

## **ORDINANCE NO. 22, 2016**

### **AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO REFLECT CHANGES MADE BY HOUSE BILL 422**

**WHEREAS**, under House Bill 422, the General Assembly enacted comprehensive code enforcement reform, found in KRS §65.8801 to 65.8839;

**WHEREAS**, the City Council of the City of Park Hills desires to amend its code enforcement ordinances to reflect the changes made by House Bill 422;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:**

#### **SECTION 1**

§ 30.100 PURPOSE, shall be amended as follows:

~~[The purpose of this subchapter is to create the City Code Enforcement and Nuisance Board (the "Board") having the power under the Local Government Enforcement Board Act, being KRS 65.8801 to 65.8839, to issue remedial orders and impose civil fines when a violation of an ordinance has been classified as a civil offense.]~~

The purpose of this ordinance is to conform to all provisions of KRS 65.8801 through 65.8839, commonly known as the "Local Government Code Enforcement Boards Act" and any subsequent amendments thereto.

#### **SECTION 2**

§ 30.101 POWERS, shall be repealed in its entirety as follows:

~~[(A) The Board shall have all powers, authority, and duties granted pursuant to the Local Government Enforcement Board Act, being KRS 65.8801 to 65.8839, and related statutes, and all powers, authority, and duties granted in this subchapter.~~

~~—(B) The Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.~~

~~—(C) The Board shall also have the following powers:~~

~~—(1) To adopt rules and regulations to govern its operations and the conduct of its hearings;~~

~~—(2) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction to enforce;~~

~~—(3) To subpoena alleged violators, witnesses, and evidence to its hearings (subpoenas issued by the Board may be served by the Code Enforcement Officer (as defined at KRS 65.8805(3)) or as otherwise provided in Kentucky Rules of Civil Procedure);~~

- ~~—(4) To take testimony under oath; and~~
- ~~—(5) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce.~~
- ~~—(D) Upon authorization by the City Council and upon execution by the Mayor to enter into any interlocal cooperation agreement per KRS 65.210 to 65.300 in order to join a multi-jurisdictional Code Enforcement Board, then:~~
  - ~~—(1) The powers described in this section shall be granted to the multi-jurisdictional board;~~
  - ~~—(2) The interlocal cooperation agreement shall be incorporated by reference into the city's code of ordinances as if fully written herein;~~
  - ~~—(3) Any provision of any ordinances that are in conflict with the interlocal cooperation agreement shall be set aside to the extent of said conflict as long as the interlocal cooperation agreement remains in effect.]~~

### **SECTION 3**

A new § 30.101, titled "DEFINITIONS," shall read as follows:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) **"Abatement Costs"** means a city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.
- (b) **"Joint Code Enforcement Board"** means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.
- (c) **"Code Enforcement Officer"** means a city police officer, safety officer, citation officer, or other public law enforcement officer with the authority to issue a citation.
- (d) **"Final Order"** means any order:
  - 1. Issued by the code enforcement board following a hearing in accordance with § 30.107;
  - 2. Created because a violator neither paid nor contested the citation within seven (7) days as provided in § 30.106; or
  - 3. Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in § 30.107.
- (e) **"Imminent Danger"** means a condition which is likely to cause serious or life-

threatening injury or death at any time.

- (f) **"Ordinance"** means an official action of the local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body which embodies all or part of an ordinance.
- (g) **"Owner"** means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.
- (h) **"Premises"** means a lot, plot or parcel of land, including any structures upon it

#### **SECTION 4**

§ 30.102 MEMBERSHIP, shall be repealed in its entirety as follows:

- ~~[(A) The Board shall consist of three members and two alternate members, to serve in the absence of the regular members, who are appointed by the Mayor with the approval of City Council. The terms of all members of the Board shall be for three years.~~
- ~~—(B) (1) The terms of the initial regular Board members shall be staggered as follows:~~
  - ~~—(a) One member shall be appointed for a term of one year;~~
  - ~~—(b) One member shall be appointed for a term of two years; and~~
  - ~~—(c) One member shall be appointed for a term of three years.~~
- ~~—(2) The terms of the initial alternate Board members shall be staggered as follows:~~
  - ~~—(a) One member shall be appointed for a term of two years; and~~
  - ~~—(b) One member shall be appointed for a term of three years.~~
- ~~—(C) Membership requirements, vacancies, and removal shall be as required by KRS 65.8811 and other applicable law. Board members must take the oath of office prescribed in § 228 of the Constitution of the commonwealth and as required by KRS 65.8811.~~
- ~~—(D) The City Council may provide compensation, reimbursement for expenses, and education of members as it may from time to time order.~~
- ~~—(E) A Board member may be removed from office by the Mayor for misconduct, inefficiency, or willful neglect of duty.~~
- ~~—(F) No Board member may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city.]~~

#### **SECTION 5**

A new § 30.102, titled "ENFORCEMENT POWERS," shall read as follows:

- (a) The code enforcement board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.
- (b) The code enforcement board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the

Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

## **SECTION 6**

§ 30.103 MEETINGS; ORGANIZATIONS OF THE BOARD, shall be repealed in its entirety as follows:

~~[§ 30.103 MEETINGS; ORGANIZATIONS OF THE BOARD~~

~~—(A) *Meetings.* The Board meetings shall be held as necessary to enforce all civil offenses. The Mayor may assign a monthly date and time for the Board to meet on a routine basis, or meetings may be scheduled as required by the business of the Board.~~

~~—(B) *Organization of the Board.*~~

~~—(1) The Board shall, upon the initial appointment of its members, and annually thereafter, elect a Chairperson from among its regular members, who shall be the presiding officer and a full voting member of the Board.~~

~~—(2) Alternate members of the Board may serve on the Board in the absence of its regular members. The presence of two or more regular or alternate members shall constitute a quorum. The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken. Any Board member who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter and shall not be counted for purposes of establishing a quorum.~~

~~—(3) Minutes shall be kept for all proceedings of the Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.]~~

## **SECTION 7**

A new § 30.103, titled “POWERS OF THE JOINT CODE ENFORCEMENT BOARD,” shall read as follows:

The Kenton County Joint Code Enforcement Board shall have the powers and duties as set forth by the Interlocal Agreement for the Kenton County Joint Code Enforcement Board filed of record with the Kenton County Clerk in Book C5439, Page 321 as incorporated by reference as set forth herein.

## **SECTION 8**

§ 30.104 ENFORCEMENT PROCEEDINGS, shall be repealed in its entirety as follows:

~~[§ 30.104 ENFORCEMENT PROCEEDINGS~~

~~The following requirements shall govern all enforcement proceedings before the Board.~~

~~—(A) Enforcement proceedings before the Board shall only be initiated by the issuance of a citation by a Code Enforcement Officer.~~

~~—(B) Except as provided in division (C) below, if the Code Enforcement Officer believes, based on his or her personal observation or investigations, that a person has violated a city ordinance or code provision, a notice of violation may be issued to the~~

violation allowing the violator a specified period to remedy the violation without fine or sanction. If the offender fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer shall issue a citation to the violator.

—(C) Nothing in the subchapter shall prohibit the city from taking immediate action to remedy a violation of its ordinances or codes when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

—(D) The citation issued by the Code Enforcement Officer shall contain the following information:

- (1) The date and time of the issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense was committed or discovered;
- (4) Brief facts constituting the offense;
- (5) The section of the code or the ordinance number violated;
- (6) The name of the Code Enforcement Officer;
- (7) The maximum civil fine that may be imposed;
- (8) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and

—(9) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the Board to contest the citation and that the determination that the violation was committed shall be final.

—(E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Board and city by delivering a copy of the citation to the City Clerk/Treasurer's office.

—(F) The person to whom the citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Board to contest the citation. The request for a hearing shall be delivered to the City Clerk/Treasurer's office. The request shall include the name and address of the person requesting the hearing so the city may notify the person of the hearing. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

—(G) If the alleged violator does not contest the citation within the time prescribed, the Board shall enter a final order determining that the violation was committed and shall impose the appropriate civil fine set forth to such violation. A copy of the final order shall be served on the person found in violation of a city code or ordinance.]

## **SECTION 9**

A new § 30.104, titled "CREATION AND MEMBERSHIP," shall read as follows:

- (a) Pursuant to KRS 65.8811(1)(b), the City of Park Hills participates in a Joint Code Enforcement Board through an Interlocal Agreement executed with other participating city and county members. This Joint Code Enforcement Board shall operate in lieu of a City Code Enforcement Board, and have jurisdiction and



authority throughout the City of Park Hills in the same manner as a City Code Enforcement Board created under KRS 65.8811(1)(a).

- (b) The City's representation on the Joint Code Enforcement Board is established through the Interlocal Agreement with the participating cities and/or Kenton County, and any and all amendments to the Interlocal Agreement. The City shall appoint one (1) member, and two (2) alternate members to the Kenton County Joint Code Enforcement Board. All appointments shall be made by the Mayor, with approval of the City Council. Members of the Kenton County Joint Code Enforcement Board shall serve consistent with the provisions of the Interlocal Agreement.
- (c) All appointments to the Kenton County Joint Code Enforcement Board shall be for a term of three (3) years. Upon expiration of a term, a member or alternate member may be re-appointed by the Mayor, with approval by the City Council.
- (d) Each member and alternate member appointed by the City of Park Hills to the Kenton County Joint Code Enforcement Board shall have resided within the boundaries of the City of Park Hills for a period of at least one (1) year prior to the date of the member's appointment, and shall reside there throughout the term in office.
- (e) In the event that the appointed member of the City of Park Hills vacates his/her membership on the Kenton County Joint Code Enforcement Board, the City shall, following the procedures in KRS 65.8811, fill the vacancy within sixty (60) days. If the Mayor has not filled the vacancy within sixty (60) days, then the remaining member of the Kenton County Joint Code Enforcement Board shall fill the vacancy with another person who meets the qualifications in KRS 65.8811. All vacancies shall be filled for the remainder of the unexpired term.
- (f) Any member or alternate member appointed by the Mayor to the Kenton County Joint Code Enforcement Board, pursuant to KRS 65.8811, may be removed by the Mayor for misconduct, inefficiency, or willful neglect of duty. In the event of removal, the Mayor shall submit a written statement to the member subject to removal, and to the City Council, setting forth the reasons for removal. The member so removed shall have the right to appeal the removal to the Kenton County Circuit Court.
- (g) Any member or alternate member shall, prior to entering their duties, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- (h) The members of the Kenton County Joint Code Enforcement Board may be compensated or reimbursed per the terms of the Interlocal Agreement, and its amendments.
- (i) No member or alternate member appointed by the City to the Kenton County Joint Code Enforcement Board shall hold any elected or appointed office, whether paid

or unpaid, or any position of employment with the City of Park Hills.

- (j) A copy of the governing Interlocal Agreement shall be maintained in the Office of the City Clerk for inspection by the public.

## **SECTION 10**

§ 30.105 HEARINGS; NOTICE AND FINAL ORDER, shall be repealed in its entirety as follows:

~~[(A) When a hearing has been requested, the Board shall schedule a hearing. The hearing shall be conducted at the next regularly scheduled meeting of the Board or the next subsequent meeting date.~~

~~—(B) The person requesting a hearing shall be notified of the hearing time and date at the address provided in the request for the hearing.~~

~~—(C) Failure to appear at the hearing may result in a default against the person requesting the hearing.~~

~~—(D) All testimony shall be taken under oath. Formal rules of evidence do apply. The Board shall receive only relevant and material evidence. All evidence received shall be given such weight as the Board deems it is entitled after consideration of any objections that may be made. The Board shall receive such evidence that a reasonable mind might accept as adequate to support a conclusion.~~

~~—(E) The hearing shall be recorded. A request for a copy of the recording of the hearing must be made in writing. The requesting party must pay a reasonable fee for the recording as determined by the City Clerk/Treasurer's office. The Board has no obligation to preserve recordings beyond 30 days of the hearing date.~~

~~—(F) The Board shall, based on the evidence, determine whether a violation has occurred. If it is determined that no violation has occurred, an order dismissing the citation shall be entered. If it is determined that a violation was committed, an order shall be issued upholding the citation imposing the appropriate fine and/or remedy for the violation.~~

~~—(G) Every final order of the Board shall be reduced to writing and include the date the final order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the final order shall be delivered to the violator at the address indicated in the request for a hearing.]~~

## **SECTION 11**

A new § 30.105, titled "APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL FROM OFFICE; OATH; COMPENSATION; ORGANIZATION OF BOARD; MEETINGS; QUORUM; CONFLICT OF INTEREST; MINUTES AND RECORDS," shall read as follows:

Membership, oath and terms of office, quorum, vacancies, removal of members, and other statutory requirements related to the Board's activities shall be as stated in the Local Government Code Enforcement Board Act and as set forth by the Interlocal Agreement for the Kenton County Joint Code Enforcement Board (hereinafter "Interlocal

Agreement”) filed of record with the Kenton County Clerk in Book C5439, Page 321 as incorporated by reference as set forth herein.

## **SECTION 12**

§ 30.106 APPEALS, shall be repealed in its entirety as follows:

~~[(A) An appeal from any final order of the Board may be made to the District Court of the county 30 days of the date the final order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Board’s final order in the same manner as any civil action under Kentucky Rules of Civil Procedure.~~

~~(B) If no appeal from a final order of the Board is timely filed within the time period set forth in division (A) above, the final order shall be deemed final for all purposes.]~~

## **SECTION 13**

A new § 30.106, titled “ENFORCEMENT PROCEEDINGS,” shall read as follows:

The following requirements shall govern all enforcement proceedings before the code enforcement board:

- (a) Enforcement proceedings shall only be initiated by the issuance of a citation by a code enforcement officer.
- (b) Except when immediate action is necessary pursuant to § 30.114, if a code enforcement officer believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a Notice of Violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.
- (c) The code enforcement officer shall issue a citation by one of the following methods:
  - 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. Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.
- (d) The citation issued by the code enforcement officer shall contain the following information:



1. The date and time of issuance;
  2. The name and address of the person to whom the citation is issued;
  3. The physical address of the premises where the violation occurred;
  4. The date and time the offense was committed;
  5. The facts constituting the offense;
  6. The section of the code or the number of the ordinance violated;
  7. The name of the code enforcement officer;
  8. The civil fine that may be imposed for the violation, including, if applicable:
    - a. The civil fine that will be imposed if the person does not contest the citation; and
    - b. The maximum civil fine that may be imposed if the person elects to contest the citation;
  9. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
  10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed: the person shall be deemed to have waived the right to a hearing before the code enforcement board to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and the person shall be deemed to have waived the right to appeal the final order to District Court.
- (e) After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering a copy of the citation to board Chairman.
- (f) 1. The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a 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 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 the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to

District Court.

2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the 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 notice.

#### **SECTION 14**

§ 30.107 LIENS; CHARGES AND FEES, shall be repealed in its entirety as follows:

~~[(A) The city shall, pursuant to KRS 65.8835 and other applicable law, possess a lien on property owned by the person found by a final, non-appealed order of the Board or by a final judgment of a court of law if the Board's decision has been appealed, to have committed a violation, for all fines assessed for the violation, and for all charges and fees incurred by the city in connection with the enforcement.~~

~~—(B) The lien shall be recorded in the office of the County Clerk at Covington, Kentucky. The lien shall be notice to all persons from the time of its recording and shall bear interest at the applicable rate until paid.~~

~~—(C) The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.]~~

#### **SECTION 15**

A new § 30.107, titled "HEARINGS; NOTICE AND FINAL ORDER," shall read as follows:

- (a) When a hearing has been requested, the code enforcement board or its administrative staff shall schedule a hearing.
- (b) Not less than seven (7) days before the date of the hearing, the code enforcement board shall notify the requester of the date, time, and place of the hearing. The notice may be given by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the 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 notice.
- (c) 1. Any person requesting a hearing who fails to appear at the time and place set for the hearing 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 final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.

2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the 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 notice.
- (d) All testimony at the hearing shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator, and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (e) The code enforcement board shall, based on the evidence, determine whether a violation was committed. If it is determined that no violation was committed, an order dismissing the citation shall be entered. If it is determined that a violation was committed, an order may be issued upholding the citation. The board may impose a fine up to the maximum authorized by ordinance, or require the offender to remedy a continuing violation to avoid a fine, or both.
- (f) 1. Every final order following a hearing shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. A copy shall be furnished to the person named in the citation.
2. If the person named in the citation is not present when the final order is issued, the order shall be delivered to the person by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the 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 notice.

## **SECTION 16**

§ 30.108 CIVIL REMEDIES, shall be repealed in its entirety as follows:

~~[§ 30.108 CIVIL REMEDIES.~~

~~In addition to the imposition of a lien, the city may institute other civil action and seek an injunction or monetary damages to enforce its ordinances and collect the debts arising from the fines imposed by the Board.]~~

## **SECTION 17**

A new § 30.108, titled "PRESENTATION OF CASES," shall state as follows:

Each case before the code enforcement board may be presented by an attorney selected by the city, a code enforcement officer for the city, or by a member of the city's administrative staff.

## **SECTION 18**

§ 30.109 STATUTES ADOPTED AND INCORPORATED BY REFERENCE, shall be repealed in its entirety as follows:

~~[§ 30.109 STATUTES ADOPTED AND INCORPORATED BY REFERENCE.~~

~~All of the terms, provisions, conditions, and procedures of the Local Government Enforcement Board Act, being KRS 65.8801 to 65.8839, relating to the organization and powers of the Board, enforcement, procedure, appeals, and other matters are hereby adopted by the city and incorporated herein by reference as if repeated verbatim.]~~

## **SECTION 19**

A new § 30.109, titled “APPEALS; FINAL JUDGMENT,” shall state as follows:

- (a) An appeal from a final order of a code enforcement board following a hearing conducted pursuant to § 30.107 may be made to the Kenton County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
- (a) If no appeal from a final order of the code enforcement board is filed within the time period set in subsection (a) of this Section, the code enforcement board's order shall be deemed final for all purposes.

## **SECTION 20**

A new § 30.110, titled “LIENS; FINES, CHARGES, AND FEES,” shall state as follows:

- (a) The City of Park Hills delegates the Kenton County Joint Code Enforcement Board to prepare and record liens on its behalf.
- (b) The city shall possess a lien on property owned by the person found by a non-appealable final order as defined by § 30.101, or by a final judgment of the court, to have committed a violation of a city ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs, and reasonable attorney's fees. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.
- (c) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for ten (10) years following the date of the non-appealable final order or final court judgment.

(d) Subject to § 30.112, the lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.

(e) In addition to the remedy prescribed in subsection (a) of this Section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement of the ordinance, including reasonable attorney's fees. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

### **SECTION 21**

A new § 30.111, titled "ORDINANCE FINE SCHEDULE," shall state as follows:

Violations of ordinances that are enforced by the Kenton County Joint code enforcement board shall be subject to the schedule of civil fines as set forth by separate ordinance.

### **SECTION 22**

A new § 30.112, titled "LIENHOLDER NOTIFICATION SYSTEM," shall read as follows:

The Kenton County Joint Code Enforcement Board shall establish and maintain a lienholder notification system on behalf of the City of Park Hills. The Kenton County Joint Code Enforcement Board shall obtain and maintain priority over previously filed liens, as provided in § 30.110, in accordance with the provisions of KRS 65.8836.

### **SECTION 23**

A new § 30.113, titled "LIENS," shall read as follows:

(a) A lienholder of record who has registered pursuant to § 30.112 may, within forty-five (45) days from the date of issuance of notification under § 30.112:

1. Correct the violation, if it has not already been abated; or
2. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the ordinance, including abatement costs.

(b) Nothing in this Section shall prohibit the city from taking immediate action if necessary under § 30.114.

(c) The lien provided by § 30.110 of this ordinance shall not take precedence over



previously recorded liens if:

1. The city failed to comply with the requirements of § 30.112 for notification of the final order; or
  2. A prior lienholder complied with subsection (a) of this Section.
- (d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.
- (e) The city may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.
- (f) Failure of the city to comply with §§ 30.110 and 30.112, or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies the city has against the property of the violator.

#### **SECTION 24**

A new § 30.114, titled "IMMEDIATE ACTION," shall read as follows:

Nothing in this ordinance shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

#### **SECTION 25**

§ 30.999 PENALTY, shall be repealed in its entirety as follows

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any provision of § 30.043 shall be, upon conviction or a plea of guilty, subject to a civil penalty not to exceed \$500.

(2010 Code, § 30.26(A))

(C) ~~[(1) Violators of ordinances that are enforced by the Code Enforcement Officer and the Board under §§ 30.100 through 30.109 shall be subject to the following schedule of civil fines to be imposed at the discretion of the Board:~~

	<b><i>1st Offense</i></b>	<b><i>2nd Offense</i></b>	<b><i>All Others</i></b>
Each section violated	<del>\$10 to \$200</del>	<del>\$30 to \$600</del>	<del>\$90 to \$1,800</del>

—(2)] Each section of a code or ordinance violated under §§ 30.100 through 30.109 shall be considered a separate finable offense. If two or more sections of a code or ordinance are violated, the fines shall be cumulative and be enforced under the same citation. Each day a violation exists shall be considered a separate offense upon issuance of a separate citation. Upon the issuance of the fifth citation for the same violation, each day that the violation continues thereafter shall be considered a separate offense without the need for the issuance of any additional citations.

#### **SECTION 26**

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

#### **SECTION 27**

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

#### **SECTION 28**

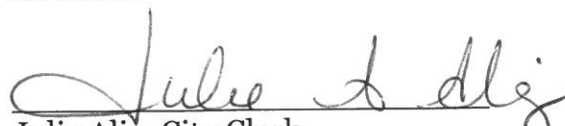
That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060(9) and other applicable law.

Passed by City Council on 12/12, 2016.

CITY OF PARK HILLS, KENTUCKY

By:   
Matthew Mattone, Mayor

ATTEST:

  
Julie Alig, City Clerk

FIRST READING: 11/14/16

SECOND READING: 12/12/16

PUBLICATION: \_\_\_\_\_