

**CITY OF JEFFERSONTOWN, KENTUCKY
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1291, SERIES 2013

AN ORDINANCE RELATING TO THE ABATEMENT OF NUISANCES

WHEREAS, The City of Jeffersontown, Kentucky has adopted Ordinance No. 1105, Series 1997, relating to the adoption of a Code Enforcement Board; and,

WHEREAS, The City of Jeffersontown, Kentucky has adopted Ordinance 1242, Series 2008, relating to the adoption of a Property Maintenance Code, containing therein at Sections 105, 201-208, 706 and 707 acts, actions, behaviors, or conditions which constitute nuisance violations; and,

WHEREAS, KRS 82.700 and 82.705 provide for cities of the Second Class to adopt Nuisance Enforcement Ordinances; and,

WHEREAS, the City Council of Jeffersontown, Kentucky is desirous of adopting a specific Code for the Abatement of Nuisances pursuant to KRS 82.700 to KRS 82.725.

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Jeffersontown, Kentucky City Council, as follows:

SECTION I. The Jeffersontown, Kentucky Code Enforcement Board is hereby empowered to act as a Hearing Board to conduct hearings pursuant to KRS 82.710 (3) and follow those procedures set forth in Ordinance No. 1105, Series 1997, not in conflict herewith.

SECTION II. Responsibility for enforcement of this Nuisance Code is hereby delegated to the City of Jeffersontown, Kentucky Building Department, and its Code Enforcement officers.

SECTION III. The acts, actions, behaviors, or conditions which constitute violations of this Ordinance are contained in Sections 105, 201-208, 706 and 707 of the Jeffersontown, Kentucky Property Maintenance Code as established in Ordinance No. 1242, Series 2008.

SECTION IV. The Penalties to be imposed upon persons or entities determined to have violated this Nuisance Code are those Penalties set forth in Ordinance No. 1242, Series 2008.

SECTION V. Ordinance No. 1105, Series 1997, an Ordinance relating to the adoption of a Code Enforcement Board, and Ordinance 1242, Series 2008, an Ordinance relating to adoption of a Property Maintenance Code for the City of Jeffersontown, Kentucky are hereby adopted and incorporated by reference and copies thereof, being parts of the permanent records of the City of Jeffersontown, Kentucky are attached hereto.

SECTION VI.

(1) Any person who violates this Nuisance Code shall be cited for the violation and shall receive notice of the violation. The form of the notice shall be the same as that set forth in Ordinances No. 1105, Series 1997, and 1242, Series 2008, and shall be reasonably calculated to inform the person of the nature of the violation, the penalties for violation, the procedure to be followed, and the method of response to the notice, and that the determination shall be final unless contested pursuant to the hearing procedures provided in the above referenced Ordinances.

(2) The Notice of Violation shall represent a determination that the violation has been committed, and that determination shall be followed unless contested.

(3) The owner of the property at the time of the violation shall be liable for all fines, fees, and penalties assessed for the violation.

(4) An appeal from the Hearing Board's determination may be made to the District Court of Jefferson County within seven (7) days of the Board's determination. The appeal shall be issued by the filing of a complaint and a copy of the Board's Order in the same manner as any civil action under the Rules of Civil Procedure. The actions shall be tried de novo and the burden shall be upon the City of Jeffersontown to establish that the violation occurred. If the Court finds that the violation occurred, the owner shall be ordered to pay to the City of Jeffersontown all fines, fees, and penalties accruing as of the day of the judgment. If the Court finds that the violation did not occur, the City of Jeffersontown will be ordered to dismiss the Notice and the Plaintiff shall be authorized to recover his cost.

(5) A judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

SECTION VII.

(1) The City of Jeffersontown, Kentucky shall possess a lien on property for all fines, penalties, charges and fees imposed pursuant to KRS 82.700 to 82.725 in this Ordinance. The lien shall be superior to and have priority over all liens on the property, except state, county, school board, and city taxes.

(2) Nothing herein shall otherwise affect the rights or obligations between the owner of the property and those persons who claim a security interest in the property.

SECTION VIII. This Ordinance may be cited as the City of Jeffersontown, Kentucky Nuisance Code Enforcement Act.

SECTION IX. This Ordinance shall become effective immediately upon its passage and publication.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 18th DAY OF JUNE, 2013.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 19th DAY OF JUNE, 2013.

VETOED:

APPROVED:

BILL DIERUF, MAYOR



BILL DIERUF, MAYOR

DATE: _____

DATE: 6/19/2013

ATTEST:



BILL FOX, CITY CLERK