

**CITY OF FINCASTLE
ORDINANCE NO. 4, SERIES 2026**

**AN ORDINANCE OF THE CITY OF FINCASTLE,
KENTUCKY PROHIBITING OBSTRUCTIONS WITHIN
RIGHTS-OF-WAY AND EQUIPMENT IN EASEMENTS
ADJACENT TO CITY STREETS; AND REPEALING
ORDINANCE NO. 2, SERIES 2014, RELATING TO
OBSTRUCTION OF PUBLIC WAYS**

WHEREAS, the obstruction of public rights-of-way interferes with pedestrian and vehicular travel and creates a safety hazard;

WHEREAS, the City Commission of the City of Fincastle (the “**City**”) desires to prohibit obstruction of public rights-of-way to protect the 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) **“Public right-of-way” or “right-of-way”** means any public street, sidewalk, roadway surface, pedestrian walkway, alley, easement, or similar public property owned or maintained by the City.

SECTION 2. PERMANENT AND TEMPORARY OBSTRUCTIONS PROHIBITED

It shall be unlawful for any person to erect, place, maintain, or cause or permit to be erected, placed, or maintained, any permanent or temporary obstruction within any public right-of-way, including but not limited to: any basketball goals or other recreational or athletic equipment, house, building, fence, wall, post, rail, flower box, plant container, bike rack, decorative or artistic object, structure or improvement of any type, or any similar item or object. No person shall encumber, block, or obstruct any public right-of-way in any manner.

SECTION 3. SPECIAL RULES FOR RECREATIONAL EQUIPMENT

Basketball goals and other recreational or athletic equipment shall remain entirely on private property. No basketball goal or other recreational or athletic equipment shall be erected, placed, or maintained, in whole or in part, within any easement area adjacent to any City street.

SECTION 4. RESPONSIBLE PARTY

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 5. 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 6. 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 7. REPEAL OF PRIOR ORDINANCE

Ordinance No. 2, Series 2014, enacted on April 11, 2014, relating to the obstruction of public ways, is hereby repealed in its entirety.

SECTION 8. 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 9. 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 10. 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 11. ORDINANCE EFFECTIVE DATE

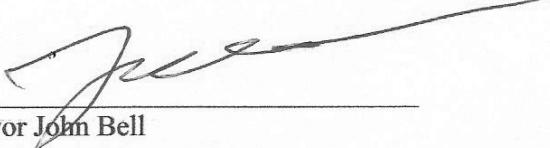
This Ordinance shall take effect immediately upon its adoption, passage and publication as required by law.

First Reading: 12-11-25

Second Reading: 1-8-26

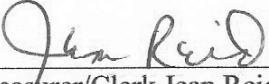
Passed and Approved: 1-8-26

24, 2026



Mayor John Bell

ATTEST:



Treasurer/Clerk Jean Reid

THOSE IN FAVOR: _____

Commissioners: Ollie White

Gene Harris

S. Samuel Jackson

Jerry Gregory

THOSE OPPOSED: none

