

RESOLUTION NO. \_\_\_\_\_-2012

A RESOLUTION REQUESTING THAT THE LEGISLATURE AMEND KRS 512.080 TO EXPRESSLY AUTHORIZE URBAN COUNTY GOVERNMENTS AND OTHER LOCAL GOVERNMENTS TO ISSUE CIVIL FINES FOR UNLAWFULLY POSTING ADVERTISEMENTS, POSTERS, NOTICES OR OTHER MATTERS TO PUBLIC PROPERTY; AND HEREBY NOTIFYING GOVERNOR STEVE BESHEAR, SENATE PRESIDENT DAVID L. WILLIAMS, HOUSE SPEAKER GREG STUMBO, AND FAYETTE COUNTY'S LEGISLATORS OF THIS RESOLUTION.

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WHEREAS, KRS 512.080 makes the posting of an advertisement, poster, notice or other matter to public property a criminal offense; and

WHEREAS, pursuant to KRS 65.8808(3) "no legislative body of a local government shall classify the violation of an ordinance as a civil offense if the same conduct that is regulated by the ordinance would also constitute a criminal offense . . . under any provision of the Kentucky Revised Statutes"; and

WHEREAS, the Council of the Lexington-Fayette Urban County Government believes that the unlawful posting of advertisements, posters, notices, and other matters to the public rights-of-way within Fayette County is a significant problem that would be better and more efficiently addressed through the adoption of an ordinance that would allow the Urban County Government to also impose civil fines for such conduct; and

WHEREAS, a change to KRS 512.080 of the Kentucky Revised Statutes appears necessary in order to avoid the prohibition outlined by the legislature in KRS 65.8808(3).

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

Section 1 – That the Preamble to this Resolution be and hereby is incorporated by reference as if fully set out herein.

Section 2 - That the Council of the Lexington-Fayette Urban County Government requests and encourages the legislature to amend KRS 512.080 to expressly authorize urban county governments and other local governments to issue civil fines for unlawfully posting advertisements, posters, notices, or other matters to public property.

Section 3 - That the Clerk of the Lexington-Fayette Urban County Council be and hereby is directed to send a copy of this Resolution to Governor Steve Beshear, 700

Capitol Avenue, Suite 100, Frankfort, Kentucky 40601; Senate President David L. Williams, Capitol, Room 324, Frankfort, Kentucky 40601; Representative Greg Stumbo, House Speaker, Capitol, Room 309, Frankfort, Kentucky 40601; and the following Fayette County legislators at their respective legislative offices: Senator Tom Buford, Senator Julian M. Carroll, Senator Alice Forgy Kerr, Senator Kathy W. Stein, Representative Sannie Overly, Representative Jesse Crenshaw, Representative Robert R. Damron, Representative Bill Farmer, Representative Kelly Flood, Representative Ryan Quarles, Representative Stan Lee, Representative Ruth Ann Palumbo, Representative Carl Rollins II, and Representative Susan Westrom.

Section 4 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL