

ORDINANCE NO. \_\_\_\_\_ - 2017

AN ORDINANCE AMENDING SECTION 2B-6 OF THE LEXINGTON-FAYETTE COUNTY CODE OF ORDINANCES TO REFLECT CHANGES IN THE MANNER IN WHICH CODE VIOLATION CITATIONS AND FINAL ORDERS ARE TO BE SERVED.

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WHEREAS, the Kentucky General Assembly has amended KRS 65.8825, concerning the local government code enforcement procedures, by House Bill 318 (2017), signed into law on March 21, 2017, and such changes have required that portions of the Lexington-Fayette County Code of Ordinances be updated;

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

Section 1 – That subsection 2B-6 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2B-6. – Enforcement proceedings; citations.

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(b) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of an ordinance, the officer is authorized to issue a citation by:

- (1) Personal service to the alleged violator;
- (2) Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
- (3) Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or
- (4) If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in paragraphs (1) to (3) of this subsection is not possible, then the citation is properly served by Pposting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular first-class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.

A code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time if authorized by ordinance for a violation of that nature. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation. Nothing in this

section shall prohibit the government from taking immediate action if necessary as further provided in section 2B-10 or the applicable ordinance.

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(e) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, an administrative hearing to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the citation, as issued, shall be deemed a final order determining that a violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived his or her right to an appeal. Notice of the final order shall be provided to the cited violator by:

- (1) Regular first-class mail;
- (2) Certified mail, return receipt requested;
- (3) Personal delivery; or
- (4) Leaving a copy of the order at that person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.

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

PASSED URBAN COUNTY COUNCIL:

ATTEST:

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MAYOR

\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL  
PUBLISHED: