

ORDINANCE NO. ____-2016

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO COMPLY WITH THE PROVISIONS OF 65.8801 ET SEQ., AND MORE SPECIFICALLY RENUMBERING AND AMENDING THE SECTIONS OF CHAPTER 2B OF THE CODE TO PROVIDE FOR THE APPLICATION OF THE CHAPTER TO ALL ADMINISTRATIVE HEARINGS RELATED TO THE ISSUANCE OF CIVIL FINES; DEFINITIONS; LIMITATIONS ON BOARD MEMBERS; SPECIAL OR EMERGENCY MEETINGS; ADMINISTRATIVE APPEALS TO TAKE PLACE BEFORE HEARING OFFICERS AND ESTABLISHING THEIR ELIGIBILITY, EXPERIENCE, AND TRAINING; ADMINISTRATIVE ENFORCEMENT PROCEEDINGS, CITATIONS, WAIVERS OF APPEALS, AND FINAL ORDERS; NOTIFICATION OF HEARINGS AND NOTICE OF FINAL ORDERS, OATHS, SUBPOENAS, FINDINGS OF FACT, NOTIFICATION, APPEALS, AND THE DESIGNATION OF A SECRETARY TO THE BOARD; APPEALS FROM HEARING OFFICER'S FINAL ORDERS AND NON-APPEALABLE ORDERS; AFFIDAVIT OF THE CODE ENFORCEMENT OFFICER FOR LIENS; CHARGES, FEES, AND ABATEMENT COSTS FOR THE LIENS, THE LIEN NOT AFFECTING THE RIGHTS OF THE PROPERTY OWNER AS TO OTHER SECURED PARTIES, THE INSTITUTION OF LEGAL PROCEEDINGS AND THE IMPLEMENTATION OF A NOTIFICATION SYSTEM TO LIENHOLDERS; AMENDING SUBSECTIONS 13-73.2(1), (2), (6), (7) AND (8) OF THE CODE TO PROVIDE FOR THE APPLICATION OF CHAPTER 2B OF THE CODE, CITATIONS, MAXIMUM FINES RANGING FROM \$25 TO \$300 BASED UPON THE NUMBER OF VIOLATIONS WITHIN ANY CALENDAR YEAR, AND THE ABILITY TO TAKE AN ALARM USER AWARENESS CLASS A SINGLE TIME IN ORDER TO AVOID PAYING A FINE; AMENDING SECTION 13-73.3 OF THE CODE TO PROVIDE AN APPEAL TIME FOR WARNING NOTICES, ORDERS OF SUSPENSION OR REVOCATION, OR CITATIONS; AMENDING SUBSECTIONS 13-73.4(2) AND (3) OF THE CODE TO PROVIDE FOR ASSIGNED HEARING OFFICERS; AMENDING SUBSECTION 16-34.1(C) OF THE CODE TO PROVIDE FOR ABATEMENT PURSUANT TO CHAPTER 2B OF THE CODE; AMENDING SUBSECTIONS 16-50(A) AND (G) OF THE CODE TO PROVIDE FOR THE APPLICATION OF CHAPTER 2B OF THE CODE AND THE ISSUANCE OF MAXIMUM CIVIL FINES RANGING FROM \$400 TO \$1,000 BASED UPON THE NUMBER OF CITATIONS WITHIN ANY 12-MONTH PERIOD; AMENDING SUBSECTION 16-76.1(C) OF THE CODE TO PROVIDE FOR THE APPLICATION OF CHAPTER 2B OF THE CODE AND DELETING SUBSECTIONS 16-76.1(D), (E), AND (F); AMENDING SECTION 16-77 OF THE CODE TO PROVIDE FOR ASSIGNED HEARING OFFICERS AND THE APPLICATION OF CHAPTER 2B OF THE CODE; AMENDING SUBSECTIONS 16-202(B) AND (D) OF THE CODE TO PROVIDE FOR THE APPLICATION OF CHAPTER 2B OF THE CODE; AMENDING SUBSECTIONS 16-205(A), (B), AND (D) OF THE CODE TO PROVIDE FOR THE APPLICATION OF CHAPTER 2B OF THE CODE AND DELETING SUBSECTION 16-205(E); AMENDING SUBSECTIONS 16-206(C) AND (F) OF THE CODE TO REFERENCE SECTION 2B-9 OF THE CODE, DELETING SUBSECTIONS 16-206(G), (H), AND (I), AND RENUMBERING SUBSECTION 16-206(J) TO SUBSECTION 16-206(G); AMENDING SUBSECTION 17-4(D) OF THE CODE TO PROVIDE FOR THE APPLICATION OF CHAPTER 2B OF THE CODE; AMENDING SECTION 17-4.1 OF THE CODE TO REFERENCE CITATIONS AND SUBSECTION 6-8(K) OF THE LAND SUBDIVISION REGULATIONS OF THE ZONING ORDINANCE, AND TO PROVIDE FOR MAXIMUM CIVIL FINES RANGING FROM \$100 TO \$500 BASED UPON THE NUMBER OF CITATIONS WITHIN ANY 12-MONTH PERIOD AND ALLOWING FOR RECOVERY OF RELATED COSTS AND FEES; AMENDING SECTIONS 17-4.2 AND 17-4.3 OF THE CODE TO ADD ASSIGNED HEARING OFFICERS; AMENDING SECTION 17-4.8 OF THE CODE TO REFERENCE SECTION 2B-9 OF THE

CODE PERTAINING TO LIENS; AMENDING SUBSECTION 17B-13(C) OF THE CODE TO PROVIDE FOR MAXIMUM CIVIL FINES RANGING FROM \$200 TO \$500 BASED UPON THE NUMBER OF CITATIONS WITHIN ANY 12-MONTH PERIOD; ALL EFFECTIVE ON JANUARY 1, 2017.

WHEREAS, House Bill 422 was enacted during the 2016 General Legislative Session and requires the Lexington-Fayette Urban County Government to make certain changes to its existing ordinances related to administrative hearing boards; and

WHEREAS, Lexington-Fayette Urban County Government wishes to conform to the requirements of House Bill 422 in order to continue to utilize civil fines and remedial orders and to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with certain ordinances in force within Lexington-Fayette County;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 2B-1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2B-1. Administrative hearing boards.

This chapter of the code of ordinances is adopted pursuant to KRS 65.8801, et seq. It is the intent of the urban county government that it apply to all administrative hearing boards of the urban county government which are empowered to hear appeals related to the issuance of civil fines unless expressly stated otherwise. All civil fines for violations of ordinances shall be as provided in the applicable chapter or section of the code. [The provisions of this chapter shall apply to all code enforcement boards created by the urban county government pursuant to KRS Sections 65.8801, et seq. Such a board shall hereinafter be referred to as a code enforcement board or board. This chapter shall not apply to the administrative hearing board created pursuant to chapter 12 of the code of ordinances.]

Section 2 - That Section 2B-2 of the Code of Ordinances be and hereby is amended in its entirety to read as follows:

Sec. 2B-2. Definitions.

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

(a) "Abatement Costs" means the urban county government'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 any ordinance.

(b) "Code Enforcement Board" or "Board" means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839 and this chapter.

(c) "Code Enforcement Officer" means a police officer, peace officer, safety officer, citation officer, or other person authorized by state law or ordinance to issue a citation for a violation of a particular ordinance.

(d) "Final Order" means any order:

(1) Issued by an assigned hearing officer in accordance with section 2B-7;

(2) Created because a violator neither paid nor contested the citation within seven (7) days as provided in section 2B-6; or

(3) Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in section 2B-7.

(e) "Imminent Danger" means a condition which is likely to cause serious or life-threatening injury or death at any time.

(f) "Owner" means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

(g) "Premises" means a lot, plot or parcel of land, including any structures upon it.

Section 3 - That Section 2B-2 of the Code of Ordinances be and hereby is renumbered to Section 2B-3 of the Code, and subsection 2B-3(j) of the Code is created to read as follows:

Sec. 2B-3. Membership of board.

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(j) No member of a Board shall hold any elected or nonelected office, paid or unpaid, or any position of employment with the government.

Section 4 - That Section 2B-3 of the Code of Ordinances be and hereby is renumbered to Section 2B-4 of the Code, and subsection 2B-4(b) of the Code is amended to read as follows.

Sec. 2B-4. Organization; meetings.

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(b) Meetings of each board shall be held as specified in the ordinance creating that board. A Board or assigned hearing officer shall be authorized to conduct special or emergency meetings in accordance with the Kentucky Open Meetings law.

Section 5 - That Section 2B-4 of the Code be and hereby is renumbered to Section 2B-5 of the Code, and is amended to read as follows:

Sec. 2B-5. Powers; Hearing Officers.

~~Each Code Enforcement Board shall have the power to:~~

(a) The Board shall have the power to Aadopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with the requirements of KRS 65.8801 to 65.8839 and any applicable ordinances.

(b) The Board shall conduct all hearings through the use of ~~[, or assign]~~ a assigned hearing officers ~~[to conduct a hearing], who shall to determine~~ whether there has been a violation of any local government ordinance that the Board has jurisdiction to enforce. ~~[Any member of the code enforcement board, including the chairman, may be assigned to conduct hearings on behalf of the board. All hearing officers, including members of a code enforcement board who serve as hearing officers, shall receive training related to the conduct of administrative hearings in accordance with procedures set out in KRS 13B.080].~~

(c) The following shall apply to all hearing officers, hearings, Final Orders, and appeals:

(1) Eligibility. The Board may assign any of its members, including the chair, to be a hearing officer. The Board may also assign an individual who is not a member of the board as long as he or she does not hold any elected or appointed office or position of employment with the urban county government.

(2) Experience and training. All hearing officers shall have experience or shall have received training in the code enforcement process and basic procedural due process and as otherwise required by state law. The Board may also establish additional standards in writing, including but not limited to examples of qualifying experience and training, and minimum amounts of experience or training required.

~~[(c) — Subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas issued by the board may be served by any code enforcement officer.~~

~~(d) — Take testimony under oath. The chairman of the board, or an assigned hearing officer, shall have the authority to administer oaths to witnesses prior to their testimony before the board on any matter.~~

~~(e) — Make findings and issue orders that are necessary to remedy any violation of an ordinance that the board has jurisdiction to enforce.~~

~~(f) — Impose civil fines as authorized by ordinance on any person found to have violated any ordinance that the board has jurisdiction to enforce.]~~

Section 6 - That Section 2B-5 of the Code of Ordinances be and hereby is renumbered to Section 2B-6 of the Code, and is amended to read as follows:

Sec. 2B-6. Enforcement proceedings; citations.

The following requirements shall govern all administrative enforcement proceedings: ~~[(a) — A "code enforcement officer" shall mean a peace officer or other person authorized by state law or ordinance to issue a citation for a violation of a particular ordinance.]~~

~~(a)~~~~(b)~~ Enforcement proceedings ~~[before a code enforcement board]~~ shall be initiated by the issuance of a citation by a Code Enforcement Officer.

~~(b)~~~~(c)~~ When a Code Enforcement Officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of an ordinance, the officer is authorized to issue a citation by:

- (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 of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.

A Code Enforcement Officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time if authorized by ordinance for a violation of that nature. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation. Nothing in this section shall prohibit the government from taking immediate action if necessary as further provided in section 2B-10.

~~(c)~~~~(d)~~ The citation issued by the Code Enforcement Officer shall be in a form prescribed by the urban county government and shall contain, in addition to any other information required by ordinance or rule of the Board:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code or the number of the ordinance violated;
- (6) The name of the Code Enforcement Officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation (if the ordinance establishing the fine provides for such an option);
- (8) 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 an administrative hearing [~~before the code enforcement board~~] to contest the citation and that the determination that a violation was committed shall be final and the person shall be deemed to have waived his or her right to appeal.

~~(d)~~~~[41]~~ After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the Board.

(e) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, an administrative hearing [~~before the code enforcement board~~] 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 to contest the citation 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 a violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived his or her right to an appeal [~~the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation~~].

Section 7 - That Section 2B-6 of the Code of Ordinances be and hereby is renumbered to Section 2B-7 of the Code, and is amended to read as follows:

Sec. 2B-7. Hearings and procedure.

(a) When an administrative hearing [~~before the code enforcement board~~] is requested [~~by the Board, through its clerical and administrative staff,~~] a hearing shall be scheduled. [~~shall schedule a hearing.~~] Not less than seven (7) days before the date set for the hearing, [~~the board shall notify~~] the person who requested the hearing of the date, time, and place of the hearing, will be notified in writing of the date, time, and place of the hearing. The notice may be given by regular first-class mail; certified mail, return receipt requested; by 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. 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 that a violation was committed and imposing the civil fine set forth in the citation, and the person shall be deemed to have waived his or her right to appeal. [~~the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.~~] Notice of the Final Order shall be provided to the cited violator in the manner set forth in paragraph (i), below.

(b) Any party to an administrative hearing may participate in person or may be represented by counsel. Each case that is the subject of a hearing may be presented by an attorney selected by the urban county government or by a member of the administrative staff of the government. An attorney may either be counsel to the Code Enforcement Board and Hearing Officer or may represent the urban county government by presenting cases at the hearing, but in no case shall an attorney serve in both capacities.

(c) A hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence to the hearing to which the officer is assigned.

(~~d~~[e]) All testimony shall be under oath and shall be recorded. The [~~code enforcement board or assigned~~] hearing officer shall take testimony from the Code Enforcement Officer, the alleged offender, and any witnesses to the alleged violation offered by the Code Enforcement Officer or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Any person, upon request, may receive a copy of the recording, provided, however, that the party making the request shall be responsible for the cost of any transcript or copy.

(~~e~~[d]) Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party, or if such practice is authorized by statute. Any party shall have the right, upon reasonable request, to inspect the documentary or tangible evidence relating to

an administrative hearing, either in person or through counsel. Copies of documentary evidence may be obtained by parties upon the payment of a fee, except where disclosure is protected by state or federal law.

(f [e]) Objections to evidentiary offers may be made by any party and shall be noted in the record.

(g [f]) The hearing officer [board] may take official notice of any matter of which a court of the Commonwealth of Kentucky may take such notice.

(h) Following a hearing, the hearing officer shall make written findings of facts and conclusions of law, and enter a Final Order which includes the date the order was issued. When a hearing officer determines that no violation was committed, an order dismissing the citation shall be entered. When a hearing officer determines that a violation has been committed, an order shall be issued upholding the citation and the hearing officer may order the offender to pay a civil fine in an amount up to the maximum authorized by ordinance, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both.

(i) Within twenty-four (24) hours of entry, these findings, conclusions, and final order shall be forwarded to the violator(s), and to the Board. The findings, conclusions, and order may be delivered to the violator(s) at the conclusion of the hearing or 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 delivery.

(j) A violator(s) may appeal a Final Order issued as a result of a hearing directly to Fayette District Court, in accordance with section 2B-8.

(k) The chief administrative officer shall designate a staff person to serve as secretary to each Board. The secretary shall file a detailed record of all proceedings in the office of the appropriate commissioner or director.

~~[(g) If a code enforcement board conducts the hearing, or upon the receipt of recommendations of a hearing officer pursuant to this subsection, then the code enforcement board shall determine, based on the evidence presented, whether a violation was committed. If a hearing officer conducts the hearing, the hearing officer shall make written findings of fact, conclusions of law, and a recommended order for consideration by the board. When the board determines that no violation was committed, an order dismissing the citation shall be entered. When the board determines that a violation has been committed, the board shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized by ordinance, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both, as authorized by ordinance.]~~

~~(h) Every final order of a code enforcement board shall be reduced to writing, which shall include the findings and conclusions of the board, and the date the order was issued. A copy of the order shall be furnished to the person named in~~

~~the citation. If the person named in the citation is not present at the time a final order of the board is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that 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 order.]~~

Section 8 - That Section 2B-7 of the Code of Ordinances be and hereby is renumbered to Section 2B-8 of the Code, and is amended to read as follows:

Sec. 2B-8. Appeals.

(a) An appeal from any Final Order issued by a hearing officer [~~code enforcement board~~] may be made to the Fayette 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 [~~board's order~~] in the same manner as any civil action under the Rules of Civil Procedure.

(b) A judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

(c) If no appeal from a Final Order issued by a hearing officer [~~of a code enforcement board~~] is filed within the time period set forth in this section, the [~~code enforcement board's~~] order shall be deemed final for all purposes.

(d) Pursuant to state law and this chapter, the failure to timely utilize the administrative hearing process to challenge a citation or to appear at the administrative hearing shall result in a Final Order which is not appealable.

Section 9 - That Section 2B-8 of the Code of Ordinances be and hereby is renumbered to Section 2B-9 of the Code, and is amended to read as follows:

Sec. 2B-9. Liens; personal liability; releases; notifications.

(a) The urban county government shall possess a lien on property owned by the person found by a Final Order [~~final, non-appealable order of a code enforcement board~~], or by a final judgment of the court, to have committed a violation of a local government ordinance for all civil fines assessed for the violation and for all charges and fees incurred by the [~~local~~] government 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 the regularity of the proceedings pursuant to KRS 65.8801 to KRS 65.8839. 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 take precedence over all other subsequent liens, except state, county, school board, and city taxes unless otherwise provided by law, and may be enforced by judicial proceedings.

(b) 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 the lien, including all civil fines associated for the violation and for all charges, fees, and abatement costs incurred by the local government in connection with the enforcement of the ordinance. ~~[all fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance.]~~ The urban county [local] government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(c) Pursuant to state law, nothing in this section shall otherwise affect the rights or obligation between the owner of the property and those persons who claim a security interest in the property.

(d)(e) The mayor is authorized and directed to execute a release of the lien:

- (1) Upon payment in full of all civil fines, charges and fees evidenced by the lien, together with applicable interest,
- (2) Upon conclusion of court proceedings resulting in the sale of the property regardless of whether any part of the liens, charges and fees were paid from the proceeds of the sale, or
- (3) Upon a determination made in conjunction with the commissioner of law and the appropriate commissioner or director that the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.

~~The lien release shall be recorded in the office of the county clerk.~~

(e [d]) The commissioner of law is hereby authorized to make the determination that liens shall not be filed if the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.

(f) The commissioner of law is hereby authorized to institute proceedings, in the name of the urban county government, in any court having jurisdiction over such matter, to enforce any liability or lien arising under a civil enforcement action taken pursuant to this chapter of the code.

(g) The urban county government shall implement a system for notification to lienholders that meets the minimum requirements of KRS 65.8836 and which permits remedial action by lienholders as provided in that statute. The personnel responsible for compliance with this section shall be as directed by the chief administrative officer.

Section 10 - That Section 2B-9 of the Code of Ordinances be and hereby is renumbered to Section 2B-10 of the Code, and is amended to read as follows:

Sec. 2B-10. Immediate action by government.

Nothing contained in this chapter shall prohibit the urban county government from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the existence of the violation presents imminent danger, 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 11 - That subsections of Section 13-73.2(1), (2), (6), (7), and (8) of the Code of Ordinances be and hereby are amended to read as follows:

Sec. 13-73.2. - False alarms.

(1) When an alarm system generates a false alarm in any calendar year, the alarm administrator shall issue a warning notice to the alarm user and the alarm company providing service for that alarm system informing them that subsequent false alarms within the same calendar year may subject the alarm user to civil fine. Unless otherwise specified herein, the provisions of chapter 2B of the code of ordinances shall apply to all civil enforcement.

(2) Any alarm system that has four (4) or more false alarms in any calendar year shall subject the alarm user to a maximum civil fine, which must be issued in the form of the citation specified in section 2B-6 of the code of ordinances, as follows:

Violation Maximum Civil Fine

- Fourth ~~\$25.00~~ [~~\$50.00~~]
- Fifth \$60.00 [~~100.00~~]
- Sixth \$125.00 [~~200.00~~]
- Seventh \$200.00 [~~300.00~~]
- Eighth \$250.00 [~~400.00~~]
- Ninth \$300.00 [~~500.00~~]

If the alarm user does not contest the citation issued for a false alarm, then the civil fine shall be in the amount of the citation. [~~as follows:~~

~~Violation Uncontested Civil Fine~~

- ~~Fourth \$25.00~~
- ~~Fifth 60.00~~
- ~~Sixth 125.00~~
- ~~Seventh 200.00~~
- ~~Eighth 250.00~~
- ~~Ninth 300.00]~~

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(6) Alarm users shall have the option of attending the alarm user awareness

class approved or created by the alarm administrator in lieu of paying one (1) civil fine. An alarm system user who elects to attend an alarm user awareness class shall not be eligible to attend the alarm user awareness class more than once and must notify the alarm administrator in writing prior to the deadline for filing an appeal from the citation of the election to take the class ~~[again during the same calendar year]~~.

(7) Any person operating an alarm system without the required license or permit or while the required license or permit is suspended or revoked shall be subject to an additional civil fine of one hundred dollars (\$100.00) for each false alarm, which shall be issued in the form of the citation specified in section 2B-6 of the code of ordinances.

(8) If cancellation occurs before the responding local law enforcement agency arrives at the alarm site the alarm will not be considered a false alarm and no warning notice or citation will be issued ~~[and no civil fine will be assessed]~~.

Section 12 - That Section 13-73.3 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73.3. - Appeal of warning notice, civil fines, suspension and revocation.

~~[(1)]~~ Any person who has received a warning notice, a citation ~~[civil fine notice]~~ or an order of suspension or revocation shall have a right to appeal such order to the alarm advisory board. Any appeal of an order of a warning notice or an order of suspension or revocation must be in writing and shall be filed with the alarm administrator within ten (10) days of receipt of the notice or order. An appeal from a citation must comport with the requirements of section 2B-7 of the code of ordinances. All appeals will be heard by an assigned hearing officer as provided in section 2B-5 of the code of ordinances using the process provided in chapter 2B of the code.

~~[(2)]~~ ~~A timely written appeal shall stay the notice or order pending determination of the appeal. A notice or an order shall be dissolved immediately if the decision of the alarm advisory board reverses the notice or order of the alarm administrator.]~~

Section 13 - That subsections 13-73.4 (2) and (3) of of the Code of Ordinances be and hereby are amended to read as follows:

Sec. 13-73.4. - Reinstatement.

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(2) If after a reinstatement conference the alarm administrator finds that the petitioner has failed to establish that permit or license reinstatement and renewed

use of the system will not result in excessive false alarms and will not constitute a public nuisance, the suspension or revocation shall remain in effect and the petitioner may appeal the ruling to an assigned hearing officer acting for the alarm advisory board.

(3) If after an appeal the assigned hearing officer [~~alarm advisory board~~] finds that the petitioner has failed to establish that permit or license reinstatement and renewed use of the system will not result in excessive false alarms and will not constitute a public nuisance, the suspension or revocation shall remain in effect. If, after the initial reinstatement conference or after an appeal, the petitioner has established through proof of renewed user training, system maintenance, modification or repair that permit or license reinstatement and use of the system will not result in excessive false alarms and will not constitute a public nuisance, the order of suspension or revocation shall be dissolved upon submission of a new permit application and payment of a nonrefundable reinstatement fee of fifteen dollars (\$15.00).

Section 14 – That subsection 16-34.1(c) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-34.1. - Failure to maintain privately owned roadways or alleyways declared nuisance.

* * * * *

(c) Any person who causes or maintains a nuisance in violation of subsections (a) and (b) of this section is subject to having the nuisance abated by the urban county government at the expense of that person pursuant to chapter 2B of the code of ordinances [~~the abatement procedure pursuant to sections 12-? of this Code, except those provisions related to the urban county government having a lien against the property~~].

Section 15 - That subsections 16-50(a) and (g) of the Code of Ordinances be and hereby are amended to read as follows:

Sec. 16-50. - Penalty.

(a) Except as otherwise specified herein, the provisions of chapter 2B of the code of ordinances shall apply to all civil enforcement actions. Any person found to be violating any provision of sections 16-36 through 16-46 or 16-48 through 16-55, or any provision of a permit or order issued under these sections, shall, for the first violation of such section, be served by the urban county government with written notice of violation stating the nature of the violation and providing a reasonable time period of at least twenty-four (24) hours for the satisfactory correction thereof. The offender shall, within the time stated in such notice, permanently cease all violations. No notice of violation shall be required prior to the issuance of a citation for any offense which occurs after the first citation is issued to a person or entity for the same property address.

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- (g) For violation of sections 16-37, 16-38, 16-40, 16-40.1, 16-41, 16-44 or 16-48 the civil fines associated with the issuance of a citation are as follows:
- (1) Upon issuance of the first citation for violation of these sections within any twelve-month period the maximum fine shall be four hundred dollars (\$400.00) [~~but shall be two hundred dollars (\$200.00) if the person committing the offense does not appeal the citation in accordance with chapter 2B~~].
 - (2) Upon the issuance of the second citation for violation of these sections within any twelve-month period the maximum fine shall be six hundred dollars (\$600.00) [~~but shall be four hundred dollars (\$400.00) if the person committing the offense does not appeal the citation in accordance with chapter 2B~~].
 - (3) Upon issuance of the third citation for violation of these sections within any twelve-month period the maximum fine shall be eight hundred dollars (\$800.00) [~~but shall be six hundred dollars (\$600.00) if the person committing the offense does not appeal the citation in accordance with chapter 2B~~].
 - (4) Upon issuance of the fourth or more citation for violation of these sections within any twelve-month period the maximum fine shall be one thousand dollars (\$1,000.00) [~~but shall be eight hundred dollars (\$800.00) if the person committing the offense does not appeal the citation in accordance with chapter 2B~~].

Section 16 - That subsections 16-76.1(d), (e), and (f) of the Code of Ordinances be and hereby are deleted in their entirety, and subsection 16-76.1(c) of the Code is amended to read as follows:

Sec. 16-76.1. - Members.

- (c) Terms and qualification: Appointed board members, and alternate members shall serve a term of three (3) years from the date of appointment, provided that the terms of those originally appointed shall be for one (1) year, two (2) years, and three (3) years, so as to be staggered in the manner required by KRS 65.8811 and shall be subject to the provisions of section 2B-3 of the code of ordinances. All administrative hearings shall take place before an assigned hearing officer in conformity with chapter 2B of the code. [~~Vacancies shall be filed for an unexpired term within (60) days by the mayor in the manner prescribed for the original appointment. Board members, and alternate members, shall have been a resident of Fayette County for a minimum of one (1) year prior to appointment and shall reside there throughout the term of office.~~]

~~(d) — Removal: Members of the board, and alternate members, may be removed by the mayor for misconduct, inefficiency, or willful neglect of duty. In exercising the power to remove a member, the mayor shall submit a written statement to the member, or alternate member, and to the urban county council setting forth the reasons for the removal. The member, or alternate member, so removed shall have the right of appeal to the circuit court.~~

~~(e) — Oath of office: All members of the board shall, before entering upon their duties, take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.~~

~~(f) — No member, or alternate member, of the board shall be compensated for service but may be reimbursed for actual costs or expenses incurred by reason of service on the board].~~

Section 17 - That Section 16-77 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-77. - Meetings.

The board or its assigned hearing officer shall meet on a designated day of each calendar month, as established by the board, if written applications for appeal have been filed or other business is pending before the board, or at such other times as deemed necessary by the board. The board secretary shall give ~~seven (7) days'~~ public notice of board meetings or administrative hearings in conformity with chapter 2B of the code. An application for appeal shall not be heard by the assigned hearing officer ~~[board]~~ until the required public notice has been given.

Section 18 - That subsections 16-202(b) and (d) of the Code of Ordinances be and hereby are amended to read as follows:

Sec. 16-202. Enforcement; response authorities; rights; remedies.

* * * * *

(b) Civil citations: Any person who violates any provision of chapter 16 shall for every civil offense be subject to civil fine for each day the violation continues based upon the provisions in section 16-203. [

~~(4)]~~ All civil citations issued for violations of any provision of chapter 16 shall be issued by an authorized citation officer or a peace officer and shall contain the information required in chapter 2B of the code and ~~[section 2B-5 and the following:~~

~~(a) — The specific civil fine of less than the maximum that will be imposed if the person does not contest the citation and complies with any administrative order issued therewith or remedial measures in a related notice of violation;~~

~~(b) — The procedure for payment of the civil fine or contesting the citation;~~

~~(c) — A statement that if the person fails to contest the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing before an administrative hearing board to contest the citation, the determination of the citation officer that a violation was committed shall be final, and the person shall be adjudicated to be in violation; and~~

~~(d) — A] a cross-reference to the notice of violation or administrative order that describes the corrective or remedial measures to be taken by the violator to address the violation. The notice of violation or administrative order may be attached to the citation. [~~

~~(2) — After issuing a citation to an alleged violator, the citation officer shall notify the environmental hearing board or infrastructure hearing board, as appropriate, by delivering a copy of the citation to the administrative official designated by the board.~~

~~(3) — Appeal of the citation may be made to the appropriate hearing board as provided in chapter 2B and section 16-205.]~~

* * * * *

(d) All notices of violation and [;] administrative orders[; and citations] may be served upon the responsible party by personal service or by regular mail, and if the responsible party is not the property owner, a copy shall also be provided to the property owner (or, where appropriate, his designee pursuant to subsection 16-10(e)), by personal service or by fax transmission or by regular mail to the last known address of the owner of the property as it appears on the current tax assessment roll or to the designee's address. All citations shall be served in conformity with section 2B-6 of the code.

Section 19 - That subsection 16-205(e) of the Code of Ordinances be and hereby is deleted in its entirety, and subsections 16-205(a), (b), and (d) of the Code are amended to read as follows:

Sec. 16-205. - Appeal.

(a) Any person affected by a determination of the director of environmental services [policy] under subsections 16-4(b)(3) or 16-4.1(c), or the assessment of a civil fine in a civil citation issued in connection with the enforcement of article II, shall have the right to be granted a hearing on the matter. To perfect an appeal such person shall file, with the environmental hearing board, or its designee, a written request for such hearing and the grounds therefore within the time

~~established under section 2B-6 of the code. [seven (7) days. The seven-day period provided for appeal in this subsection shall be deemed to commence on the day of service of the citation/administrative order.]~~ A notice of violation issued pursuant to section 16-202(a)(2)(a) is not a final determination and shall not be subject to appeal under this section.

(b) Any person affected by a determination of the director of environmental policy under section 16-202, the assessment of a civil fine in a civil citation issued in connection with the enforcement of this chapter, or any administrative order issued pursuant to this article, shall have the right to request and shall have granted a hearing on the matter. To perfect an appeal such person shall file, with the infrastructure hearing board as set forth in article IX, or its designee, a written request for such hearing and the grounds therefor in the manner and time specified in section 2B-6 of the code. ~~[within seven (7) days. The seven-day period provided for in this subsection shall be deemed to commence on the day of service of the citation/administrative order.]~~ A notice of violation issued pursuant to subsection 16-202(a)(2)(a) is not a final determination and shall not be subject to appeal under this section.

* * * * *

(d) All appeals shall be as specified in chapter 2B of the code. ~~[appeal from a hearing board's determination may be made to the Fayette District Court within thirty (30) days of the board's determination pursuant to KRS 65.8831.]~~

~~(e) — A judgment of the Fayette District Court may be appealed to the circuit court in accordance with the rules of civil procedure.]~~

Section 20 - That subsections 16-206(g), (h), and (i) of the Code of Ordinances be and hereby are deleted in their entirety, subsection 16-206(j) of the Code is renumbered as subsection 16-206(g), and subsections 16-206(c) and (f) of the Code are amended to read as follows:

Sec. 16-206. - Expenses; violation of chapter 16; abatement by the urban county government; other enforcement actions.

* * * * *

(c) When there is reason to believe that the violation of chapter 16 presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the continuation of the violation would be irreparable, irreversible, or otherwise detrimental to the environment, the urban county government may abate the conditions without prior notice. In such cases the government may, in addition to any civil fine imposed on the violator, charge the responsible person with an administrative fee of two hundred and fifty dollars (\$250.00) and with the costs for any expense, loss or damage incurred by the

urban county government by reason of such violation. Said person shall also be liable for the costs of repairing or restoring any sanitary sewer, stormwater control device, or other infrastructure or stream that is damaged, obstructed or impaired by such violation to its pre-existing condition. The urban county government may file a lien for the costs of such abatement in accordance with section 2B-9 of the code [8] and this article. Citations, if issued, shall not preclude the government from abating the conditions and billing the responsible person, persons, or entities for the cost of abatement.

* * * * *

(f) The urban county government may file a lien for the cost of such abatement under subsections (c) and (d) in accordance with section 2B-9 of the code [8] and this article.

~~[(g) Release of lien: The mayor is hereby authorized and directed to execute a release of the lien provided for in subsection (f) upon payment in full of the nuisance abatement cost evidenced by the lien or upon conclusion of court proceedings resulting in the sale of the property regardless of whether any portion of the costs were paid from the proceeds of the sale. The lien release shall be filed in the county clerk's office.]~~

~~(h) Unenforceable liens: The commissioner of law is hereby authorized to make the determination that liens shall not be filed for the cost of abatement if the cost of nuisance abatement is fifty dollars (\$50.00) or less and the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.~~

~~(i) Nothing contained herein shall preclude the urban county government from the enforcement of chapter 16 by any other means authorized by law.]~~

(g [j]) Pursuant to 401 KAR 5:057 S [s]ection 6[(4)(b)(7)], relating to pretreatment program requirements, the names of all industrial dischargers that significantly violated applicable pretreatment standards in the previous twelve (12) months will be published in the largest local daily newspaper at least annually.

Section 21 - That subsection 17-4(d) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-4. - Maintenance of number display; defacement; noncompliance, penalties.

* * * * *

(d) Alternative civil enforcement. Except as otherwise specified herein, the provisions of chapter 2B of the code of ordinances shall apply to all civil enforcement actions. As an alternative remedy to the criminal penalties contained in this section, any person who violates any provision of sections 17-2 through 17-4, or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance, may be assessed civil fines of not less than fifty dollars

(\$50.00) nor more than five hundred dollars (\$500.00), pursuant to the civil fine guidelines in section 17-4.1. [~~For the purposes of civil enforcement, "person" means an individual, corporation, partnership, association, or any other legal entity, and "owner" means any person, agent, operator, firm, or corporation or other legal entity having a legal or equitable interest in the property where the violation occurs.~~]

Section 22 - That Section 17-4.1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-4.1. - Notice of violation; fines.

(a) Notice of violation. Prior to issuing the initial civil citation for any violation, the director, enhanced 911 or his representative, who shall be referred to hereinafter as the "code enforcement officer", may [~~shall~~] first issue a written notice of violation. The notice of violation shall provide the following:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the notice of violation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code of ordinances or zoning ordinance violated;
- (6) The name of the code enforcement officer issuing the notice of violation;
- (7) The period of time within which the violation must be corrected in order to avoid the issuance of a citation; and
- (8) A statement to the effect that the failure to abate or correct the violation may result in the issuance of a citation and civil fine in the amounts set forth in this section.

(b) The provisions of chapter 2B of the code shall apply to the issuance of all civil citations and the administrative hearing process.

(c) Notices of violation [~~and citations~~] shall be served upon the person in violation, which in most instances shall be the owner of the property where the violation(s) exists. The following methods of service are deemed to be sufficient: any method of personal service recognized under Kentucky law and/or the Kentucky Rules of Civil Procedures; mailing the notice [~~or citation,~~] via regular U.S. mail to the last known address of that person as it appears on the current tax assessment roll; delivery of the notice [~~or citation~~] by certified mail, return receipt requested; or in the event that the address of the person in violation cannot readily be ascertained from the tax rolls in the exercise of reasonable

diligence, publication in a newspaper of general circulation for two (2) consecutive days upon the code enforcement officer making an affidavit to that effect. If notice is made by publication, a copy of such notice shall also be posted in a conspicuous place on the premises affected by the notice. All costs incurred in serving a person are recoverable. Any person may designate, in writing on a form provided by and filed with the division of enhanced 911, the name and address to where any notice or citations can be provided, and service to said name and address shall be sufficient. However, such designation does not shift or change the responsibility for compliance with the provisions of sections 17-2 to 17-4 to the designee, instead of the designating person. All citations shall be served in the manner specified in section 2B-6 of the code.

(d) Civil fines assessed for violations of sections 17-2 through 17-4 or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance shall be based on the number of citations issued within a twelve-month period as follows:

- (1) The civil fine imposed upon the issuance of the first citation within any twelve-month period shall be a maximum of one hundred dollars (\$100.00) [~~but shall be fifty dollars (\$50.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code];~~];
- (2) The civil fine imposed upon the issuance of the second citation within any twelve-month period shall be a maximum of two hundred dollars (\$200.00) [~~but shall be one hundred dollars (\$100.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code];~~];
- (3) The civil fine imposed upon the issuance of the third citation within any twelve-month period shall be a maximum of three hundred dollars (\$300.00) [~~but shall be one hundred fifty dollars (\$150.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code; and]~~];
- (4) The civil fine imposed upon issuance of the fourth or more citation of the same nature within any twelve-month period shall be a maximum of five hundred dollars (\$500.00) [~~but shall be two hundred fifty dollars (\$250.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code]; and~~];
- (5) All fines may also include all charges and fees incurred by the government in connection with enforcement, including but not limited to

an administrative fee of seventy-five dollars (\$75.00) and the costs of service, publication, and recording.

Section 23 - That Section 17-4.2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-4.2. - Address enforcement administrative hearing board.

A hearing board is hereby created pursuant to KRS 65.8801 through 65.8839, to be known and referred to as the address enforcement administrative hearing board or address hearing board, with any administrative appeals to be heard by an assigned hearing officer pursuant to chapter 2B of the code, to address [hear] matters regarding enforcement of ordinances by the department of public safety through its division of enhanced 911, as specified in code sections 17-2 through 17-4. The board shall be composed of three (3) members. Two (2) alternate members may serve on the board in the absence of regular members. The board shall operate under and be subject to the provisions of chapter 2B of the code.

Section 24 - That Section 17-4.3 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-4.3. - Meetings.

The board (or its assigned hearing officer in the event of an administrative hearing) shall meet on a designated day of each calendar month, as established by the board, if written applications for appeal have been filed, or other business is pending before the board, or at such other times as deemed necessary by the board. All meetings shall be noticed as required under chapter 2B of the code. ~~[The board secretary shall give seven (7) days' public notice of board meetings. The board shall not hear a request for an appeal until the required public notice has been given].~~

Section 25 - That Section 17-4.8 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-4.8. - Lien(s).

Section 2B-9 of the code shall apply to all liens recorded for violations of sections 17-2 through 17-4 of the code or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance.

~~[(a) The urban county government shall possess a lien on property owned by the person found by a final, non-appealable order of the address hearing board or by a final judgment of a court of competent jurisdiction to have committed a~~

~~violation of an ordinance for all fines or civil fines assessed for the violation and for all charges and fees incurred by the government in connection with enforcement of sections 17-2 through 17-4 of the code or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance, including but not limited to an administrative fee of seventy-five dollars (\$75.00) and the costs of service, publication, and recording. 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 take precedence over all other subsequent liens, except state, county, school board, and city taxes and may be enforced by civil proceedings.~~

~~(b) — In addition to the remedy prescribed in the foregoing 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 costs incurred by the urban county government in connection with enforcement. The urban county government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.~~

~~(c) — Release of liens. The mayor is authorized and directed to execute a release of the lien:~~

~~(1) — Upon payment in full of all civil fines, charges and fees evidenced by the lien, together with applicable interest,~~

~~(2) — Upon conclusion of court proceedings resulting in the sale of the property regardless of whether any part of the liens, charges and fees were paid from the proceeds of the sale, or~~

~~(3) — Upon a determination made in conjunction with the commissioner of law and the director of enhanced 911 that the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.~~

~~The lien release shall be recorded in the office of the county clerk.~~

~~(d) — Unenforceable liens: The commissioner of law is hereby authorized to make the determination that liens shall not be filed if the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.]~~

Section 26 - That subsection 17B-13(c) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-13. Violation.

* * * * *

(c) For violations of this chapter, the civil fines associated with the issuance of a civil citation are as follows:

- (1) Upon issuance of the first citation within any 12-month period the civil fine shall be a maximum of two hundred dollars (\$200.00) ~~but shall be seventy-five dollars (\$75.00) if the person committing the offense does not appeal the citation in accordance with section 16-79 of the Code of Ordinances~~.
- (2) The civil fine imposed upon the issuance of the second citation for violation of the same section of this chapter within any 12-month period shall be a maximum of three hundred dollars (\$300.00) ~~but shall be one hundred fifty dollars (\$150.00) if the person committing the offense does not appeal the citation in accordance with section 16-79 of the Code of Ordinances~~.
- (3) The civil fine imposed upon issuance of the third citation for violation of the same section of this chapter within any 12-month period shall be a maximum of four hundred fifty dollars (\$450.00) ~~but shall be two hundred twenty-five dollars (\$225.00) if the person committing the offense does not appeal the citation in accordance with section 16-79 of the Code of Ordinances~~.
- (4) The civil fine imposed upon issuance of the fourth or more citation for violation of the same section of this chapter within any 12-month period shall be a maximum fine of five hundred dollars (\$500.00) ~~but shall be three hundred dollars (\$300.00) if the person committing the offense does not appeal the citation in accordance with section 16-79 of the Code of Ordinances~~.

Section 27 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 28 - That this Ordinance shall become effective on January 1, 2017.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

00548645