

ORDINANCE NO. 159 - 2016

AN ORDINANCE CREATING SECTION 16-2.1 OF THE CODE OF ORDINANCES TO REQUIRE ANY PERSON ENGAGED IN THE DESIGN, REVIEW, CONSTRUCTION, REPAIR, AND/OR INSPECTION OF INFRASTRUCTURE IN LEXINGTON-FAYETTE COUNTY TO COMPLY WITH THE LFUCG ENGINEERING MANUALS AND TO PROVIDE THAT A FAILURE TO COMPLY WITH THE ENGINEERING MANUALS IS CLASSIFIED AS A VIOLATION SUBJECT TO CIVIL ENFORCEMENT; AMENDING SECTION 16-201(A) OF THE CODE TO AUTHORIZE CIVIL ENFORCEMENT FOR SUCH VIOLATIONS CONSISTENT WITH THE PROCEDURES SET FORTH IN CHAPTER 16, ARTICLE XII OF THE CODE; AND AMENDING SUBSECTION 14-10(f)(5) OF THE CODE TO DESIGNATE CITATION OFFICERS HAVING AUTHORITY TO ENFORCE THE ENGINEERING MANUALS.

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WHEREAS, the Urban County Council has previously adopted seven (7) engineering manuals, consisting of the Procedures Manual, the Construction Inspection Manual, the Geotechnical Manual, the Roadway Manual, the Structures Manual, the Stormwater Manual, and the Sanitary Sewer and Pumping Station Manual (collectively, "Engineering Manuals"), to provide standards for the design, review, construction, repair, and inspection of infrastructure in Lexington-Fayette County; and

WHEREAS, in furtherance of the authority granted by KRS 65.8801 through KRS 65.8839, the Urban County Government desires to classify the failure of any person engaged in design, review, construction, repair, and/or inspection of infrastructure to comply with any provision of the Engineering Manuals as a violation and to authorize civil enforcement for those violations consistent with the procedures set forth in Chapter 16, Article XII of the Code of Ordinances; and

WHEREAS, in order to better facilitate enforcement of the engineering manuals, the Urban County Government desires to amend Section 14-10 of the Code to designate citation officers having authority to enforce the engineering manuals and those subsections of the Zoning Ordinance and the Land Subdivision Regulations that relate to the Engineering Manuals.

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

Section 1 – That Section 16-2.1 of the Code of Ordinances be and hereby is created to read as follows:

Section 16-2.1. Compliance with Engineering Manuals.

(1) Any person engaged in the design, review, construction, repair, and/or inspection of infrastructure in Lexington-Fayette County is required to comply with the engineering manuals of the Lexington-Fayette Urban County Government, as revised,

modified, or amended from time to time. For purposes of this section, "engineering manuals" shall be defined as set forth in Section 16-1(c)(19) of the Code.

(2) Any failure to comply with the requirements of the engineering manuals, as revised, modified, or amended from time to time, constitutes a violation that is subject to civil enforcement consistent with the procedures set forth in Chapter 16, Article XII of the Code.

Section 2 – That Section 16-201(a) of the Code of Ordinances be and hereby is amended to read as follows:

(a) Article XII shall apply to all violations of any provision of articles II, V, VIII, and X of chapter 16, any provision of a permit issued by the urban county government pursuant to said articles, any provision of an order or schedule issued by the urban county government relating to violations of said articles, and any provision of the engineering manuals as provided by Section 16-2.1 of the Code. For purposes of this article the before-mentioned articles, permits, orders, schedules and manuals are hereinafter referred to collectively as "chapter 16" or "this chapter".

Section 3 – That subsection 14-10(f)(5) of the Code of Ordinances be and hereby is amended to read as follows:

(f) *Issuance of Citations.* The mayor may designate certain officers, agents, and employees, holding the positions listed below, to issue citations with respect to the ordinances set out for their respective positions.

TABLE INSET:

Subsection	Position Title	Ordinances To Be Enforced
(5)	Director of environmental services, and enforcement and compliance program manager and environmental enforcement specialist in the division of environmental services.	Code of Ordinances chapter 16; subsections 5-4(b)(1), 16-2(g), and 19-7(g) of the zoning ordinance; sections 6-7 and 6-11 of the land subdivision regulations; and LFUCG engineering manuals

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 15, 2016

MAYOR



ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 22, 2016-1t