

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY
CREATING A CODE ENFORCEMENT BOARD FOR THE CIVIL ENFORCEMENT OF
CERTAIN ORDINANCES OF THE CITY**

WHEREAS, K.R.S. 65.8839 provides that the provisions of K.R.S. 65.8801 to 65.8839 may be cited as the “Local Government Code Enforcement Act;” and

WHEREAS, K.R.S. 65.8801 provides that it is the intent of K.R.S. 65.8801 to 65.8839 to protect, promote and improve the health, safety, and welfare of the citizens residing within the City by authorizing the creation of an administrative Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, the City of Erlanger had previously created a Code Enforcement Board for the City for those purposes pursuant the authority previously granted in the Local Government Code Enforcement Act before the amendment thereof by 2016 H.B. 422 of the Kentucky General Assembly (H.B. 422); and

WHEREAS, the provisions of the Local Government Code Enforcement Act were substantially amended in 2016 by HB 422; and it is the intent of this ordinance to re-create a Code Enforcement Board in conformity with the provisions of those amendments;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN
KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

SECTION 1.0 Definitions

When used in this ordinance, the words, phrases and terms defined in K.R.S. 65.8805 shall have the same meaning as those provided in that statute.

SECTION 2.0 Creation of Code Enforcement Board

Pursuant to the authority of K.R.S. 65.8808(1), there is hereby created a Code Enforcement Board for the City of Erlanger which shall have the power to issue remedial orders and impose civil fines as a method of enforcing those ordinances of the City that expressly provide that each violation thereof constitutes a civil offense, including, without limitation, any zoning or nuisance ordinance.

Section 3.0 Membership of Code Enforcement Board

The membership of the Codes Enforcement Board hereby created shall always be composed of 5 natural persons, each of whom shall:

- 3.1 Have been a resident of the City for a period of at least one (1) year prior to the date of his or her appointment;
- 3.2 Continue to reside in the City throughout their term in office.

SECTION 4.0 Members Appointment and Terms of Office

4.1 Members of the Code Enforcement Board shall be appointed by the Mayor but only with the approval of the City Council.

4.2 The initial appointments to the Code Enforcement Board shall be as follows:

4.2.1. One (1) member shall be appointed for a term of one (1) year, beginning at midnight on the evening of December 31, 2016 and ending at midnight on the evening of December 31, 2017 and the appointment and qualification of a successor.

4.2.2. Two (2) members shall be appointed for a term of two (2) years, beginning at midnight on the evening of December 31, 2016 and ending at midnight on the evening of December 31, 2018 and the appointment and qualification of their successors.

4.2.3 Two (2) members of the board shall be appointed for a term of three (3) years, beginning at midnight on the evening of December 31, 2016 and ending at midnight on the evening of December 31, 2019 and the appointment and qualification of their successors.

4.3 All subsequent appointments of members of the Board shall be for a term of three (3) years.

4.4 Members of the Board may be reappointed, subject to the approval of the City Council.

SECTION 5.0 Organization and Meetings of the Members of the Board

5.1 An annual meetings of the members of the Code Enforcement Board shall be conducted at 7:00 P.M. on the third Wednesday in January in each calendar year at the Erlanger Municipal Center, 505 Commonwealth Ave., Erlanger, Ky.

5.2 At the annual meeting, the Code Enforcement Board shall elect a chairperson from among its members. The chairperson shall be the presiding officer and a full voting member of the Board. In the absence of the chairperson, the remaining members of the Board shall select a member to preside in place of and exercise the powers of the chairperson.

5.3 The annual meeting and all other meetings of members of the Code Enforcement Board for administrative hearings or otherwise shall be public meetings and shall be conducted in accordance with the requirements of KRS 65.8815(5) and K.R.S. 61.800 through 61.850.

SECTION 6.0 Duties of the City Clerk

The City Clerk is hereby designated as the administrative official to whom the codes enforcement officer is required by K.R.S. 65.8825 to deliver copies of civil citations that have been issued.

Additionally, the City Clerk shall provide the clerical and administrative personnel necessary for the proper conduct of the duties of the Code Enforcement Board, which shall include, without limitation:

6.1 The preparation and maintenance of the minutes of the proceedings of each meeting of the Code Enforcement Board, which shall be kept and shall include the vote of each member on any issue decided by the Board.

6.2 Notification of each member of the Board of each request for a hearing in regard to a civil citation issued by a code enforcement officer.

SECTION 7.0 Powers of the Code Enforcement Board

7.1 The Erlanger Code Enforcement Board shall have all of the authority, powers and duties provided in the Local Government Enforcement Act @ K.R.S.65.8801 through 65.8839.

7.2 Additionally, and pursuant to the authority of K.R.S. 65.8840(2), the provisions of K.R.S. 65.8840 shall be enforced through the Erlanger Code Enforcement Board; and each violation thereof shall constitute a civil offense.

7.3 Unless otherwise provided in the ordinance identified as being violated in a civil citation, the civil penalties that may be imposed by are hereby established as follows:

7.3.1 In the event that a civil citation is not contested, the specific civil fine that shall be imposed for each separate violation is hereby established at \$100 for a first violation, \$250 for a second occurrence of the same violation and \$500 for the third and each subsequent occurrence of the same violation, plus costs of collection, including, without limitation, court costs an attorney fees.

7.3.2 The maximum civil fine that may be imposed for each separate violation is hereby established at \$500 for a first violation, \$750 for a second occurrence of the same violation and \$1,000 for the third and each subsequent occurrence of the same violation, plus costs of collection, including, without limitation, court costs and attorney fees.

SECTION 8.0 Enforcement proceedings

The procedure of the Code Enforcement Board for the enforcement of ordinances and K.R.S. 65.8840 shall always be in conformity with the procedures therefor provided in Local Government Enforcement Act @ K.R.S.65.8801 through 65.8839.

Additionally, and in addition to the information required in a civil citation by K.R.S.65.8825(4), the civil citation required by K.R.S.65.8825 to initiate enforcement proceedings before the Code Enforcement Board shall also include information about the remediation of continuing violations by the City at the cost and expense of the person named in the civil citation.

SECTION 9.0 City Remediation of Continuing Violations

In the event of a continuation of a violation of an ordinance described in a civil citation issued by a code enforcement officer after a final order in regard thereto, as defined in K.R.S. 65.8805, the City may enter upon the premises thereof and remediate the violation through its own forces and employees or by contracts with others; and, thereupon, the person named in the civil citation shall be liable to the City for the cost and expense of that remediation plus the costs of collection, including court costs and attorney fees, plus all civil fines imposed by the Codes Enforcement Board

SECTION 10.0 Lienholder Notification System

For the purpose of the lien provided by K.R.S. 65.8835 (1) taking precedence over previously recorded liens as provided in K.R.S. 65.8835 (1)(c), the executive authority of the City shall develop and implement a notification system in conformity with the provisions of K.R.S.65.8836.

Section 11.0 Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section12.0 Conflicting Ordinances Repealed

Erlanger ordinances numbered 2152, 2161, 2177, 2213 and 2256 and the codification

thereof at §§ 44.01 through 44.04 of the Erlanger Code of Ordinances are hereby repealed, along with all other ordinances or parts of ordinances in conflict with the provisions of this ordinance

Section 13.0 Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 14.0 Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

TYSON HERMES, Mayor