

ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING SECTION 16-203 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO UPDATE DIVISION TITLES AND REMOVE THE PENALTY REDUCTION FOR FAILING TO CONTEST CITATIONS.

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

Section 1 – That Section 16-203 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-203. - Civil fines.

(a) Any person who violates any provisions of article II, V, or X of chapter 16, or who fails to perform any duties imposed by these articles, or who violates any determination, permit, administrative regulation, or order of the division of environmental ~~policy~~ services issued pursuant thereto shall be liable for a civil fine for the civil offense and in addition, may be concurrently enjoined from any violations as provided in sections 16-209.

(b) ~~In determining the amount of civil fine~~ The compliance history of the violator, the degree of environmental harm caused by the violation, and whether the violation demonstrates a willful and knowing disregard for the environment or the requirements of chapter 16 shall be considered in determining the amount of the civil fine. The division of environmental ~~policy~~ services may consider a reduction in the assessed civil penalty amount considering the violator's good faith efforts to correct the violation as stipulated in the citation.

(c) The maximum civil fine that may be imposed for a violation of chapter 16 is fifteen thousand dollars (\$15,000.00) and each day on which any such violation shall continue shall be deemed a separate offense.

(d) The amount of the maximum civil fine for each violation, not to exceed fifteen thousand dollars (\$15,000.00), shall be specified in a civil citation issued pursuant to section 16-202(b). ~~A fine in the amount of two-thirds (2/3) of the maximum fine specified in the citation will be imposed if the person who has committed the offense does not contest the citation and has complied with any administrative order or remedial measures issued therewith or in a related notice of violation.~~

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

4895-3285-2385, v. 1