

ORDINANCE NO. 105-2013

AN ORDINANCE AMENDING ARTICLE 5 OF THE ZONING ORDINANCE TO PROVIDE CLARIFICATION ABOUT THE GOVERNMENT'S ABILITY TO ABATE A VIOLATION OF THE ZONING ORDINANCE. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 5 of the Zoning Ordinance to clarify the governments ability to abate a violation of the zoning ordinance; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on July 25, 2013; and

WHEREAS, the Planning Commission did recommend APPROVAL of the text amendment by a vote of 8-2; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

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

Section 1 – That Article 5 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

ARTICLE 5: ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

Article 5-9(d) ABATEMENT – When there is reason to believe that the violation poses a serious threat to the public health, safety or welfare; or in situations where damage resulting from continuation of the violation would be irreparable or irreversible; or if the violation represents a continuing public nuisance, the government may, without further notice proceed to abate the conditions. In the case of a continuing public nuisance, abatement involving the removal of structures or materials shall only take place after a civil citation has been issued and has not been appealed to the Infrastructure Hearing Board, or after an appealed civil citation has been upheld by the Infrastructure Hearing Board. The government may, in addition to any fine imposed herein, charge the responsible person, persons or entities with the cost of abatement, including equipment expense, disposal fee, if any and an administrative fee of seventy-five dollars (\$75.00). The Urban County Government may file a lien for such abatement, in accordance with section 16-81 of the Code of Ordinances and KRS 65.8835. 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.

Section 2-That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 12, 2013

 /s/ Jim Gray
MAYOR

ATTEST:

 /s/ Meredith Nelson
Clerk of Urban County Council
Published: September 19, 2013-1t
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