



LEXINGTON DIVISION OF POLICE

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Mark Barnard
Division of Police

DATE: June 10, 2015

RE: **Ordinance Amendment – Section 12-63 (B)**

Please find attached amendment to Ordinance Section 12-63 (B) related to Public Nuisances:

AN ORDINANCE AMENDING SECTION 12-63(B) OF THE CODE OF ORDINANCES RELATED TO PUBLIC NUISANCES TO DELETE THE REQUIREMENT THAT NOTICE BE SENT BY CERTIFIED MAIL AND REPLACE IT WITH NOTICE TO BE SENT TO THE OWNER OF THE PROPERTY AS IT APPEARS ON THE CURRENT TAX ASSESSMENT ROLL, OR BY PUBLICATION AND POSTING OF THE PROPERTY IF THE OWNER CANNOT BE DETERMINED.

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

Section 1 - That Section 12-63(b) be amended to read as follows:

Notice to abate. It shall be the duty of code official to serve or cause to be served a notice upon the owner of any premises upon which there is kept or maintained a public nuisance in violation of sections 12-60 through 12-70. Such notice shall describe the nuisance so maintained and shall demand abatement of such nuisance. ~~The notice shall be mailed by certified mail, return receipt requested, or may be personally served upon the owner.~~ Notice to abate shall be personally served upon the owner or shall be mailed to the last known address of the owner of the property as it appears on the current tax

assessment roll. If the owner of the property cannot be ascertained from the tax rolls in the exercise of reasonable diligence, the code official shall make an affidavit to that effect; and the serving of such notice upon such owners may be made by publication in a newspaper of general circulation for two (2) consecutive days. If notice is made by publication, a copy of such notice shall be posted in a conspicuous place on the premises affected by the notice. The notice shall include a statement to the effect that civil penalties of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00) may be imposed if the public nuisance is not abated and shall state the procedure and time frame established by section 12-68 for appealing the notice to abate or the imposition of civil penalties, when applicable.

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

Upon approval and signing, please forward a copy of the ordinance to my office. If you have any questions or require additional information, please contact my office.



Mark Barnard
Chief of Police

MB/rmh

Attachment

cc: Ronnie Bastin, Commissioner of Public Safety