

## ORDINANCE 1010.5

ORDINANCE REPEALING ORDINANCE NUMBER 1010.4 RELATING OT THE REGULATION OF NUISANCES IN SIMPSON COUNTY PURSUANT TO THE AUTHORITY IN KRS 381.770, AND ENACTING A NEW ORDINANCE ENTITLED "PROPERTY MAINTENANCE CODE ENFORCEMENT" WHICH CREATES A NEW CODE OF ORDINANCES THAT PROVIDE MINIMUM STANDARDS FOR THE MAINTENANCE OF ALL PROPERTY WITHIN THE COUNTY OF SIMPSON THAT WILL BE ADMINISTERED AND ENFORCED BY THE COMMUNITY DEVELOPMENT DEPARTMENT THROUGH DESIGNATED CODE ENFORCEMENT OFFICERS AUTHORIZED TO ISSUE NOTICES OF VIOLATIONS AND CITATIONS TO THE OWNER OR OCCUPANTS OF PROPERTY IN VIOLATION THEREOF; AND FURTHER ESTABLISHING A DUE PROCESS BY WHICH PROPERTY OWNERS ARE GIVEN NOTICE AND AN OPPORTUNITY TO CORRECT VIOLATIONS, OR IF CONTESTED, TO APPEAL A CITATION ISSUED TO A THREE-MEMBER BOARD APPOINTED BY THE FISCAL COURT AND CITY COMMISSION, EACH MEMBER OF WHICH SHALL SERVE A THREE-YEAR TERM; AND AUTHORIZING AND DIRECTING SAID BOARD TO CONDUCT AN IMPARTIAL HEARING AND RENDER A DECISION WITH REGARD TO ANY APPEALS BROUGHT BEFORE IT; AND FURTHER AUTHORIZING AND DIRECTING THE CODE ENFORCEMENT OFFICER, AND THE BOARD TO IMPOSE FINES, PENALTIES, CHARGES AND ADMINISTRATIVE FEES, IF A VIOLATION IS ESTABLISHED; AND FURTHER PROVIDING THAT ANY JUDGMENT OR DECISION OF THE BOARD THAT MAY BE APPEALED TO SIMPSON DISTRICT COURT. THIS ORDINANCE ALSO ADOPTS BY REFERENCE NUMEROUS SECTIONS OF THE CURRENT BOCA INTERNATIONAL PROPERTY MAINTENANCE CODE, WHICH PROVISIONS AUTHORIZE CODE ENFORCEMENT OFFICERS TO CITE AND ABATE, IF NECESSARY, UNSAFE STRUCTURES, JUNKED VEHICLES AND APPLIANCES, TALL WEEDS AND GRASS, FIXTURES, RUBBISH AND OTHER CONDITIONS OR PROPERTY DEEMED TO BE PUBLIC NUISANCES.

**WHEREAS**, it is the intent of KRS 381.770 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the County of Simpson by authorizing the creation of an administrative Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the Property Maintenance ordinances enacted and in force within the County; and ,

**WHEREAS**, the Fiscal Court of the County of Simpson desires to increase the population of the County by the redevelopment of blighted areas and elimination of nuisances through aggressive Code enforcement.

**WHEREAS**, the Fiscal Court of the County of Simpson desires to protect the existing housing inventory in the County through the adoption of ordinances, which promote and protect residential neighborhoods and reduce and or abate nuisance properties that tend to diminish neighboring property values and contribute to an increase in crime and loss of aesthetic value.

**WHEREAS**, the Fiscal Court of the County of Simpson, Kentucky, deems it reasonable and necessary to exercise the authority granted to it in KRS 381.770 and does hereby establish a new County of Simpson Property Maintenance Code with rights, regulations, authority and penalties set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SIMPSON, KENTUCKY, AS FOLLOWS:**

**SECTION 1. Title of Ordinance.** This Ordinance shall be known and may be cited as the "Property Maintenance Code Enforcement Ordinance."

**SECTION 2. 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:

**Abandoned** shall mean property or any improvements thereon that is unoccupied, not in use, neglected, and/or not serviced by public utilities.

**Agricultural Operation** means any farm operation on a tract of land, including all income-producing improvements and farm dwellings, together with other farm buildings and structures incident to the operation and maintenance of the farm, situated on ten (10) contiguous acres or more of land used for the production of livestock, livestock products, poultry, poultry products, milk, milk products, or silviculture products, or for the growing of crops such as, but not limited to, tobacco, corn, soybeans, small grains, fruit and vegetables; or devoted to and meeting the requirements and qualifications for payments to agriculture programs under an agreement with the state or federal government.

**Code Official** shall mean Property Maintenance Code Enforcement Officer(s), the Community Development Director or their duly authorized representatives, all of whom are charged with the administration and enforcement of this Ordinance.

**Demolition** shall be defined as the act of demolishing or razing of a building, structure or part thereof to the ground level.

**Heat Supply Days** As used in Section 14 and the International Property Maintenance Code 602.3 & 602.4 of this Ordinance shall be the period from September 1st to May 30th.

**Offenses:**

**1<sup>st</sup> Offense** shall mean a citation issued on a specific parcel of property on one occasion within a twelve-month period.

**2<sup>nd</sup> Offense** shall mean a citation issued on a specific parcel of property on two occasions within a twelve-month period.

**3<sup>rd</sup> + Offense** shall mean a citation issued on a specific parcel of property on three or more occasions within a twelve-month period.

**Person** shall mean any individual, firm, business, partnership, association, corporation, company or organization of any kind.

**Property Maintenance Code** shall mean the "Nuisance Code" as that term is defined in KRS 381.770. It shall consist of all of the provisions set forth herein and any and all other ordinances hereafter adopted by the Fiscal Court pursuant to KRS 381.770, as may be amended from time to time.

**Property Maintenance Code Enforcement Board** shall mean the administrative body created and acting under the authority of the KRS 381.770.

**Property Maintenance Code Enforcement Officer** shall mean and include P&Z Code Enforcement Officer and Electrical Inspector, Fire Chief, and Sheriff.

**Public Nuisance** shall include, but is not limited to, the following:

- (a) The physical condition or occupancy of any property regarded as a public nuisance at common law;

- (b) Any physical condition or occupancy of any property or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, or swimming pools, shafts, basements, excavations and unsafe fences or structures;
- (c) Any property that has unsanitary sewerage or plumbing facilities;
- (d) Any property that is unsafe for human habitation;
- (e) Any property that is in imminent danger of becoming a fire or other hazard, or is manifestly unsafe or unsecure, so as to pose an imminent threat or danger to life, limb or property;
- (f) Any property from which the plumbing, electrical, heating or other facilities required by this Code have been removed or from which utilities have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided;
- (g) Any property that is unsanitary, littered with rubbish or garbage or has uncontrolled weeds growing on it;
- (h) Any residence, building, outbuilding or other structure that is in a state of dilapidation, disrepair, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent that it is uninhabitable, in danger of collapse or failure or dangerous to anyone on or near the property.
- (i) Any residence, building, outbuilding or other structure that has been abandoned for a minimum continuous period of six (6) months, thereby creating an attractive nuisance to children and/or which tends to diminish the value of adjacent properties.

**Remedy** shall mean the action taken to abate any nuisance, in order to bring the property determined to be in violation, into compliance with the requirements of this Property Maintenance Code.

**Ventilation Days** As used in Section 14 and International Property Maintenance Code 304.14 of this Ordinance shall be the period from May 1st to October 31st.

**SECTION 3. Jurisdiction.** The Property Maintenance Code Enforcement Officer and Property Maintenance Code Enforcement Board shall have jurisdiction over and shall enforce this Property Maintenance Code and all other ordinances hereafter adopted which specifically provide for the enforcement by the Code Enforcement Officer(s) or Board, in the manner set forth herein.

**SECTION 4. Powers and Responsibilities of the Property Maintenance Code Enforcement Officer(s); Notice of Violation; Issuance of Citation and Procedure; Appeal process; Abatement of Nuisance; Right of Entry; Liability; Modifications.** The following provisions shall govern all enforcement powers, responsibilities and procedures administered by the Property Maintenance Code Enforcement Officer(s):

- (a) **Notice of Violation:** Except as provided in subsection (b) below, if a Property Maintenance Code Enforcement Officer believes, based on the Officer's personal observation or investigation, that a person has violated the Property Maintenance Code, the Officer shall issue a Notice of Violation to the property owner, resident, tenant, occupant or other violator, allowing that person a specified and reasonable number of days to abate the violation. The violator may upon request, be allowed a reasonable extension of time to abate the violation without imposition of any charges, costs, penalties, and fees, in the sole discretion of the Property Maintenance Code Enforcement Officer. If the violator fails to abate the violation within the time prescribed therein, a new and separate Notice of Violation may be issued for subsequent and separate violations of the Property Maintenance Code. In the event that the resident, tenant, occupant or other violator is issued a Notice of Violation, the property owner of record will receive a copy of said notice.
  
- (b) **Notice of Violation Procedure:** Notices of Violation issued by Code Enforcement Officer for violations of the Code shall contain the following information:
  - (1) The address, location or description of the property found to be in violation of the Code;
  
  - (2) The date and time of inspection;
  
  - (3) The name and address of the person to whom the Notice is issued;

- (4) The date the Notice is issued;
  - (5) The facts constituting the offense;
  - (6) The section of the Code violated;
  - (7) The name of the Property Maintenance Code Enforcement Officer;
  - (8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer;
  - (9) The maximum fine that may be imposed under this ordinance for the violation in question;
  - (10) The procedure for the violator to follow in order to appeal the Notice;
  - (11) A statement that if the violator fails appeal the citation within the time allowed, the violator shall be deemed to have waived his or her right to a hearing before the Code Enforcement Board to appeal the Notice and the Code Enforcement Officers determination that the violation occurred shall be final;
  - (12) Notice that a lien may be filed against the property on which the violation occurred if it is not abated in the manner required by the Property Maintenance Code Enforcement Officer and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.
- (c) **Type and Delivery of Notice:** The Notice of Violation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It may be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Simpson County Property Valuation office. If the Notice cannot be delivered to the owner, resident, tenant, occupant or other violator in

person or Notice sent by first class mail is returned by the US Postal Service because said Notice is undeliverable, marked return to sender or the owner has left no forwarding address Notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least 8 ½ inches by 11 inches in dimension in a conspicuous location on the property.

- (d) **Issuance of Citation:** If the property owner, resident, tenant, occupant or other violator fails or refuses to abate the violation within the time and manner required by the Code Enforcement Officer, the Officer is authorized to issue a citation. The citation shall represent a determination by the Code Enforcement Officer that a violation has been committed and that determination shall be final unless it is appealed by the alleged violator to the Property Maintenance Code Enforcement Board in the manner prescribed herein.
- (e) **Citation Procedure:** Citations issued by Code Enforcement Officer for violations of the Code shall contain the following information:
- (1) The address, location or description of the property found to be in violation of the Code;
  - (2) The date and time of inspection;
  - (3) The name and address of the person to whom the citation is issued;
  - (4) The date the citation is issued;
  - (5) The facts constituting the offense;
  - (6) The section of the Code violated;
  - (7) The name of the Property Maintenance Code Enforcement Officer;
  - (8) The fines, charges, costs, penalties, and/or administrative fees, imposed for the violation if the citation is not appealed in the manner prescribed within this ordinance;

- (9) The maximum fine that may be imposed under this ordinance for the violation in question;
  - (10) The procedure for the violator to follow in order to pay the fine or to appeal the citation; and
  - (11) A statement that if the violator fails to pay the fine set forth in the citation or appeal the citation within the time allowed, the violator shall be deemed to have waived his/her right to a hearing before the Code Enforcement Board to appeal the citation and the Code Enforcement Officer's determination that the violation occurred shall be final; and
  - (12) Notice that a lien may be filed against the property on which the violation occurred and that proceedings to enforce the lien may be initiated to collect fines, charges, costs, penalties, and/or fees, including attorney and administrative fees.
- (f) **Type and Delivery of Citation:** The Citation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. It shall be hand-delivered to the property owner, resident, tenant, occupant or other violator or may be served or sent by first class mail addressed to the last known property owner of record as listed in the Simpson County Property Valuation office. If the Notice cannot be delivered to the owner in person or Notice sent by first class mail is returned by the US Postal Service because said Notice is undeliverable, marked return to sender or the owner has left no forwarding address Notice shall be given by placing it on the door of the most visible entrance to the property with dwellings or structures located thereon, or by posting a sign, at least 8 ½ inches by 11 inches in dimension in a conspicuous location on the property
- (g) **Abatement of Nuisance:** If the violator does not appeal the citation within the time prescribed, the Code Enforcement Officer issuing the citation shall enter a final order finding and determining that the violation was committed and no appeal was timely filed. The Code Enforcement Officer may thereafter cause the nuisance to be abated by any and all means reasonable and necessary. A copy of the final order shall be served on the property owner, resident, tenant, occupant or other violator



found to be in violation of this Code.

- (h) **Emergency Abatement**: Nothing in Section (g) above shall prohibit the County from taking immediate action to abate any violation of this ordinance without prior notice to the property owner, resident, tenant, or other occupant when an Enforcement Officer, upon inspection of the property has reason to believe that a violation presents a serious and imminent threat to any person, the public's health, safety, or welfare, or if in the absence of immediate remedial action, the effects or consequences of a violation will within reasonable probability, cause irreparable or irreversible harm and/or property damage.
- (i) **Right of Entry**: Enforcement Officer(s), and their duly authorized agents, assistants, employees, or contractors, after first having obtained the consent of the property owner, resident, tenant, or other occupant may enter upon private or public property to conduct inspections. If the property owner, resident, tenant, or other occupant does not give the Enforcement Officer(s) consent to enter upon and inspect the property, an on-site inspection of the property shall not occur until it is authorized by a court of competent jurisdiction.
- (j) **Liability**: The Code Enforcement Officer(s), charged with the enforcement of this Ordinance, while acting within the course and scope of their duties under this Ordinance, shall not thereby be rendered liable personally and are hereby relieved from any and all personal liability for injury's and damage to persons or property. Any suit instituted against any Code Enforcement Officer or employee because of a lawful act performed by that Officer or employee in the discharge of duties imposed under the provisions of this Ordinance, shall be defended by the County until final adjudication of any proceedings.
- (g) **Discretionary Modifications**: The Enforcement Officer shall have the discretion to modify a Notice of Violation, provided the Officer shall first find that special circumstances that makes strict compliance with this Ordinance impractical and the modification is in compliance with the intent and purpose of this Ordinance and that such modification does not vitiate health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the Community Development Department files.

**SECTION 5. Creation and Membership.**

- (a) There is hereby created within the city and county pursuant to KRS 65.8801 to KRS 65.8839, the Franklin-Simpson Code Enforcement Board which shall be composed of three (3) regular members and two (2) alternate members, all of whom shall be residents of the local government unit which appoints said member for a period of at least one (1) year prior to the creation of the board or appointment to the board, and shall reside there throughout the term in office.
- (b) The Board of Commissioners of the City of Franklin, Kentucky and the Fiscal Court of Simpson County, Kentucky hereby approve the terms and conditions of the Interlocal Cooperation Agreement for the Establishment of the Franklin-Simpson Code Enforcement Board in Franklin and Simpson County by and between the City of Franklin and the County of Simpson, a copy of which is attached hereto and incorporated herein by reference.
- (c) The Mayor of the City of Franklin and the County Judge Executive of the County of Simpson are hereby authorized and directed to execute any and all documents or take any further actions necessary to effectuate the intent of this ordinance.

**SECTION 6. Enforcement Powers.**

- (a) The Franklin-Simpson Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offence.
- (b) The Franklin-Simpson Code Enforcement Board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

**SECTION 7. Appointment of Members; Term of Office; Removal from Office; Oath; and Compensation.**

- (a) Members of the Franklin-Simpson Code Enforcement Board shall be appointed by the executive authority of the city or county, subject to the approval of the respective legislative body.
- (b) The initial appointment to the Franklin-Simpson Code Enforcement Board shall be as follows:

- (1) One (1) member of the board shall be appointed by the City Board of Commissioners for a term of one (1) year;
  - (2) One (1) member of the board shall be appointed by the Fiscal Court of Simpson County for a term of two (2) years;
  - (3) One (1) member of the board shall be appointed by the City Board of Commissioners for a term of three (3) years.
- (c) All subsequent appointments shall be for a term of three (3) years. A member may be reappointed, subject to the approval of the legislative body.
  - (d) The executive authority of the City and County shall appoint, subject to the approval of the respective legislative body, one (1) alternate member each to serve on the Franklin-Simpson Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Franklin-Simpson Code Enforcement Board. The alternate members shall serve for a term of three (3) years.
  - (e) Any vacancy on the board shall be filled by the executive authority, subject to the approval of the legislative body, within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Enforcement Board members shall fill the vacancy. A vacancy shall be filled for the remainder of the unexpired term.
  - (f) A board member may be removed from office by the executive authority for misconduct, inefficiency, or willful neglect of duty. The executive authority shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
  - (g) Members of the Franklin-Simpson Code Enforcement Board shall, before entering upon the duties of their office, take the oath of office as prescribed by Section 228 of the Kentucky Constitution.
  - (h) Members of the Franklin-Simpson Code Enforcement Board shall be reimbursed for actual expenses and compensated in the amount of \$50.00 per meeting.
  - (i) No member of the Franklin-Simpson Code Enforcement Board shall hold any elected or non-elected office, paid or unpaid, or any position of employment with the city or county.

## **SECTION 8. Organization of Board; Meetings; Quorum.**

- (a) The Franklin-Simpson Code Enforcement Board shall annually elect a chair from among its members. The chair shall be the presiding officer and a full voting member of the board. In the absence of the chair, the remaining members of the board shall select a member to preside in place of and exercise the powers of the chair.
- (b) Regular meetings of the Franklin-Simpson Code Enforcement Board shall be held on the second Thursday of every other month starting in January (i.e. January, March, May, July, September, and November) at 3:00 p.m. (local prevailing time) at City Hall, 117 West Cedar Street, Franklin, Kentucky. Meetings other than those regularly scheduled shall be special meetings or emergency meetings held in accordance with the requirements of the Kentucky Open Meetings Act.
- (c) All meetings and hearings of the Franklin-Simpson Code Enforcement Board shall be public meetings held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- (d) The presence of at least a majority of the board's entire membership (three (3) members) shall constitute a quorum. The affirmative vote of a majority of a quorum of the board shall be necessary for any official action to be taken.
- (e) Minutes shall be kept for all proceedings of the Franklin-Simpson Code Enforcement Board and the vote of any member on any issue decided by the board shall be recorded in the minutes.

## **SECTION 9. Conflict of Interest.**

Any member of the Franklin-Simpson Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest, shall disqualify himself from voting on the matter in which he has an interest, and shall not be counted for purposes of establishing a quorum.

## **SECTION 10. Powers of the Franklin-Simpson Code Enforcement Board.**

The Franklin-Simpson Code Enforcement Board shall have the following powers and duties:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance.
- (b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.

- (c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Franklin-Simpson Code Enforcement Board may be served by any code enforcement officer.
- (d) To take testimony under oath. The chair or the board's attorney shall have the authority to administer oaths for the purpose of taking testimony.
- (e) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the board is authorized to enforce.
- (f) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction.

#### **SECTION 11. Enforcement Proceedings.**

The following requirements shall govern all enforcement proceedings before the Franklin-Simpson Code Enforcement Board:

- (a) Enforcement proceedings shall only be initiated by the issuance of a citation by a code enforcement officer.
- (b) Except when immediate action is necessary pursuant to Section 17 of this ordinance, if a code enforcement officer believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a Notice of Violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.
- (c) The code enforcement officer shall issue a citation by one of the following methods:
  - (1) Personal service to the alleged violator;
  - (2) Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
  - (3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.
- (d) The citation issued by the code enforcement officer shall contain the following information:

- (1) The date and time of issuance;
  - (2) The name and address of the person to whom the citation is issued;
  - (3) The physical address of the premises where the violation occurred;
  - (4) The date and time the offense was committed;
  - (5) The facts constituting the offense;
  - (6) The section of the code or the number of the ordinance violated;
  - (7) The name of the code enforcement officer;
  - (8) The civil fine that may be imposed for the violation, including, if applicable:
    - (i) The civil fine that will be imposed if the person does not contest the citation; and,
    - (ii) The maximum civil fine that may be imposed if the person elects to contest the citation.
  - (9) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and,
  - (10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the Franklin-Simpson Code Enforcement Board to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and the person shall be deemed to have waived the right to appeal the final order to District Court.
- (e) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Franklin-Simpson Code Enforcement Board by delivering the citation to the Chair via electronic mail (e-mail).
- (f) After the issuance of the citation:
- (1) The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing to contest the citation. If the person fails to respond to the citation within

seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

- (2) Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

## **SECTION 12. Hearing; Notice; and Final Order.**

- (a) When a hearing has been requested, the Franklin-Simpson Code Enforcement Board or its administrative staff shall schedule a hearing.
- (b) Not less than seven (7) days before the date of the hearing, the Franklin-Simpson Code Enforcement Board shall notify the requester of the date, time and place of the hearing. The notice may be given by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.
- (c) After the person has requested a hearing pursuant to this ordinance:
  - (1) Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation, and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.
  - (2) Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

- (d) All testimony at the hearing shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator, and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (e) The Franklin-Simpson Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. If it is determined that no violation was committed, an order dismissing the citation shall be entered. If it is determined that a violation was committed, an order may be issued upholding the citation. The board may impose a fine up to the maximum authorized by ordinance, or require the offender to remedy a continuing violation to avoid a fine, or both.
- (f) Following a hearing of the Code Enforcement Board:
  - (1) Every final order shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. A copy shall be furnished to the person named in the citation.
  - (2) If the person named in the citation is not present when the final order is issued, the order shall be delivered to the person by regular first-class mail; certified mail-return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

### **SECTION 13. Presentation of Cases.**

Each case before the Franklin-Simpson Code Enforcement Board shall be presented by an attorney selected by the city, a code enforcement officer for the city, or by a member of the city's administrative staff. The city attorney may either be counsel to the Franklin-Simpson Code Enforcement Board or may present cases before the Franklin-Simpson Code Enforcement Board, but shall in no case serve in both capacities.

### **SECTION 14. Appeals; Final Judgment.**

- (a) An appeal from a final order of the Franklin-Simpson Code Enforcement Board following a hearing conducted pursuant to Section 10 of this ordinance may be made to the Simpson District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.



- (b) If no appeal from a final order of the Franklin-Simpson Code Enforcement Board is filed within the time period set in subsection (a) of this Section, the Franklin-Simpson Code Enforcement Board's order shall be deemed final for all purposes.

**SECTION 15. Ordinance Fine Schedule.**

Violations of ordinances that are enforced by the Franklin-Simpson Code Enforcement Board shall be subject to the following schedule of civil fines:

- (a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply:

<u>VIOLATION</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
Animals	\$ 25.00	\$ 50.00	\$100.00
Building & Construction Code*	\$100.00	\$125.00	\$150.00
Garbage/Other	\$ 50.00	\$100.00	\$150.00
Weeds	\$ 25.00	\$ 50.00	\$100.00
Occupational License	\$ 50.00	\$ 75.00	\$100.00

- (b) If the citation is contested and a hearing before the Franklin-Simpson Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Franklin-Simpson Code Enforcement Board:

<u>VIOLATION</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
Animals	\$100.00	\$200.00	\$ 300.00
Building & Construction Code*	\$500.00	\$750.00	\$1,000.00
Garbage/Other	\$ 75.00	\$150.00	\$ 250.00
Weeds	\$ 50.00	\$100.00	\$ 200.00
Occupational License	\$500.00	\$750.00	\$1,000.00

*\*Includes International Property Maintenance Code.*

- (c) For all purposes under this ordinance, in cases of a continuing violation, each day a violation occurs or is allowed to remain shall constitute a separate and distinct offense.
- (d) In addition to all sums set forth in this section for fines, the person found to have committed the violation and/or owner of the property shall be liable and/or responsible for all abatement fees and/or fees for remedying the violation.

## **SECTION 16. Lien; Fines, Charges and Fees.**

- (a) The city shall possess a lien on property owned by the person found by a non-appealable final order as defined by Section 2(h) of this ordinance, or by a final judgment of the court, to have committed a violation of a city ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.
- (b) The lien 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 until paid. The lien shall continue for ten (10) years following the date of the non-appealable final order or final court judgment.
- (c) Subject to Section 16 of this ordinance, the lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.
- (d) In addition to the remedy prescribed in subsection (a) of this Section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city or county in connection with the enforcement of the ordinance. The city or county may bring a civil action against the person and shall have the same remedies as provide for the recovery of a debt.

## **SECTION 17. Lienholder Notification System.**

The city or county shall obtain and maintain priority over previously filed liens, as provided in Section 14 of this ordinance, in accordance with the following provisions:

- (a) Individuals and entities, including but not limited to lienholders, may register with the city or county to receive electronic notification of final orders entered pursuant to this ordinance.
- (b) In order to receive the notification, the registrant shall submit the following information to the City or County Clerk and Code Enforcement Officer for violations inside the city limits, and the Community Development Director for violations outside the city limits:
  - (1) Name;
  - (2) Mailing address;
  - (3) Phone number; and
  - (4) Electronic mailing address.

- (c) A registrant may use the electronic form provided on the city or county website to submit the information required by subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city or county. The city or county shall inform the registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.
- (d) Once per week the city or county shall send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the city or county code enforcement database located on the city website. The database shall include the following information regarding each final order:
  - (1) The name of the person charged with the violation;
  - (2) The physical address of the premises where the violation occurred;
  - (3) The last known mailing address for the owner of the premises where the violation occurred;
  - (4) A copy of the full citation;
  - (5) A copy of the full final order; and
  - (6) The status of the final order regarding its ability to be appealed pursuant to this ordinance.
- (e) If an appeal is filed on a final order pursuant to this ordinance, the city or county shall send electronic mail notification to all registrants.
- (f) Within ten (10) days of the issuance of a final order pursuant to this ordinance, the city or county shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (d) of this Section containing an updated link to the code enforcement database on the city website.
- (g) The city or county shall maintain the records created under this Section for ten (10) years following their issuance.

## **SECTION 18. Liens.**

- (a) A lienholder of record who has registered pursuant to Section 15(b) of this ordinance may, within forty-five (45) days from the date of issuance of notification under Section 15(d) of this ordinance:

- (1) Correct the violation, if it has not already been abated; or
  - (2) Pay all civil fines assessed for the violation, and all charges and fees incurred by the city or county in connection with enforcement of the ordinance, including abatement costs.
- (b) Nothing in this Section shall prohibit the city or county from taking immediate action if necessary under Section 17 of this ordinance.
- (c) The lien provided by Section 14 of this ordinance shall not take precedence over previously recorded liens if:
- (1) The city or county failed to comply with the requirements of Section 15 of this ordinance for notification of the final order; or
  - (2) A prior lienholder complied with subsection (a) of this Section.
- (d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.
- (e) The city may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city or county shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.
- (f) Failure of the city or county to comply with Sections 15 and 16 of this ordinance, or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies the city or county has against the property of the violator.

#### **SECTION 19. Immediate Action.**

Nothing in this ordinance shall prohibit the city or county from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

#### **SECTION 20. Transfer of Ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a Notice of Violation, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the requirements list in the Notice of Violation have been complied with, or until such owner shall first furnish the grantee, transferee,

mortgagee or lessee a true copy of any Notice of Violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making the necessary corrections and repairs required by such Notice of Violation.

**SECTION 21. Property Maintenance Code.**

- (a) **Provisions of Current International Property Maintenance Code Adopted by Reference Herein.** The County of Simpson, Kentucky, hereby adopts, enacts and incorporates by reference, as if fully set forth herein, in their entirety, sections:

- 108 Unsafe Structures and Equipment**
- 301 General**
- 302 Exterior Property Areas**
- 303 Swimming Pools, Spas and Hot Tubs**
- 304 Exterior Structure**
- 305 Interior Structure**
- 306 Handrails and Guardrails**
- 308 Extermination**
- 401 General**
- 402 Light**
- 403 Ventilation**
- 404 Occupancy limitations**
- 501 General**
- 502 Required Facilities**
- 503 Toilet Rooms**
- 504 Plumbing Systems and Fixtures**
- 505 Water System**
- 506 Sanitary Drainage System**
- 601 General**
- 602 Heating Facilities**
- 603 Mechanical Equipment**
- 604 Electrical Facilities**
- 605 Electrical Equipment**
- 606 Elevators, Escalators and Dumbwaiters**
- 607 Duct Systems**
- 701 General**

- 702 Means of Egress
- 703 Fire-Resistance Ratings
- 704 Fire Protection Systems

of the most recent version of the "International Property Maintenance Code" as published by the International Code Council, Inc., as same may be amended from time to time hereafter. Violations of the provisions therein shall be deemed a nuisance enforceable by any and all provisions of this Ordinance.

- (b) **Unsafe Structure: Imminent danger.** When, in the opinion of the Property Maintenance Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Enforcement Officer is hereby authorized and empowered to order and require occupants to vacate the premises forthwith. The Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Property Maintenance Code Enforcement Officer." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making repairs, removing the hazardous condition or of demolishing the same.
- (c) **Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the Property Maintenance Code Enforcement Officer, there is imminent danger due to an unsafe condition, the Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Enforcement Officer deems necessary to meet such emergency.
- (d) **Closing Streets.** When necessary for public safety, the Property Maintenance Code Enforcement Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks,

streets, public ways and places adjacent to unsafe structures, and prohibit same from being utilized.

- (e) **Emergency Repairs.** For the purpose of this purpose of this section, the Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Cost incurred in the performance of emergency work shall be the responsibility of the property owner.
  
- (f) **Demolition General.** The Property Maintenance Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
  
- (g) **Junked Motor Vehicles and Appliances.**
  - (1) **Definitions for Junked Motor Vehicles and Appliances.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions of junked vehicles shall not be applicable on property where agricultural operations, as defined in this ordinance, are taking place.
    - (a) **Junked Appliances** Shall mean any unit, or part thereof, of machinery, furniture, or equipment, whether functional or ornamental, and whether mechanical or powered by some source of energy or not, including, but not limited to, stoves, refrigerators, television sets, beds, lamps, tools, objects of art, and the like, the condition of which upon inspection, are found to be in one or more of the following conditions:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded;

(b) **Junked motor vehicles** Shall mean any vehicle, device or other contrivance, or parts thereof, propelled by human or mechanical power that if operational, would be used for transportation of persons or property on public streets and highways, which upon inspection, are found to be in one or more of the following conditions:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded;

(2) **Declaration Junked Motor Vehicles and Appliances; exceptions.**

(a) The presence of any junked motor vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the County shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle or appliance on the real property of another or to suffer, permit or allow a junked motor vehicle or appliance to be parked, left or maintained on his own real property, provided that this provision shall not apply with regard to:



- (1) Any motor vehicle or appliance in an enclosed building;
  - (2) Any motor vehicle or appliance on the property of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
  - (3) Any motor vehicle or appliance on property occupied and used for repair, reconditioning and remodeling of motor vehicles or appliances in conformance with the Zoning Code of the County.
- (3) **Liability for damages to removed vehicle.** Neither the owner or occupant of the property from which any aforesaid junked motor vehicles shall be removed, their servants or agents, or any department of the County, or its agents, shall be liable for any loss or damage to the junked motor vehicle while being removed or as a result of any subsequent sale or other disposition.
- (4) **Compliance by removal of vehicle.** The removal of a junked motor vehicle from the property within the number of days required in the Notice of Violation issued by the Property Maintenance Enforcement Officer, shall be deemed to be in compliance with the provisions of this article and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the property.
- (5) **Right of entry.** In the enforcement of this article, a Property Maintenance Code Enforcement Officer, and his duly authorized agents, assistants, employees, or contractors with the prior consent of the owner, tenant or occupant, or by order of a court of competent jurisdiction may enter upon private or public property to examine a junked motor vehicle or appliance, or obtain information as to the identity of a junked motor vehicle or appliance and of the owner thereof, and to remove or cause removal of a junked motor vehicle or appliance declared to be a nuisance pursuant to this article.

(6) **Article supplemental to other regulations.**

(a) The provisions of this article are supplemental and in addition to all other regulatory Codes, statutes and ordinances heretofore enacted by the County, state or any other legal entity or agency having jurisdiction.

(b) The provisions of this article shall be deemed cumulative of the provisions and regulations contained in the Code of Ordinances, County of Simpson, Kentucky, save and except that, where the provisions of this article and the sections hereunder are in conflict with the provisions elsewhere in this Code, then the provisions contained herein shall prevail. Any and all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(h) **Other Miscellaneous Nuisances.** It shall be unlawful for the owner, occupant or person having control or management of any real property within the County to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(1) **Accumulation of rubbish.** An accumulation on any property of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another.

(2) **Storage of explosives.** The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(3) **Weeds and grass.** The excessive growth of weeds, grass, or other vegetation, except flowers or other ornamental vegetation, which are properly maintained. Unless otherwise provided, "excessive" shall mean growth to a height of ten (10) inches or more. This shall not be applicable to property where agricultural operations, as defined in this ordinance, are taking place.

- (4) **Open wells.** The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private property in any open or unfenced lot or place. This section shall not be applicable to naturally formed sinkholes or caves.

**SECTION 22. Demolition Permit Required; Demolition Permit Fees; Double Fee; Demolition or Alteration of Common or Fire Wall; Liability Insurance; Time Limit; Standards; Inspections (see attached KRC R101.2 'Scope');**

- (a) **Demolition Permit Required**; It shall be unlawful to demolish any building, structure or part thereof without filing a written application for a Demolition Permit with the Community Development Department.
- (b) **Demolition Permit Fees**: For the demolition of any building, structure or part thereof, the permit fee shall be:
  - (1) Seventy-five dollars (\$75.00) for all residential or any small commercial that is one (1) story and less than three thousand (3,000) square feet.
  - (2) Ten dollars (\$10.00) for any private, residential accessory structure (garages and storage sheds over 150 square feet).
  - (3) One hundred and fifty dollars (\$150.00) for any commercial and industrial structures and all others exceeding three thousand (3,000) square feet.
- (c) **Double Fee**: Where work for which a permit is required by this ordinance is started or proceeded with prior to obtaining the required permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this ordinance in the execution of the work nor from any other penalties prescribed herein.
- (d) **Demolition or Alteration of Common or Fire Wall**: When demolition of any structure involves alterations to a common, party wall or a fire wall or fire separation wall, the owner or contractor is (1) required to submit detailed plans to the building official detailing scope of work to correct any

defects in the remaining wall(s) and (2) post a bond with the Community Development Department in an amount not less than twenty thousand dollars (\$20,000.00) to insure proper completion of the exposed, remaining wall to building code standards.

- (e) **Liability insurance:** Proof of liability insurance is required to be submitted to Community Development Department by the contractor prior to issuance of demolition permit for protection of adjoining properties and public right-of-way improvements
  
- (f) **Time Limit:** The Property Maintenance Code Enforcement Officer may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced, provided that for cause one (1) or more extensions of time, for periods not exceeding thirty (30) days each, may be allowed in writing by the Enforcement Officer.
  
- (g) **Standards:** The following standards shall apply to demolition:
  - (1) Demolition work, having commenced, shall be pursued diligently and without unreasonable interruption with due regard to safety. It is the intent of this Ordinance to limit the existence of an unsafe condition or nuisance on the premises during the period of demolition operations.
  
  - (2) Any surface holes or irregularities, wells, septic tanks, basements, cellars, sidewalk vaults, or coal chutes remaining after demolition of any building or structure shall be filled with material as approved by the Enforcement Officer, and shall be graded in such manner that will provide effective surface drainage. Any surface irregularities resulting from the demolition process shall be leveled to match surrounding grade.
  
  - (3) All debris and accumulation of material resulting from demolition of any building or structure shall be removed from all premises
  
  - (4) All building sewers shall be effectively plugged with concrete at the property line, or as may be required by the Regional Water Resource Agency (RWRA).

- (h) **Inspections**: The Property Maintenance Code Enforcement Officer shall make the following inspections upon notification from the permit holder or his agent:
- (1) Initial inspection is to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or remain after demolition operations
  - (2) Final inspection is to be made after all demolition work is completed.

**SECTION 23. Severability: Other Legal Authority.**

The provisions of this article are supplemental and in addition to all other federal and state regulatory codes and statutes, and ordinances adopted by the County of Simpson. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise declared invalid, the validity of the remaining sections, subsections, and clauses shall not be affected and shall remain in full force and effect.

**SECTION 24. Validity of Existing Liens Previously Filed.**

The adoption of this Ordinance by the Fiscal Court of the County of Simpson shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Simpson County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this Ordinance; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.

**SECTION 25. Effective Date.**

This ordinance shall be effective upon adoption and publication in the manner required by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

August 1, 2017

FIRST READING

August 29, 2017

SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky, held on August 29, 2017, on motion made by Blake Tarpley and seconded by Bobby Bush, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes B. BUSH  
Yes M. CHANDLER  
yes B. TARPLEY  
Yes L. RANDOLPH  
Yes JIM HENDERSON, COUNTY JUDGE EXEC.

APPROVED BY:  
  
\_\_\_\_\_  
JIM HENDERSON  
COUNTY JUDGE EXECUTIVE

ATTEST:

Pam Rohrs  
\_\_\_\_\_  
CLERK  
COUNTY OF SIMPSON, KENTUCKY