to other residents of the City;

(N) Any tree, stack, or other object standing in such a condition that, if the condition is allowed to continue, is likely to endanger life, limb, or property, or cause damage or injury to persons or property by the falling of all or of parts thereof;

(O) Any dropping, depositing, or scattering, or acquiescing in the dropping, depositing, or scattering, of any waste material of any kind (not including normal yard maintenance materials);

(P) Any uncovered well, pit, or excavation that a reasonable person should realize could be injurious to human health or safety;

(Q) Conditions injurious to health, indecent, or offensive to the senses, including but not limited to:

- (1) Unlawful storage of explosives;
- (2) Failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors;

- (3) The presence of polluted water, or the accumulation of any substance that attracts vermin, rodents, insects, or animals; and
- (4) Unlawful burning of refuse, garbage, or waste material of any kind.

(R) Any unlawful, unwarrantable, dangerous, or unreasonable use of property that renders the ground, air, or water an annoyance or hazard, constitutes a fire or environmental hazard, is otherwise detrimental to human life, health, or safety, or causes or tends to cause substantial diminution in the value of property in the surrounding neighborhood; and

(S) Conditions that cause a structure or grounds to not be in good repair, including but not limited to:

- (1) Windows, roofs, eaves, foundations, exterior doors, porches, basements, exterior walls, and exterior stairs that are not reasonably weathertight, rodent- and animal-proof, and kept in sound condition and good repair;
- (2) Exterior wood surfaces, other than decay-resistant woods, that are not protected from the elements and decay by non-lead-based paint, or other protective covering or treatment; peeling paint constitutes a violation; or
- (3) Gutters, shutters, downspouts, and similar exterior components that are not maintained in good condition and fit for their intended purpose.

SECTION 3. RESPONSIBILITY FOR PROPERTY MAINTENANCE

The owner, occupant, lessee, or other person in control or management of any premises within the City shall be responsible for maintaining such premises in compliance with this Ordinance. Such persons shall be jointly and severally liable for violations occurring on the premises.

SECTION 4. CIVIL OFFENSE; ENFORCEMENT; ABATEMENT AND OTHER REMEDIES; NOTICE; APPEALS; CONTINUING VIOLATIONS

(A) A violation of this Ordinance shall constitute a civil offense. This Ordinance may be enforced by the code enforcement board process or by any other lawful means or methods available to the City for the enforcement of its ordinances.

(B) Code Enforcement Officers are authorized to issue notices of violation and citations for violations of this Ordinance. Notices of violation and citations for violations of this Ordinance shall be served and processed in the manner set forth in Ordinance No. 1, Series 2026. The cited person shall respond to any citation within seven (7) days, by either paying the civil fine or requesting a hearing, as provided in Ordinance No. 1, Series 2026. Any hearings, final orders and appeals shall be governed by the terms of Ordinance No. 1, Series 2026.

(C) Each day a violation of this Ordinance continues after a notice of violation or citation shall constitute a separate and distinct offense.

(D) The City may correct or abate any violation of this Ordinance and recover the abatement costs as a personal debt and as a lien on the premises.

(E) Nothing in this Ordinance shall limit the City's authority to take immediate action when necessary. Nothing in this Ordinance shall limit the City's authority to pursue or obtain any and all lawful remedies available to it to restrain, correct, abate, or prevent violations of this Ordinance, including injunctions, abatement orders, and civil actions, or to otherwise enforce this Ordinance, or to recover costs, including reasonable attorney's fees and expenses, associated with enforcing this Ordinance or correcting or abating any violation of this Ordinance. The remedies provided in this Ordinance are cumulative and not exclusive.

SECTION 5. FINES

Fines for violations of this Ordinance shall be in the amounts set forth in the ordinance fine schedule in Section 12 of Ordinance No. 1, Series 2026, as amended from time to time.

SECTION 6. REPEAL OF PRIOR ORDINANCES

(A) Ordinance No. 2, Series 1983, enacted on April 28, 1983, and relating to the duty of property owners to keep lots free of debris and undesirable vegetation is hereby repealed in its entirety.

(B) Ordinance No. 1, Series 2024 enacted on April 11, 2024, and relating to property maintenance standards is hereby repealed in its entirety.

SECTION 7. NO LIMITATION

Nothing in this Ordinance shall be construed to limit or restrict the City's ability to enforce City ordinances through any lawful method of enforcement.

SECTION 8. SEVERABILITY

If any provision, or part thereof, of this Ordinance, or the application thereof to any person or circumstance, is found by a court of competent jurisdiction to be invalid or unenforceable, such provision, or part thereof, or its application shall be limited to the extent necessary to make it enforceable. The remaining provisions of this Ordinance, or their application to other persons or circumstances, shall remain in full force and effect. The provisions of this Ordinance are severable.

SECTION 9. ORDINANCE CONTROLS

In the event of any conflict between the provisions of this Ordinance and any prior ordinance or parts thereof, the provisions of this Ordinance shall control.

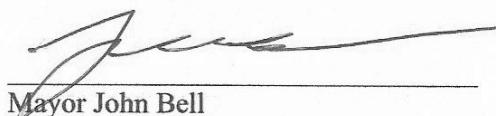
SECTION 10. ORDINANCE EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption, passage, and publication as required by law.

First Reading: 12-11-25

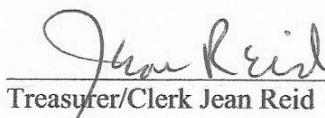
Second Reading: 1-8-26

Passed and Approved: 1-8-26



Mayor John Bell

ATTEST:



Treasurer/Clerk Jean Reid

THOSE IN FAVOR:

Commissioners: Allie White
Gene Harris
Samuel Jackson
Terry Gregory
Mayor: John Bell

THOSE OPPOSED: none

