

**381.780 Removal of open toilets in city of first or second class -- City's lien on property for cost of removal.**

- (1) The maintenance of an outdoor toilet not connected to a septic tank or sewer system, hereinafter called an open toilet, within the boundaries of a city of the first or second class is hereby declared to be a public nuisance.
- (2) Any open toilet which presently exists shall be removed by the owner of the property upon which such toilet is located within two (2) years from June 18, 1970. Thereafter, when an open toilet is discovered, the director of sanitation or other responsible officer designated by the city legislative body shall give written notice to the property owner to remove the open toilet and fill the toilet pit within ten (10) days after the date of the notice. The notice shall be mailed to the last known address of the property owner, as it appears on the current tax assessment roll. Upon failure of the owner of the property to comply with the terms of the notice, the director of sanitation or other responsible officer designated by the city legislative body is authorized to send employees upon the property to remove the open toilet and fill the toilet pit.
- (3) The city shall have a lien against the property for the reasonable cost of labor and materials used in removing the open toilet and filling the toilet pit. The affidavit of the director of sanitation or other responsible officer designated by the city shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section, and shall be recorded in the office of the county clerk in the county where the city is located. The lien shall be notice to all persons from the time of its recording and shall bear interest at six percent (6%) per annum thereafter until paid.

**History:** Created 1970 Ky. Acts ch. 282, sec. 1.