



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 0839-15 **Version:** 1 **Name:** Ordinance Amendment - Section 12-63 (B) Public Nuisance
Type: Ordinance **Status:** Approved
File created: 6/17/2015 **In control:** Urban County Council
On agenda: 7/7/2015 **Final action:** 7/7/2015
Enactment date: 7/7/2015 **Enactment #:** O-084-2015

Title: 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. [Div. of Police, Barnard]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Cover Memo - Ordinance Amendment - Section 12-63 (B) Public Nuisance, 2. Public Nuisance Ordinance Amendment - Sec. 12-63 (B), 3. O 84-2015

Date	Ver.	Action By	Action	Result
7/7/2015	1	Urban County Council	Received First Reading	
7/7/2015	1	Urban County Council	Suspended Rules for Second Reading	Pass
7/7/2015	1	Urban County Council	Approved	Pass
7/7/2015	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

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. [Div. of Police, Barnard]

Authorization to modify Ordinance Section 12-63 (B) related to Public Nuisances. The amendment maintains the requirement that notice be served by mail or personally. The change to the ordinance would add language to determine the manner used to identify the owner and to allow for notice to be given through publication of a newspaper. There is no budgetary impact. (L0839-15)(Barnard/Bastin)

Budgetary Implications [select]: NO

Advance Document Review:

Law: Yes/Michael Sanner, May 28, 2015

Risk Management: No

Fully Budgeted [select]: N/A

Account Number: N/A

This Fiscal Year Impact: \$ -0-

Annual Impact: \$ -0-

Project:

Activity:

Budget Reference:

Current Balance:

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 **Error! Hyperlink reference not valid.** <> through **Error! Hyperlink reference not valid.** <>. Such notice shall describe the nuisance so maintained and shall demand abatement of such nuisance. 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 <https://www.municode.com/library/ky/lexington-fayette_county/codes/code_of_ordinances?searchRequest=%7B%22searchText%22%3A%22%22%7D>](https://www.municode.com/library/ky/lexington-fayette_county/codes/code_of_ordinances?searchRequest=%7B%22searchText%22%3A%22%22%7D) 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.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL