

**SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 26 - 05**

AN ORDINANCE PERTAINING TO PRESERVED ACREAGE ON RURAL CLUSTER SUBDIVISIONS

WHEREAS, pursuant to KRS 67.083(h), the fiscal court shall have the power to enact ordinances pertaining to conservation, preservation and enhancement of natural resources including soils, water, air, vegetation, and wildlife; and

WHEREAS, pursuant to KRS 67.083(k), the fiscal court shall have the power to enact ordinances pertaining to planning, zoning, and subdivision control according to the provisions of KRS Chapter 100; and

WHEREAS, the Scott County Fiscal Court is committed to ensuring the long-term preservation of agricultural land, open space, and rural character within Rural Cluster Subdivisions by permanently protecting designated preserve acreage from future subdivision and development.

NOW, THEREFORE, BE IT ORDAINED BY THE SCOTT COUNTY FISCAL COURT:

1. **Conservation Easement Required.** As a condition precedent to the approval and recording of any final subdivision plat for a Rural Cluster Subdivision, all preserve acreage shall be permanently protected by a conservation easement. The conservation easement shall: (a) be granted in perpetuity; (b) prohibit further subdivision of the preserve acreage; (c) prohibit residential, commercial, industrial, and other nonagricultural development within the preserve acreage; (d) preserve the land for agricultural production, forestry, natural resource conservation, open space, wildlife habitat, and other compatible rural uses; (e) be required prior to final plat approval; and (f) be recorded in the office of the Scott County Clerk prior to the recording of the final subdivision plat. The conservation easement shall run with the land and shall be binding upon the owner, the owner's heirs, successors, assigns, and all future owners of the preserve acreage in perpetuity. The Scott County Fiscal Court, the holder of the conservation easement, and any other person authorized by the terms of the easement or applicable law shall have the right to enforce the provisions of the conservation easement through any legal or equitable remedy available under Kentucky law.
2. **Maintenance Assurance for Septic Systems Located on Preserve Acreage.** Where any septic system or related appurtenance serving a rural cluster subdivision is proposed to be located within the required preserve acreage, the developer shall establish a maintenance assurance mechanism prior to approval of the final subdivision plat. The maintenance assurance shall consist of a bond or other financial guarantee approved by the Scott County Fiscal Court for the purpose of ensuring the future inspection, maintenance, repair, replacement, pumping, and operation of any septic system or wastewater treatment facilities located within the preserve acreage. The amount of the financial guarantee shall

be determined in consultation with the Georgetown-Scott County Planning Commission and Health Department based upon the estimated cost of maintaining, repairing, or replacing the system for a period of not less than ten (10) years. The Scott County Fiscal Court may require periodic review and adjustment of the bond amount to account for inflation, changes in maintenance costs, or modifications to the system. The bond or other financial guarantee shall remain in effect for so long as the septic system remains in service. The owner of the preserve acreage, homeowners' association, or other entity responsible for management of the preserve acreage shall be identified in a recorded maintenance agreement approved by the Georgetown-Scott County Planning Commission. The agreement shall assign responsibility for routine inspection and maintenance of the septic system; require compliance with all applicable regulations of the local health department and the Kentucky Cabinet for Health and Family Services; grant the Scott County Fiscal Court the right to draw upon the bond or other financial guarantee in the event of a failure to properly maintain the system; and be recorded in the office of the Scott County Clerk and run with the land. Failure to maintain the required financial guarantee shall constitute a violation of these regulations and may result in withholding of permits, enforcement actions, or other remedies authorized by law.

3. **Preserve Area Septic System Maintenance Master Plan.** Prior to approval of a final subdivision plat for a rural cluster subdivision, the developer shall prepare and submit a Preserve Area Septic System Maintenance Master Plan for review and approval by the Georgetown-Scott County Planning Commission and such other agencies as may be required. The Master Plan shall include, at a minimum: (a) a map identifying the location of all existing and proposed septic systems, replacement areas, drain fields, treatment facilities, access easements, and related infrastructure located within the preserve acreage; (b) identification of the person, homeowners' association, property owners' association, conservation organization, or other entity responsible for long-term maintenance and oversight of each septic system; (c) a schedule for routine inspection, pumping, testing, maintenance, repair, and replacement of septic system components; (d) procedures for responding to system failures, overflows, malfunctions, or other conditions that may threaten public health, groundwater, surface water, or agricultural operations; (e) identification of access routes and easements necessary for inspection, maintenance, repair, and replacement activities; (f) provisions for preserving adequate replacement areas for future septic system repair or replacement; (g) a funding mechanism demonstrating how future maintenance, repair, and replacement costs will be funded, including assessment procedures, reserve accounts, or other financial arrangements; and (h) procedures for transferring maintenance responsibilities to successor owners or entities. The approved Master Plan shall be recorded in the office of the Scott County Clerk and shall run with the land. All present and future owners of lots within the subdivision and all owners of preserve acreage shall be bound by its provisions. The entity responsible for maintenance shall review the Master Plan annually and update it as necessary to reflect changes in ownership, infrastructure, maintenance schedules, or applicable regulations. Failure to maintain or

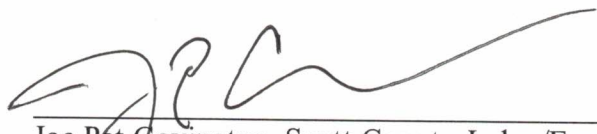
implement the approved Master Plan shall constitute a violation of these regulations and may result in enforcement actions authorized by law, including withholding of permits, civil penalties, or other remedies available to the County. No final plat for a rural cluster subdivision shall be approved until the required Preserve Area Septic System Maintenance Master Plan has been approved and all documents necessary to implement the Plan have been executed and recorded.

4. **Fencing of Septic System Areas Located Within Preserve Acreage.** Prior to approval of a final subdivision plat, all septic system drain fields, replacement areas, and other wastewater treatment facilities located within preserve acreage of a rural cluster subdivision shall be identified on the approved subdivision plan and shall be protected by designated fencing approved by the Georgetown-Scott County Planning Commission. The fencing shall be sufficient to reasonably prevent vehicular traffic over septic system components; livestock access to septic tanks, treatment units, and drain fields; and activities likely to compact soil or damage wastewater treatment infrastructure. The fencing shall comply with the relevant requirements of the adopted Landscape & Land Use Buffer Ordinance. The boundaries of all septic system areas shall be shown on the final plat and on any preserve area management plan. The homeowners' association or other designated entity shall be responsible for maintaining the required fencing in good repair. Required fencing shall not be removed, relocated, or substantially altered unless approved by the Georgetown-Scott County Planning Commission and unless equivalent protection for the septic system and replacement area is provided. The final plat shall identify the existence of the fenced septic system protection area and shall provide notice that such area is subject to restrictions necessary to protect the operation of the septic system. Failure to install or maintain the required fencing shall constitute a violation of these regulations and may result in enforcement action, including withholding permits, issuance of citations, or other remedies authorized by law.
5. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.
6. **Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.
7. **Effective Date.** This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 25, 2026

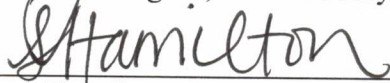
PUBLICLY READ SECOND TIME AND PASSED: July 7, 2026

APPROVED:



Joe Pat Covington, Scott County Judge/Executive

ATTEST:



Stacy Hamilton, Scott Fiscal Clerk