

11/03/2011

Ordinance

139-2011

ORDINANCE NO. 139-2011

AN ORDINANCE AMENDING SUBSECTION 17-148(a) OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO LIMIT ENFORCEMENT TO THOSE DEFECTS WHICH CREATE A HAZARD TO PUBLIC SAFETY AND TO PROVIDE FOR THE ADOPTION OF ENFORCEMENT REGULATIONS BY THE URBAN COUNTY COUNCIL, AND AMENDING SUBSECTION 17-152(b) OF THE CODE TO DECREASE THE MAXIMUM CIVIL PENALTY FROM \$1,000 TO \$500.

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

Section 1 - That subsection 17-148(a) of the Code of Ordinances be and hereby is amended to read as follows:

Whenever the urban county engineer or any code enforcement officer in the division of code enforcement ascertains the existence of holes or other defects in sidewalks of the urban county which create a hazard to public safety, it shall be the duty of the urban county engineer or the code enforcement officer, as appropriate, to notify forthwith, in writing, the owner of the property abutting upon such defective sidewalk to repair or replace the same at his own expense within a reasonable period of time as stated in such notice. This notice shall be personally served upon the owner or shall be mailed via regular mail to the last known address of the owner of the property as it appears on the current tax assessment roll. If such owner be a nonresident of the urban county, or cannot be found, the notice may be delivered to his agent having charge of the property; and if there be no such agent, it may be delivered to the occupant of the property. The Urban County Council shall adopt regulations for the enforcement of sidewalk violations pursuant to this section.

Section 2 - That subsection 17-152(b) of the Code of Ordinances be and hereby is amended to read as follows:

In the alternative, any owner or agent of such owner, or occupant of property who shall fail to make the repairs in defective sidewalks as provided in sections 17-148 and 17-149 within the period of time stated in the notice provided for therein may be assessed a civil penalty of ten dollars (\$10.00) per square foot of unrepaired sidewalk panel, up to a maximum civil penalty of five hundred dollars (\$500.00), for each thirty-day period such work remains undone after the time stated in the notice elapses.

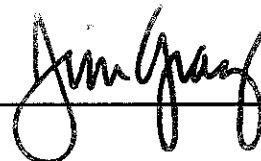
Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 3, 2011

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

MAYOR



PUBLISHED: November 10, 2011-1t
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