

**CITY OF GEORGETOWN
ORDINANCE NO. 16- 009**

AN ORDINANCE RELATED TO CODE ENFORCEMENT

SUMMARY

Creates a Code Enforcement Board pursuant to KRS 65.8801 to 65.8839; establish the terms, organization, powers and jurisdiction of the Board; establish procedures for enforcement proceedings, issuance of notices of violation, citations, contesting a citation, hearings, notice, final orders, and appeals; authorizes hearing officers to conduct hearings on behalf of the Board; establish procedures for abatement, liens and fines, lienholder notification system, lien priority, due process and right of entry, stop work orders, administrative search warrants; establish a schedule of penalties applicable to violations of ordinances subject to enforcement by the Board; provides a schedule of department responsibility for enforcement of ordinances for reference only; provides for enforcement by citation officers; provides for non-exclusivity of remedy; amends section 2-112 regarding the code enforcement officer to remove the cap of one position and remove reference to risk management duties; amends section 2-181 of the code of ordinances to reflect change in responsibility for enforcement of the nuisance ordinances; creates a Vacant property Review Commission pursuant to KRS 99.700 to 99.730 and assigns those duties to the Code Enforcement Board; amends section 4-151 of the code of ordinances to clarify corner lot requirements for fences; amends sections 3-33, 7-18, 7-19.1, 7-20, 8-38, 8-99, 9-24, 12-20, 15-1, 15-16, 15-17, 15-41, 15-47 and 15-83 of the code of ordinances to reflect enforcement by the Code Enforcement Board, repeals sections 2-113, 3-34, 4-6, 4-36, 4-161, 9-5, 9-6, 9-7, 15-25, 15-26, 15-27, 15-43, 15-44, 15-45, 17-37, and 17-38 of the code of ordinances in their entirety; amends section 9-2 of the code of ordinances to declare failure to maintain utilities conclusive of an dwelling unfit for habitation, to prohibit the open storage of equipment, furnishings, appliances, scrap, salvage materials or junked or wrecked automobiles or parts and to prohibit the maintenance of pools or spas without proper security; amends sections 15-41, 15-42 and 15-46 of the code of ordinances to reflect change of responsibility for sidewalk inspection and inventory to the City Engineer's office and to require changes to sidewalks to be performed consistent with applicable codes; amends section 4-21 of the code of ordinances to adopt the most recent versions of the International and Kentucky Building and Residential Codes; amends section 4-51 of the code of ordinances to adopt the 2014 National Electric Code; amends section 4-91 of the code of ordinances to adopt the 2015 National Fuel Gas Code; amends section 4-106 of the code of ordinances to adopt the 2012 International Mechanical Code; amends section 4-121 of the code of ordinances to adopt the 2012 International Property Maintenance Code with local amendments consistent with previous existing ordinances; amends existing provisions to allow battery powered smoke alarms in existing structures under certain conditions ; provides for severability of provisions, repeal of inconsistent ordinances and an effective date of October 1, 2016 and after passage and publication.

The full text of Ordinance 16-009 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

INTRODUCED AND PUBLICLY READ FIRST TIME: August 22, 2016

PUBLICLY READ SECOND TIME AND PASSED: September 12, 2016

APPROVED: Tom Prather
Tom Prather, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 16-009, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

Andrew S. Hartley
Andrew S. Hartley

CITY OF GEORGETOWN, KENTUCKY

ORDINANCE NO. 16-009

AN ORDINANCE RELATED TO CODE ENFORCEMENT

SPONSOR: Council Member Marvin Thompson

NOW THEREFORE, be it ordained by the City of Georgetown, Kentucky:

ONE

Division 12 of Chapter 2, Article VI of the Georgetown Code of Ordinances is created to read as follows:

Code Enforcement Board and Procedures

1. Title:

This Division shall be known and may be cited as the "Georgetown Code Enforcement Board Ordinance."

2. Definitions:

The definitions set forth in KRS 65.8805 and KRS 65.8840 are incorporated as though set forth fully herein.

3. Code Enforcement Board created:

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 a Georgetown Code Enforcement Board (hereinafter the "Code Enforcement Board") which shall be composed of five (5) members and two (2) alternates. In the event the City enters an interlocal agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint code enforcement, the number of members shall be as set forth in the Agreement

4. Jurisdiction

a. The Code Enforcement Board shall have jurisdiction over and shall enforce Georgetown Code of Ordinances Article Eight (VIII) of Chapter Four (4) on the Property Maintenance Code, Chapter Nine (9) on Nuisances, Article Five (V) of Chapter Nineteen (19) on Stormwater, and Chapter Seven (7) on Fire Safety Standards and all other ordinances herein or hereafter

adopted or amended which specifically provide for enforcement by Citation Officers, Code Enforcement Officers or the Code Enforcement Board in the manner set forth in this Division.

b. At the request of the Alcoholic Beverage Administrator, the Board or a hearing officer appointed by the Board may serve as the enforcement authority for Chapter 2.7 regarding alcoholic beverages.

c. Upon execution and effect of an interlocal agreement with the City, any other local government may utilize the Code Enforcement Board to enforce any ordinance of that local government.

5. Powers of the Code Enforcement Board.

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 the violation of which constitutes a criminal offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

c. The Code Enforcement Board shall have the power to:

- i. Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with the requirements of KRS 65.8801 to 65.8839 and ordinances of the local government or local governments creating the board.
- ii. Conduct hearings, or assign a hearing officer to conduct a hearing, to determine whether there has been a violation of any ordinance that the board has jurisdiction to enforce.
- iii. To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Board, or by an assigned hearing officer, may be served by any code enforcement officer.
- iv. To take testimony under oath. The Chairperson or assigned hearing officer shall have the authority to administer oaths for the purpose of taking testimony.
- v. To make findings of fact and issue orders necessary to remedy any violation of any ordinance that the Board has jurisdiction to enforce.
- vi. To impose civil fines as authorized on any person found to have violated an ordinance over which the Board has jurisdiction.

6. Appointment of Members; Term of Office; Removal from Office; Oath; and Compensation.

- a. Members of the Code Enforcement Board shall be appointed by the Mayor, subject to approval of the Council.
- b. Initial Board appointments shall be as follows:
 - i. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of one (1) year;
 - ii. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of two (2) years; and
 - iii. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of three (3) years.
- c. All subsequent appointments shall be made for a term of three (3) years.
- d. The Mayor may appoint, subject to the approval of the Council, two (2) alternate members to serve in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Board.
- e. Any vacancy on the Board shall be filled by the Mayor, subject to approval of the Council, within sixty (60) days. If a vacancy is not filled within sixty (60) days, the remaining members of the code enforcement board shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.
- f. Any member of a code enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of a code enforcement board shall submit a written statement to the member and to the legislative body of the local government setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
- g. All members of the Board must, before entering into office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- h. Members of the Board shall be compensated at the rate of one hundred dollars (\$100.00) per member, per meeting attended, not to exceed twelve hundred dollars \$1,200 per member per year. Alternates shall be compensated one hundred dollars (\$100) for each meeting to which they are called to attend as an alternate member and for actual expenses, but otherwise shall not be compensated.
- i. No member of the Board may hold any elected or appointed office, whether paid or unpaid, or any position of employment with the unit of local government that has created the code enforcement board.

j. In the event the City enters an Interlocal Agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint Code Enforcement, appointment of members and alternates, removal, and qualifications shall be governed by the terms of the Interlocal Agreement, with each participating jurisdiction appointing at least one member.

k. Each member of the Code Enforcement Board shall have resided within the boundaries of the City 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. In the event the City enters an Interlocal Agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint Code Enforcement, Board members serving on joint code enforcement boards shall have resided within the boundaries of the local government they represent 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.

7. Organization of Board; Quorum.

a. The Board shall, upon the initial appointment of its members, and annually thereafter, elect a Chair from among its members. The Chairperson shall be the presiding officer and a full voting member of the Board. If the chairperson is not present at a meeting, the Board shall select one of its members to preside in place of and exercise the powers of the chairperson.

b. The Board shall hold regular meetings at least monthly on a schedule to be determined by the Board. Meetings other than established regular meetings shall be special meetings held in accordance with the Kentucky Open Meetings Act.

c. All meetings and hearings of the Board shall be held in accordance with the applicable State statutes and the Kentucky Open Meetings Act.

d. The presence of at least a majority of the Board's entire membership shall constitute a quorum. The affirmative vote of a majority of the members constituting a quorum shall be necessary for any official action to be taken. Any member of the Board 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 from voting on the matter and shall not be counted for purposes of establishing a quorum.

e. 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.

f. All meetings and hearings of the code enforcement board shall be open to the public.

g. The city shall provide clerical and administrative personnel for the proper conduct of the duties of the Board. In the event the City enters an Interlocal Agreement, pursuant to KRS 65.210 to 65.300 and 65.8811, for joint Code Enforcement, members of the agreement shall contribute to the costs of clerical and administrative support.

8. Enforcement Proceedings.

a. Enforcement proceedings before a code enforcement board or hearing officer shall be initiated by the issuance of a citation by a code enforcement officer.

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 a local government ordinance, the officer is authorized to issue a citation by:

- i. Personal service to the alleged violator;
- ii. 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
- iii. 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 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.

c. The citation issued by the code enforcement officer shall contain, in addition to any other information required by rule of the Board:

- i. The date and time of issuance;
- ii. The name and address of the person to whom the citation is issued;
- iii. The date and time the offense was committed;
- iv. The address where the offense was committed;
- v. The facts constituting the offense;
- vi. The section of the code or the number of the ordinance violated;
- vii. The name of the code enforcement officer;
- viii. When the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, 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, a statement so indicating;
- ix. If applicable, the time period within which the person must remedy the violation;
- x. A specific statement of the remediation necessary.

- xi. A statement that, if the person fails to remedy the violation within the time period specified, the city may abate the violation and bill the person for abatement costs plus an administrative fee of \$100;
- xii. When specifically authorized by the ordinance or code being violated, that the citation and any applicable penalties will be waived if the violation is remedied within the time period specified by the ordinance, which period shall be set forth in the citation;
- xiii. A statement that the city shall possess a lien on property owned by the person for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs;
- xiv. The civil fine that will be imposed for the violation if the person does not contest the citation;
- xv. The maximum civil fine that may be imposed if the person elects to contest the citation;
- xvi. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
- xvii. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within seven (7) days of the date the citation is issued, the person shall be deemed to have waived the right to a hearing before the code enforcement board or hearing officer to contest the citation and that the determination that a violation was committed shall be final, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.
- xviii. A statement that contesting the citation shall serve to toll the city's abatement of the violation except where the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, 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. After issuing a citation to an alleged violator, the code enforcement officer shall notify the code enforcement board by delivering the citation to the administrative official designated by ordinance or by the board. The code enforcement officer, hearing officer, or code enforcement board may also elect to provide notice of the issuance of the citation to any lienholder with an interest in the subject premises.

e. Notices of violation or citations involving motor vehicles shall be sent to the property owner or other person having control or management of the premises or property, and the motor vehicle owner if known.

f. Nothing in this Subchapter 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.

g. 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 filing written notice with the City Clerk requesting 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 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 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. Notice of the final order shall be provided to the cited violator in the manner set forth in subsection 10(g) of this Article.

h. Notwithstanding the provisions of paragraph (g) of this section, whenever a hearing before an administrative body is required by law for a particular violation, remedy or abatement action, or when, in the opinion of a Code Enforcement Officer or the City Attorney, such a hearing is necessary or advisable, the Code Enforcement Officer or the City Attorney may request such a hearing before the Board, and the Board shall schedule the hearing and provide notice to the person to whom the citation is issued in accordance with the provisions of this Section.

i. Citations shall be payable to the City Clerk.

j. Notice of Violation.

- i. Unless the violation unless the code enforcement officer has 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, a Notice of Violation shall be issued in lieu of a citation for violation of any ordinance subject to enforcement under this Division, where any of the following is true:
 - a. the property upon which the violation exists has not been the subject of a citation or notice of violation within the past 24 months, or
 - b. the owner of the property has not been issued a citation or notice of violation within the past 24 months, or
 - c. the alleged violator has not been issued a citation or notice of violation within the past 24 months.

- ii. The Notice of Violation shall be in writing and shall give notice of:
 - a. The date and time of issuance;
 - b. The name and address of the person to whom the citation is issued;
 - c. The date and time the offense was committed;
 - d. The address where the offense was committed;
 - e. The facts constituting the offense;
 - f. The section of the code or the number of the ordinance violated;
 - g. That the person must remedy the violation within five (5) calendar days or a citation will be issued;
- iii. A Notice of Violation shall be delivered in the same manner as a citation, as specified in subsection 8(b) of this Division.
- iv. A Notice of Violation is not appealable.
- v. If a Notice of Violation is not remedied within 5 calendar days, the code enforcement officer is authorized to issue a citation.

9. Hearing Officer

- a. The Code Enforcement Board may assign a hearing officer to conduct hearings in accordance with the procedures set forth in KRS 65.8828.
- b. Any member of the Board, including the chair, may be assigned as a hearing officer. In the event a Board member is assigned as a hearing officer, he or she shall not participate in the Board's hearing, deliberation or decision of the appeal.
- c. An individual that is not a member of the Board may be assigned by the Board as a hearing officer as long as the individual does not hold any elected or appointed office or position of employment with the City or any jurisdiction participating in an Interlocal Agreement for joint enforcement through the Board.
- d. Any person assigned to be a hearing officer by a code enforcement board shall have experience or shall have received training in the code enforcement process and basic procedural due process, as specified in the ordinance creating the code enforcement board. The experience or training shall include, at a minimum, acquired knowledge regarding a party's fundamental due process right to:
 - i. Be accompanied and advised by counsel at the hearing;

- ii. Present evidence and witnesses on his or her behalf at the hearing;
 - iii. Examine the evidence opposing the party; and
 - iv. Confront and cross-examine the witnesses opposing the party.
- e. An assigned hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence to the hearing to which the officer is assigned.
- f. Any hearing conducted by a hearing officer under this section shall conform to the procedural requirements of KRS 65.8828(1) to (5).
- g. The hearing officer shall make written findings of facts and conclusions of law, and enter a final order consistent with the authority granted to the Board under KRS 65.8828(4).
- iii. The findings of fact, conclusions of law, and final order shall be forwarded within twenty-four (24) hours of entry to the alleged violator in the manner required by KRS 65.8828(5) and to the Board.
 - iv. A final order issued by a hearing officer under this subsection may be appealed by the alleged violator to the Board. The appeal shall be filed in writing to the Board within seven (7) days of the receipt of the final order. The failure to file an appeal within seven (7) days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this subparagraph shall be required to exhaust the administrative remedy of appeal to the Board before appealing to District Court as authorized under KRS 65.8831.

10. Hearing, Notice and Final Order.

- a. When a hearing has been requested, the Board, through its clerical and administrative staff, shall schedule a hearing.
- b. Not less than seven (7) days before the date of the hearing, the 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, by 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. The Board may also elect to provide notice of hearing to any lienholders with an interest in the subject premises.
- c. 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 that 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. Notice of the final order shall be provided to the cited violator in the manner set forth in KRS 65.8828(5).

d. All testimony shall be taken under oath and recorded. The Board or assigned hearing officer shall take testimony 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. Each case that is the subject of a hearing may be presented by an attorney selected by the local government or by a member of the administrative staff of the local government. An attorney may either be counsel to the Board or may represent the local government by presenting cases at the hearing, but in no case shall an attorney serve in both capacities.

f. The Board or the assigned hearing officer shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and ordering the offender to do either or both of the following:

- i. Pay a civil fine up to the maximum authorized by ordinance; or
- ii. Remedy a continuing violation in order to avoid the imposition of a fine as authorized by ordinance.

g. Every final order of the Board or the assigned hearing officer shall be reduced to writing, which shall include the findings and conclusions of the board, and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the board is issued, the order shall be delivered to that person by regular first-class mail; certified mail, return receipt requested; by personal delivery; or by 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.

11. Appeals; Final Judgment.

a. Within seven (7) days of the entry of a final order issued by the hearing officer, the order may be appealed by the alleged violator to the Board, which shall review the record created before the hearing officer and determine whether there is substantial evidence on the record to support a finding by the hearing officer that a violation was committed. If the Board determines that there is not substantial evidence on the record, it shall issue an order dismissing the citation. If the Board determines that there is substantial evidence on the record that a violation was committed, it shall issue a final order upholding the order entered

by the hearing officer. The failure to file an appeal within seven (7) days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this subparagraph shall be required to exhaust the administrative remedy of appeal to the code enforcement board before appealing to District Court as authorized under KRS 65.8831.

b. An appeal from any final order of the Board may be made to the Scott 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 Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The District Court shall review the final order de novo.

c. A judgment of the Scott District Court may be appealed to the Scott Circuit Court in accordance with the Rules of Civil Procedure.

d. If no appeal of the final order of the Board is filed within the time allowed in subsection (a) of this section, the Board's order shall be deemed final for all purposes.

12. Abatement.

a. All violations of ordinances and codes enforced under this Division shall be remedied by the violator within the time period specified in the specific ordinance or code, unless the code enforcement officer determines that a shorter time is warranted. In the absence of a specified time period, the time period for remedy of a violation shall not exceed (10) days, however the code enforcement officer, Board or hearing officer may grant an extension of this time period. The time period for the violation to be remedied shall not be less than twenty-four (24) hours following issuance of the citation, unless the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, 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. The time period shall commence upon the issuance of a citation in accordance with subsection 8(b) of this Section.

b. If the property owner so served does not abate the violation within the applicable time period, the city may proceed to abate such violation, keeping an account of the expense of abatement. The abatement costs, including 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 local government ordinance, shall be charged to and paid by the property owner.

c. Filing of notice to contest a citation in accordance with subsection 8(g) of this Section shall serve to toll the city's abatement of the violation, unless the code enforcement officer has

reason to believe that the existence of the violation presents imminent danger, 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. In the event the Board or a hearing officer determines that the violation contested did occur, the Board or hearing officer may order that the abatement proceed immediately or within a specified time period not to exceed 30 days.

c. The code official shall bill the property owner of such premises at least once following abatement. No lien claimed shall be filed against the property until seven (7) days have elapsed after the bill is sent. If the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill.

13. Liens, Fines, Charges and Fees.

a. The City shall possess a lien on property owned by the person found by a final, non-appealable final order as defined by KRS 65.8805(8), 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. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to 65.8839. The lien:

- i. Shall be recorded in the office of the county clerk;
- ii. Shall be notice to all persons from the time of its recording and shall bear interest until paid;
- iii. Subject to KRS 65.8836, shall take precedence over all other liens, except state, county, school board, and city taxes;
- iv. Shall continue for ten (10) years following the date of the nonappealable final order, or final judgment of the court; and
- v. May be enforced by judicial proceedings, including an action to foreclose.

b. A copy of the notice of the lien shall be mailed to the owner of the premises. However, the failure to mail the owner a copy of such notice or the failure of the owner to receive such notice shall not affect the right of the city to enforce its lien for such charges as provided by law.

c. In addition to the remedy prescribed above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation

and for all charges and fees incurred by the City in connection with the enforcement of the applicable Code of Ordinances.

d. The City Attorney is authorized to bring a civil action for the collection of delinquent liens and other costs incurred by the City, and the City shall have the same remedies as provided for the recovery of a debt. The City Attorney is granted authority to use his or her best judgment and discretion to settle any fine and remedy assessments and to release liens as he deems to be in the best interests of the City. The City Attorney is further authorized to make a determination that a lien not be filed if the cost of the lien and collection is greater than the amount of the lien, when intervening in existing litigation is not cost effective or when the lien would not be enforceable as a matter of law. The City Attorney is also authorized to release any existing liens that meet the above criteria.

e. Lienholder notification system.

Pursuant to KRS 65.8835 – 65.8836, the city shall obtain and maintain priority over previously filed liens in accordance with the following provisions:

- (i) Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders entered pursuant to this ordinance.
- (ii) In order to receive the notification, the registrant shall submit the following information to the City Clerk:
 - 1. Name;
 - 2. Mailing address;
 - 3. Phone number; and
 - 4. Electronic mailing address.
- (iii) A registrant may use the electronic form provided on the city Web site to submit the information required by subsection (ii) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The city shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.
- (iv) At least once per month and not more than once per week, the city shall send electronic mail notification of all final orders entered pursuant to this Article since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the city code enforcement database located on the city Web site. The database shall include the following information regarding each final order:
 - 1. The name of the person charged with a violation;

2. The physical address of the premises where the violation occurred;
 3. The last known mailing address for the owner of the premises where the violation occurred;
 4. A copy of the full citation;
 5. A copy of the full final order; and
 6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.
- (v) If an appeal is filed on a final order pursuant to this ordinance, the city shall send electronic mail notification to all registrants.
- (vi) Within ten (10) days of the issuance of a final order pursuant to this Article, the city shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (iv) of this Section containing an updated link to the code enforcement database on the city Web site.
- (vii) The city shall maintain the records created under this Section for ten (10) years following their issuance.

f. Lien priority

- (i) A lienholder of record who has registered pursuant to Section 13(e) of this Article may, within forty-five (45) days from the date of issuance of notification under Section 13(e) of this Article:
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.
- (ii) Nothing in this Section shall prohibit the city from taking immediate action if necessary.
- (iii) The lien provided by this Article shall not take precedence over previously recorded liens if:
1. The city failed to comply with the requirements of Section 13(e) of this Article for notification of the final order; or
 2. A prior lienholder complied with subsection (i) of this Section.
- (iv) A lien that does not take precedence over previously recorded liens under subsection (iii) 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.

- (v) The city may record a lien before the forty-five (45) day period established in subsection (i) 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.
- (vi) Failure of the city to comply with Sections 14 and 15 of this ordinance, or failure of a lien to take precedence over previously filed liens as provided in subsection (iii) of this Section, shall not limit or restrict any other remedies the city has against the property of the violator.

14. Due Process and Right of Entry

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused or the person having charge or control cannot be located, the code official shall utilize the procedures set forth in section 15 of this Division to obtain an Administrative Search Warrant, unless a lawful exception to the requirement for a warrant exists.

15. Penalties.

a. Unless otherwise stated therein, the penalty for violation of any ordinance or code provision enforced by the Board under this Division shall be as follows:

(i) The maximum civil fine that may be imposed for each offense if the citation is contested is \$2,000.

(ii) If the citation is not contested, civil fines will be imposed according to the following schedule:

- a. For a first offense within a 24-month period, where the violation is remedied within the time period required by the ordinance or for which no remediation is required, there shall be no fine.

- b. For a first offense within a 24-month period, where the violation is not remedied within the time period allowed by the ordinance, the penalties shall be as set forth in subsection (g) of this Section.
- c. For the second offense within a 24-month period, the initial fine shall be two hundred dollars \$200.
- d. For the third offense within a 24-month period, the initial fine shall be three hundred dollars \$300.
- e. For the fourth offense within a 24-month period, the initial fine shall be four hundred dollars \$400.
- f. For the fifth and subsequent offenses within a 24-month period, the initial fine shall be five hundred dollars \$500.
- g. For any offense that continues unremedied beyond the time period by which the ordinance requires the violation to be remedied, an additional three hundred dollars (\$300) for every seven (7) days or portion thereof beyond the remediation date shall be added to the initial fine until the violation is remedied by the responsible person or is abated by the city or until the total fine reaches one thousand dollars (\$1,000).
- h. The maximum civil fine that may be imposed for each offense if the citation is not contested is \$1,000.

Example for illustration purposes only: Owner receives a citation for a second offense within 24 months for a property maintenance code violation. The minimum fine is \$200. Owner does not contest the citation. The ordinance specifies a 7-day remediation period. Sixteen days after the citation is issued, owner remedies the violation. Code enforcement will issue a bill to Owner for \$800 ($\$200 + (\$50 \times 6 \text{ days}) + (\$100 \times 3 \text{ days})$).

16. Stop Work Order

A code enforcement officer may order the immediate cessation of any construction or reconstruction work being done in violation of any ordinance or being done on property that is in violation of any ordinance. The stop work order shall be issued in conjunction with or in supplement to a citation for the violation. Work shall not resume until the violation has been remedied and any applicable fees and fines have been paid.

17. RESERVED

18. Administrative Search Warrant.

a. Definition.

(i) An administrative search warrant is a written order of a judge or other officer authorized by statute to issue search warrants that commands the search or inspection of any property, place or thing, and the seizure, photographing, copying, or recording of property or physical conditions found. An administrative search warrant authorizes an officer to enter any premises to conduct any inspection, sampling, and other functions required or authorized by law to determine compliance with the provisions of an ordinance, code, or other regulation including, but not limited to, those relating to the use, condition, or occupancy of property or structures.

b. Who may apply for warrant.

(i) Whenever a law requires or authorizes an inspection or investigation of any place or thing, the administrative officer charged to enforce that law, acting in the course of his or her official duties, may apply for an administrative search warrant. For this purpose, administrative officer includes a building inspector, code enforcement officer, fire chief, their deputies, or other duly authorized representative, as the case may be.

(ii) Before filing an application for an administrative search warrant, the administrative officer shall consult with legal counsel as to its legality in both form and substance.

c. Contents of application.

(i) The application shall:

(a) Be supported by an affidavit sufficient under Section 10 of the Kentucky Constitution and be sworn to before an officer authorized to administer oaths as provided in the Kentucky Rules of Criminal Procedure or other applicable law;

(b) State the applicant's status in applying for the warrant, the ordinance or regulation requiring or authorizing the inspection or investigation, and the nature, scope and purpose of the inspection to be performed;

(c) Describe the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(d) State:

(A) that, for the purpose of making an inspection, access to the property has been sought from and refused by the regulated party, or

(B) that, after making a reasonable effort, the applicant has been unable to locate the regulated party, or

(C) that the facts or circumstances reasonably show that the purposes of the inspection or investigation might be frustrated if entry were sought without first procuring a warrant; and

(e) State the basis upon which sufficient cause exists to search or inspect for violations of the ordinance or regulation specified.

d. Grounds for issuance.

(i) An administrative search warrant may issue upon a showing that probable cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied. Probable cause may be shown by:

(a) Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection and that those standards are satisfied with respect to the location;

(b) A reasonable administrative inspection program exists regarding the condition of the property and that the proposed inspection comes within that program;

(c) A health, public protection or safety ordinance, regulation, rule, standard or order and that specific evidence of a condition or nonconformity exists with respect to the particular location; or

(d) An investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

(ii) A copy of the administrative search warrant and supporting affidavit shall be retained by the issuing officer and filed by such officer with the clerk of the court to which the warrant is returnable.

e. Contents of warrant.

(i) The warrant:

(a) May direct its execution and return by the administrative officer charged to enforce the ordinance or regulation specified in the application;

(b) Shall specify the property, place, structure, premises, vehicle or records to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(c) May contain a direction as to the time and manner of its execution; and

(d) Shall command the return to the appropriate court of any evidence of ordinance violations found, or of any property seized pursuant thereto, or a description of such property seized, to be dealt with according to law.

f. Execution and return.

(i) Unless otherwise prescribed in the warrant, the officer executing an administrative search warrant shall make return thereof to the appropriate court within a reasonable time of its execution. The return shall show the date and hour of service.

(ii) Except as provided in the following sentence, in executing a search warrant the person authorized to execute it shall before entry make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show him or her the warrant or a copy thereof upon request. In executing a search warrant, the person authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in the preceding sentence, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition, but shall orally announce their credentials and authority to execute the warrant prior to entry.

(iii) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place. The return shall be accompanied by any photographs, copies or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this section.

(iv) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and may request that a peace officer assist in the execution of the warrant.

19. Department Responsibility for Enforcement

The chart below is intended for reference purposes, and shall not affect the authority of any duly authorized code enforcement officer or citation officer. In general, the Chapters below will be enforced by the corresponding departments listed in the chart. The Mayor may designate one or more code enforcement officers or citation officers within or on behalf of these departments.

	Code Officer	Police	City Engineer	Building Inspection	Planning and Zoning	Fire Chief	City Clerk	Animal Control
Building, Electrical, & Gas Codes			Yes					
Property Maintenance Code	Yes	Yes	Yes		Yes			
Fences	Yes	Yes	Yes					
Fire Codes						Yes		
Stormwater (except post construction)	Yes		Yes	Yes	Yes			
Stormwater Post Construction					Yes			
Nuisances	Yes	Yes	Yes					
Sales	Yes	Yes						
Streets & Sidewalks	Yes	Yes	Yes	Yes				
Solid Waste	Yes	Yes						
Alcoholic Beverages		Yes				Yes		
Animals	Yes	Yes						Yes
Subdivision Regulations					Yes			
Zoning Ordinance					Yes			
Sign Ordinance	Yes	Yes	Yes	Yes				
Fireworks		Yes						
Traffic		Yes						

20. Citation Officers.

a. Authorized.

Pursuant to KRS 83A.087, there are hereby authorized citation officers subject to the provisions of this Subchapter.

b. Powers.

Citation officers shall not have the powers of peace officers to make arrests or carry deadly weapons, but may issue citations as authorized upon observation of violations of City ordinances. The powers and responsibilities of citation officers include, but are not limited to, conducting investigations, conducting inspections, recording and documenting conditions, obtaining outsourced inspection services, issuance of citations, appeal processes, abatement of nuisances, right of entry, modifications and all other powers vested under applicable statutes and this Code of Ordinances. Citation officers shall have the power to enter upon all properties within the City for the purposes of inspection, observation, measurement, sampling and testing in order to carry out the duties above.

c. Procedures.

The procedures for citations for civil offenses issued by a citation officer shall be as provided in this Division. The procedures for citations for criminal and nonmoving motor vehicle offenses issued by a citation officer shall be as provided in KRS 431.015. Citation officers shall carry

identification identifying themselves as citation officers and shall so identify themselves immediately to any member of the public while enforcing any ordinance of the City.

d. Employees Authorized.

The Mayor may designate those persons whose responsibilities include the enforcement of ordinances subject to the jurisdiction of the City of Georgetown Code Enforcement Board as citation officers, and authorize those persons to issue citations.

e. Power of Citation Officer to Make Arrest.

This Subchapter shall not be a limitation on the power of a citation officer to make an arrest as a private person as provided in KRS 431.005. This Subchapter shall not be the exclusive means for enforcement of City of Georgetown ordinances.

21. Remedies not exclusive

Nothing in this Division shall prohibit the city from enforcing any provision that is subject to enforcement under this Division in a judicial proceeding. Any provision of the Georgetown Code of Ordinances to the contrary is hereby repealed.

TWO

Section 4-6 of the Georgetown Code of Ordinances, entitled Administrative Appeals Board, is repealed in its entirety.

THREE

Section 2-112 of the Georgetown Code of Ordinances is amended as follows:

Sec. 2-112. Municipal code enforcement officer.

(a) *Creation of code enforcement officer.* There is hereby created ~~(one (1))~~ the position classification of Code Enforcement Officer, Grade 8, who shall have all the powers granted under KRS 65.8801 to KRS 65.8839. This position ~~[would]~~ shall answer to the police chief, unless administratively reassigned by executive order. The position ~~[would]~~ requires the qualifications and performance of duties set out on the attached position classification which is incorporated as part of this section and designated Exhibit A.

(b) *Positions subject to temporary re-assignment.* This position, as all city employees, is subject to temporary re-assignment by the mayor as the needs of the city dictate. This position, as all city employees, is subject to the assignment of additional duties, as the needs of the city dictate. ~~[A specific assignment of additional duties which this employee may receive shall be~~

~~the duties of a risk management officer. Such assignment is anticipated with the creation of this position. The position classification for risk management officer is attached. This attachment is for illustrative purposes only. No separate position is being created.]~~

FOUR

Section 2-113 of the Georgetown Code of Ordinances, entitled Authority to issue citations— Non-moving motor vehicles, is repealed in its entirety.

FIVE

Section 2-181 of the Georgetown Code of Ordinances is amended as follows:

Sec. 2-181. Duties of building official.

The building official shall have the following duties:

- (1) The duties set out for the building official in the Kentucky Building Code and KRS ch. 198B;
- (2) The duties set out for the "officer" in the standards of safety and KRS 227.320 through 227.400;
- (3) The duties set out for the building official in the zoning ordinance;
- ~~[(4) The enforcement of chapter 9 on nuisances.]~~

SIX

A new division of Chapter 2, Article VI of the Code of Ordinances is created to read as follows:

BLIGHTED AND DETERIORATED PROPERTIES

1. Purpose and Findings. The City Council of the City of Georgetown hereby finds and declares that there exists within the city blighted or deteriorated properties and that there is need for the exercise of powers, functions, and duties conferred by KRS 99.700 to 99.730 within the city. The city further adopts the findings and policy of the General Assembly regarding blighted and deteriorated properties, as expressed in KRS 99.700, as its own findings and policy.
2. Adoption of State Law. The city hereby adopts the provisions of KRS 99.700 to 99.730.
3. Assignment of duties of Vacant Property Review Commission. As authorized by KRS 99.710, the duties that would otherwise be assigned to a Vacant Property Review Commission under KRS 99.700 to 99.730 are hereby assigned to the Code Enforcement Board (hereinafter, "the Board") created under the Georgetown Code Enforcement Board Ordinance.

4. Definitions. The definitions set forth in KRS 99.705 are incorporated as though set forth fully herein.

5. Elimination of Blight and Deterioration. The City shall have the power to acquire, by eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to KRS 99.700 to 99.730, and shall have the power to hold, clear, manage, or dispose of property so acquired, pursuant to the provisions of KRS 99.700 to 99.730.

6. Certification of Blight Deterioration.

(a) The City shall not institute eminent domain proceedings pursuant to KRS 99.700 to 99.730 unless the Board has certified that the property is blighted or deteriorated. A property which has been referred to the Board by a local government as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the Board has determined:

(i) That the owner of the property or designated agent has been sent an order by the appropriate local government agency to eliminate the conditions which are in violation of local codes or law;

(ii) That the property is vacant;

(iii) That the property is blighted and deteriorated; and

(iv) That the Board has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice.

(b) The findings required by subsection (a) of this section shall be in writing and included in the report to the city.

(c) (i) The Board shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the local government under KRS 99.700 to 99.730.

(ii) Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the Board in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected.

(iii) The written notice sent to the owner or his or her agent or posted on the property shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

(d) An extension of the ninety (90) day time period may be granted by the Board if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

7. Eminent Domain. The city may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has been certified as blighted or deteriorated by the Board if it finds:

(a) That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;

(b) That such property is likely to continue to deteriorate unless corrected;

(c) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(d) That the owner of such property has failed to correct the deterioration of the property.

SEVEN

Section 3-33 of the Georgetown Code of Ordinances, entitled Enforcement, is repealed in its entirety and replaced with the following language:

Sec. 3-33. Enforcement and Penalties

(a) Violation of any section of this Chapter, other than a violation which would also constitute a criminal offense under any provision of the Kentucky Revised Statutes, shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

EIGHT

Section 3-34 of the Georgetown Code of Ordinances, entitled Penalties for violations, is repealed in its entirety.

NINE

Section 4-21 of the Georgetown Code of Ordinances is amended as follows:

Sec. 4-21. Adoption of the 2013 Kentucky Building and Residential Codes.

The ~~[2013]~~ International Building Code and the Kentucky Building Code amendments and the minor codes incorporated thereby, promulgated in 815 KAR 7:120 and the ~~[2013]~~ the International Residential Code and the Kentucky Residential Code amendments and the minor codes incorporated thereby promulgated in 815 KAR 7:125 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, are to be enforced by the City of Georgetown, Scott County as though set forth fully herein.

TEN

Section 4-36 of the Georgetown Code of Ordinances, entitled Adoption of One and Two Family Dwelling Code, is repealed in its entirety.

ELEVEN

Section 4-51 of the Georgetown Code of Ordinances is amended as follows:

Sec. 4-51. Adoption of National Electrical Code.

The National Electrical Code, ~~[1981]~~ 2014 edition, also known as the NFPA 70, is hereby adopted by reference as if copied in full and set forth herein.

TWELVE

Section 4-91 of the Georgetown Code of Ordinances is amended as follows:

Sec. 4-91. Adoption of gas installation and maintenance code.

The requirements and specifications of the 2015 NFPA 54, the National Fuel Gas Code, shall govern[ing] the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories [~~the installation and maintenance of gas service piping, house piping, meter and regulator settings, appliance venting on customer's premises and other related matters, under date of April 1956, of the Columbia Gas System and the Central Kentucky Natural Gas Company, Inc., having been read at length before the council, and a copy of same having been filed of record in the office of the clerk treasurer, and a copy being attached to the original of Ordinance No. 757 which shall be filed in the permanent record of ordinances of the city, it is hereby ordained that the requirements and specifications shall constitute the official code of the city for such gas installation and maintenance and the requirements and specifications are adopted by reference as the law for such matters within the city limits, and all of same are made part hereof as if copied and set forth in full herein.~~]

THIRTEEN

Section 4-106 of the Georgetown Code of Ordinances is amended as follows:

Sec. 4-106. Adoption of [~~BOCA~~] International Basic Mechanical Code.

There is hereby adopted by reference the [~~BOCA~~] International Mechanical Code, [~~1981~~] 2012 edition, as published by the Building Officials and Code Administrators International, Inc., which shall be in full force and effect in the city as if fully set forth herein.

FOURTEEN

Section 4-121 of the Georgetown Code of Ordinances is amended as follows:

Sec. 4-121. Adoption of property maintenance code.

Repeal of current code and adoption of 20[~~03~~]12 Code. The City of Georgetown, Kentucky, hereby repeals the current [~~1998~~]2003 edition of the International Property Maintenance Code and adopts the 20[~~03~~]12 edition of the International Property Maintenance Code. Three (3) copies of the 20[~~03~~]12 edition of the International Property Maintenance Code are, and shall remain, on file in the Georgetown City Clerk's Office, as published by the International Code Council. This code shall regulate:

- (1) The conditions and maintenance of all property, buildings and structures;
- (2) Provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use;
- (3) Provide for the condemnation of buildings and structures unfit for human occupancy and use along with the demolition of such existing unfit structures;
- (4) Provide for the issuance of appropriate permits and collection of required fees; and
- (5) Each and all of the regulations, provision, penalties, conditions and terms of the 20[03]12 edition of the International Property Maintenance Code on file in the office of the city clerk are referenced and incorporated as part of this chapter as if set out in full in this article, together with all additions, amendments and deletions provided in section 4-122 of this article.

FIFTEEN

Section 4-122 of the Georgetown Code of Ordinances, entitled “Amendments to the text of the printed code,” is repealed in its entirety and replaced with the following language:

Sec. 4-122. Amendments to the text of the printed code.

The following sections set forth all additions, insertions, deletions and changes, which the council deems appropriate to customize the 2012 International Property Maintenance Code (hereinafter “the IPMC”) to the City of Georgetown's property maintenance enforcement system.

The following language shall be read in conjunction with the language in section 101.1 of the IPMC.

§101.1 Title. The jurisdiction shall be the City of Georgetown, Kentucky.

The following language shall be read in conjunction with the language in section 103.1 of the IPMC.

§103.1 General. The Code Enforcement Board and the City's code enforcement officers are responsible for the enforcement of this code.

Section 104.3 of the IPMC is omitted and the following language substituted in its stead:

§104.3 Right of entry.

The provisions of sections 14 and 15 of the Georgetown Code Enforcement Board Ordinance shall govern Right of Entry and Due Process.

The following language shall be read in conjunction with the language in section 106 of the IPMC.

§106 Violations

All references to a “notice of violation” throughout the code shall be replaced by the word “citation” as that terms is used in the Georgetown Code Enforcement Board Ordinance.

Section 106.4 is omitted and the following language substituted in its stead:

106.4 Penalties

Penalties for violations of the Property Maintenance code shall be as set forth in section 15 of the Georgetown Code Enforcement Board Ordinance.

Sections 107.1 through and including 107.5 are omitted and the following language substituted in their stead:

The procedures set forth in the Georgetown Code Enforcement Board Ordinance shall govern notice, form and service.

The following language is added to the text provided in the Section 108.2 of the printed code:

§ 108.2 Closing of vacant structures.

An administrative fee of one hundred dollars (\$100.00) shall be assessed in addition to the cost of closing the property. The payment of all charges assessed for the closing of the property, costs and fee, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

Section 109.5 is omitted and the following language substituted in its stead:

§109.5 Costs of emergency work. The section is amended to read as follows:

The city shall pay the costs incurred in the performance of emergency work necessitated by violations of this code. Legal counsel of the jurisdiction shall institute appropriate proceedings, including the placement of a lien, against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including the administrative fee of one hundred dollars (\$100.00) assessed pursuant to Section 108.2.

The following language is added to the text provided in Section 110.3 of the printed code:

§ 110.3 Failure to comply.

The cost of such demolition and removal includes an administrative fee of one hundred dollars (\$100.00) assessed pursuant to Section 108.2.

Section 111 is omitted and the following language substituted in its stead:

§ 111. Means of Appeal.

The procedures set forth in the Georgetown Code Enforcement Board Ordinance shall govern notice, form and service.

Section 113 is added:

§ 113 Abatement Procedure.

(a) The procedures set forth in the Georgetown Code Enforcement Board Ordinance shall govern City abatement of violations of the Property Maintenance Code.

The following language is added to the text provided in the corresponding section of the printed code:

§ 302.2.1 Premises not covered by subdivision regulations or ordinance governing construction on individual lots. Each individual lot [premises] located within approved subdivisions for which final plat approval has been given, but for which a building permit has not been issued, shall be subject to the following:

§ 302.2.1.1 Requirements where subdivision regulations previously applied. If the premises are disturbed as a result of subdivision development preparation, sediment and erosion control measures required by the subdivision regulations, § 1100, B, 1, shall have been in place at the time of the final subdivision plat approval. Until such time as a building permit is

obtained for construction on an individual lot(s) within the development, the soil stabilization required for final plat approval and erosion and sediment control measures required under the subdivision regulations shall be maintained. No grading shall be performed within any development subsequent to final plat approval and before the issuance of a building permit for individual lots. At such time as a building permit is obtained for construction on the individual lots, City of Georgetown Ordinance 2002-002 shall apply.

§ 302.2.1.2 Requirements for undisturbed lots. Premises require no special sediment and erosion control measures where vegetation on those premises is sufficient to preclude erosion and sediment creation measures. Premises on which vegetation is disturbed to the extent to which a substantial risk of erosion and sediment is created shall comply with the standards provided by City of Georgetown Ordinance 2002-002.

§302.2.1.3 Standard by which compliance is determined. If no building permit is obtained for construction on the premises, the erosion and sediment control measures required under the subdivision regulations shall be maintained until such time as vegetation is sufficient to eliminate erosion and sediment creation. The premises' compliance with this section shall be certified in writing by the office of building inspection. This certification signifies only that the premises were compliant at the time of the inspection and does not satisfy the requirement of continuing compliance.

Section 302.4 is omitted and the following language substituted in its stead:

§ 302.4 Weeds.

a. Legislative Purpose. The city acknowledges the desirability of permitting and encouraging the preservation and restoration of natural plant communities in urban, suburban and rural areas. It further acknowledges the need to enjoy and benefit from the variety, beauty and values of natural landscaping, including freedom from toxic chemicals, and seeks to guarantee its citizens the freedom to employ natural landscaping as a viable and desirable alternative to conventional modes of landscaping.

There are a limited number of plant species that constitute serious agriculture pests, which in some instances may adversely affect human health or safety. Further, this section promotes the use of native vegetation, including native grasses and wildflowers, in managed yards and landscapes for the preservation and restoration of our natural plant communities. This section does not promote the use of plants otherwise designated by state law to be noxious, e.g., Johnson grass, giant foxtail, Canada and nodding thistles, multiflora rose, wild cucumber, black nightshade, kudzu, or poison ivy, sumac or oak. The presence of these plants, though not per

se prohibited, constitute evidence of untended, rank or unmanaged vegetation, a violation of this section.

The use of wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. The city notes that native vegetation and native plant communities, on a worldwide basis, are disappearing at an alarming rate. It is desirable to permit and encourage managed natural vegetation within the city limits while maintaining public health and safety protections.

§ 302.4 A. Definitions. Definitions applicable to the interpretation and enforcement of section 302.4:

Untended, rank or unmanaged vegetation: Overgrown vegetation or vegetation in an unhealthful condition, which provides either a direct health hazard or a demonstrated breeding ground for fauna known to create a safety or health hazard, e.g. rodents, snakes, mosquitoes. Untended, rank or unmanaged vegetation is a public nuisance.

The presence of untended, rank or unmanaged vegetation exceeding ten (10) inches in height is a violation of this section.

Conventional yards, which if regularly mowed, appear well managed and are comprised of many plants other than grass. There is also an abundance of chicory, dandelions, crabgrass, and numerous other vegetation. For this reason, the conventional yard is included in the definition of "primarily of grass" or "untended, rank or unmanaged vegetation." The conventional yard, however, will not constitute a violation of this section unless the height of the yard exceeds ten (10) inches.

Managed vegetation: Managed vegetation is vegetation utilized in a planned/designed yard or landscape, including natural landscaping, with the intent to control, direct, and maintain the growth of natural vegetation according to its natural characteristics and reduction, if not elimination, of fauna known to create a safety or health hazard. Managed vegetation is not subject to the ten (10) inches height restriction.

§ 302.4 B. Declaration of Nuisance and Prohibition. Untended, rank and unmanaged growth of vegetation on any property within the city, which is visible from any public way, street, sidewalk or alley or from any adjoining property, is declared a public nuisance. Such vegetation is prohibited and may be abated in accordance with the procedures referenced below.

§ 302.4 C. Natural Landscaping Protected. No agents or employees of the city shall undertake to enforce this section or issue an order directing the destruction or removal of any native vegetation, including native grasses and wildflowers, in managed yards and landscapes.

Agents and employees of the city shall enforce this section and issue enforcement orders directing the destruction or removal of all vegetation in violation of this section, including, but not limited to all conditions that create a clear and present hazard to public health or safety, a threat to the agricultural economy, or a harborage for rodents, snakes, or mosquitoes. All enforcement orders under this section shall be limited to the offending vegetation, unless general destruction, cutting or removal is necessary to reasonably eliminate the offending condition.

§ 302.4 D. Managed natural landscaping. It is lawful to grow native and naturalized plants to any heights, including ferns, wildflowers, grasses, forbs, shrubs, and trees, in a managed landscape. The growing of native or naturalized plants must be obtained and possessed according to law.

§ 302.4 E. Statement of the city's intention in the enforcement of this section.

- A. This section regulating unmanaged and managed vegetation shall be proactively and uniformly enforced and apply to all property within the city limits.
- B. Aesthetic judgments shall not be a consideration in determining required compliance under this section.
- C. The city shall promptly notify the property owner of all applicable rights, including right of appeal.
- D. No agent of the city shall enter upon or take action upon private land without the providing due process of law.

Section 302.10 is added:

§ 302.10 Public ways not to be obstructed. No owner, occupant or person otherwise responsible for the care and maintenance of premises shall construct, place or otherwise allow the construction or placement of any item that, in whole or in part, extends beyond the property line of the premises into space comprising a public way as defined in Section 202, General Definitions. One example of a violation of this section is a basketball goal, though mounted, whether temporarily or permanently, on the premises, which extends beyond the property line into the public way (the right-of-way often includes beyond the curb and sidewalk. All of which is part of the public way).

§ 304 Exterior Structure. **Required information is specified:**

§ 304.14 Insect screens. The period during which insect screens are required is from April 1 to December 1.

§ 602 Heating Facilities. **Required information is specified:**

§ 602.3 Heat supply. The period during which the temperature must be maintained according to this section is from October 1 to April 15.

§ 602.4 Occupiable work spaces. The period during which the temperature of indoor occupiable workspaces must be maintained according to this section is from October 1 to April 15.

Section 704.3 is omitted and the following language substituted in its stead:

§ 704.3 Power source.

The owner of premises may continue to use battery-powered smoke detectors if the premises have a sufficient number of existing battery-powered smoke detectors in operational condition. Whenever the premises are renovated or otherwise modified in such a manner to provide accessible installation of primary power to smoke alarms from building wiring from a commercial source, the premises shall have smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection

SIXTEEN

Section 4-151 of the Georgetown Code of Ordinances is amended as follows:

Sec. 4-151. Regulation; residential.

No property owner shall construct or allow to be constructed on property which is zoned for residential use a fence in excess of six (6) feet in height. No such fence constructed will extend past the front portion of any residence on any such lot which exceeds four (4) feet in height

and which interferes substantially with visibility and the passage of air and light. In order to qualify under this section, a fence extended past the front of a house cannot be constructed with any fabric which covers in excess of fifty (50) percent of its surface area. Stockade fences are forbidden. Examples of acceptable fencing fabric include: chain link fences without inserts and picket fences, in which the pickets are no wider than the space between them. This list is for illustration only. Barbed wire or razor wire shall not be used in the construction of any fence on property zoned for residential use. Electrified fences are prohibited in residential zones, except that such prohibition shall not apply to in-ground pet fences utilizing low voltage wiring. For purposes of this section, a house on a corner lot shall be construed as having but one "front portion," which shall be that side of the house facing the road upon which it is addressed.

No fence ~~[extending past the front of a house in a residential zone can]~~ shall extend into the public right-of-way or a public easement.

SEVENTEEN

Section 4-161, entitled Structures damaged by fire or natural calamity, is repealed in its entirety.

EIGHTEEN

Section 7-18 of the Georgetown Code of Ordinances is amended as follows:

Sec. 7-18. ~~[Designated enforcement officer]~~ Enforcement.

This Article and the Standards of Safety and the National Fire Codes shall be enforced by the Code Enforcement Board according to the provisions of the Georgetown Code Enforcement Board Ordinance. The Fire Chief shall be designated as the local code enforcement [agent] officer for the above Standards of Safety and the National Fire Codes, 2012, as appointed by the state fire marshal and the city.

NINETEEN

Section 7-19.1 of the Georgetown Code of Ordinances is amended as follows:

Sec. 7-19.1. Appeal process.

All final decisions of the fire code official of Georgetown shall be appealable to ~~[a local~~

~~appeals board pursuant to the procedures adopted by the city]~~ the Code Enforcement Board according to the provisions of the Georgetown Code Enforcement Board Ordinance.

TWENTY

Section 7-20 of the Georgetown Code of Ordinances is amended as follows:

Sec. 7-20. Violations.

Any person who violates any provision of KRS 227.200 to KRS 227.400 or any provision of a lawful order, rule or regulation made under the provisions of KRS 227.200 to KRS 227.400 or this Chapter or induces another to violate any provisions of KRS 227.200 to KRS 227.400 or this Chapter or any lawful order, rule or regulation made thereunder, shall be guilty of a [~~misdemeanor~~] civil offense subject to enforcement according to the terms of the Georgetown Code Enforcement Board Ordinance and subject to the applicable fees and penalties set forth in KRS Chapter 227. The imposition of the penalties prescribed in this Code shall not preclude the city construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

TWENTY-ONE

Section 8-38 of the Georgetown Code of Ordinances, entitled Enforcement, violation notice and penalties, is repealed in its entirety and replaced with the following language:

Sec. 8-38. Enforcement and Penalties

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

TWENTY-TWO

Section 8-99, entitled Enforcement, is repealed in its entirety and replaced with the following language:

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

TWENTY-THREE

Section 9-2 of the Georgetown Code of Ordinances is amended as follows:

Sec. 9-2. Certain conditions declared to be nuisances.

The following conditions are hereby declared to be a public nuisances and are prohibited:

(1) Dwellings unfit for human habitation. The erection, use or maintenance of a dwelling which is unfit for human habitation. A "dwelling" shall include any part of any building or its premises used as a place of residence or habitation or for sleeping by any person. A dwelling is "unfit for human habitation" when it is dangerous or detrimental to life or health because of want of repair, defects in drainage, plumbing, lighting, ventilation or construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

(2) Dangerous buildings adjoining streets. There is caused or suffered any building, house or structure to become so out of repair and dilapidated that, in the condition it is permitted to be and remain, it shall, if such condition is suffered to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property using or being upon the streets or public ways of the city adjoining such premises, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom. For

purposes of this section, failure to maintain lawfully required water, sewer, or a source of heat to a dwelling shall be conclusive evidence that a dwelling is unfit for human habitation. In a dwelling being used for residential rental, failure to maintain lawfully required water, sewer, electrical or a source of heat to a dwelling shall be conclusive evidence that a dwelling is unfit for human habitation.

(3) Dangerous trees, stacks, etc., adjoining street. There is caused or suffered any tree, stack or other object to remain standing upon such premises in such condition that it shall, if the condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(4) Dilapidated buildings. There is caused or suffered any building, house or structure to become so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire because of its condition and lack of repair, or that due to lack of adequate maintenance or neglect it endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(5) Accumulation of rubbish. There is caused or suffered such an accumulation on any premises of filth, refuse, trash, garbage or other waste material that it endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents or insects, or its blowing into any street, sidewalk or property of another. It shall be the duty of persons owning or being in charge of those business establishments whose patrons purchase goods or services from their automobiles, commonly known as "drive-ins," to furnish sufficient covered receptacles for the deposit of wastes created in the operation of such business and to clean up such wastes as are not deposited in receptacles at the close of business of each day (of if such business operates continuously, at least once each day) and at such other times when weather conditions are such that waste from the operation of such business is being blown to adjoining premises.

(6) Noxious odors or smoke. There emits from premises into the surrounding atmosphere such odors, dusts, smoke or other matter as to render ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(7) ~~[Reserved.]~~ Open storage of equipment, furnishings, appliances, scrap or salvage materials. There is caused or suffered any open storage of equipment, furnishings, appliances, scrap or salvage materials, including metal, lumber, masonry and other building materials not actively being used for construction, that is dangerous to public health, safety or welfare or that creates an unsightly condition that would reduce property value or promote urban blight. This section shall not apply where permitted by KRS 65.8840 or other applicable state or federal laws or where such equipment, furnishings, appliances, scrap or salvage materials are stored

in a fully enclosed structure in a manner that prevents said items from being either a fire hazard or a harborage of pests and rodents.

(8) Open wells. There is caused or suffered the maintenance of any open or uncovered, or insecurely covered, cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

(9) Trees and shrubbery obstructing streets and sidewalks. There is caused or suffered the growing and maintenance of trees with less than fourteen (14) feet clearance over streets or less than eight (8) feet, over sidewalks, or the growing and maintenance of shrubbery in excess of three (3) feet in height within the radius of twenty (20) feet from the point where the curb line of any street intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of twenty (20) feet from the point where the curb line of any street intersects with the curb line of another street.

(10) ~~[Junk, scrap metal,]~~ Junked, wrecked or inoperative motor vehicles and automobile parts. The storage of motor vehicles unfit for further use, motor vehicle in inoperative condition, or automobile parts ~~[or scrap metal]~~ within the city limits, except where permitted by KRS 65.8840.

"Motor vehicle in an inoperative condition" means and includes any style or type of motor-driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten (10) consecutive days.

"Motor vehicle unfit for further use" means and includes any style or type of motor driven vehicle used for the conveyance of persons or property, which is in a dangerous condition, has defective or missing parts, or is in such a condition generally as to be unfit for further use as a conveyance.

"Automobile parts" mean and include any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

~~(11) Weeds and high grass are declared to be a nuisance to be controlled according to the nuisance abatement procedures.~~

(11) Failure to secure pool or spa. There is caused or suffered any pool or spa that is not secured in conformance with the requirements of the 2012 International Property Maintenance Code.

TWENTY-FOUR

Section 9-5, entitled Suspension of license, is repealed in its entirety.

TWENTY-FIVE

Section 9-6, of the Georgetown Code of Ordinances, entitled Abatement procedure, is repealed in its entirety.

TWENTY-SIX

Section 9-7 of the Georgetown Code of Ordinances, entitled Penalties, is repealed in its entirety.

TWENTY-SEVEN

Section 9-24 of the Code of Ordinances, entitled Enforcement of Article, is repealed in its entirety and replaced with the following language:

9-24. Enforcement and Penalties

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

TWENTY-EIGHT

Section 12-20 of the Code of Ordinances, entitled Enforcement of Article, is repealed in its entirety and replaced with the following language:

Sec. 12-20. Enforcement and Penalties.

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

TWENTY-NINE

Section 15-1 of the Georgetown Code of Ordinances is amended as follows:

Sec. 15-1. Transportation, relocation of dirt, earth and debris on and around construction sites.

(a) All and any dirt, earth or debris from any real estate improvement within the city shall be kept and/or transported in such a manner that it will not wash, drain or otherwise be caused to enter and be deposited in or upon the streets, sanitary sewers, storm sewers and/or other drainage facilities of the city.

(b) Any person, persons, partnerships or corporations who displace or relocate or cause to be displaced or relocated any dirt, earth or debris from any real estate improvement, and such displacement or relocation places the dirt, earth or debris in such a manner that it washes, drains or is caused to enter and be deposited in or upon the streets, sanitary sewers, storm sewers and/or other drainage facilities of the city, shall forthwith remove and relocate said dirt, earth or debris to a safe location and shall clean up or cause to be cleaned up any dirt, earth or debris that has washed, drained or entered any street, storm sewer, sanitary sewer or other drainage facility.

(c) Enforcement and Penalties.

~~{(1) Any person or persons found violating any provision of the preceding subsections shall be served with written notice stating the nature of the violation and a reasonable time for satisfactory correction, such time shall not be less than twenty-four (24) hours. The members of the police department, the building inspector, and the city engineer shall be charged with the responsibility of enforcing the provisions of this section.~~

~~{(2) Any person or persons who shall continue any violation beyond the time limit provided in subsection (a) of this section shall be guilty of a misdemeanor and upon conviction be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) per offense. Each day during which such violation shall continue or occur~~

~~shall be considered a separate offense.]~~

(a) Violation of this Section shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

THIRTY

Section 15-16 of the Georgetown Code of Ordinances is amended as follows:

Sec. 15-16. Minimum height of awnings and signs.

~~(a) Every awning or swinging sign erected within the city shall be not less than eight (8) feet above the pavement[, and any person who shall violate the conditions of this section shall be fined as provided in section 1-13 for each day the person shall fail to modify or remove any feature not in accordance with this section, after notice thereof by the chief of police.]~~

(b) Violation of this section shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(c) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(d) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

THIRTY-ONE

Section 15-17 of the Georgetown Code of Ordinances is amended as follows:

Sec. 15-17. Projections above pavement.

(a) No person shall erect or cause to be erected upon any street, alley or sidewalk within the city, any cellar, curbing or door which shall project more than two (2) inches above the adjoining pavement; nor shall any person, having control of a cellar door or other opening in any street, alley or sidewalk within the city, suffer the same to remain open, or so out of repair that persons are liable to injury thereby. [Each day or night the same shall be left open, out of repair, or above the within fixed grade, shall be deemed a separate offense.]

(b) Violation of this section shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(c) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(d) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within 7 days of issuance of the citation.

THIRTY-TWO

Section 15-25, entitled Trimming trees, bushes and shrubbery, is repealed in its entirety.

THIRTY-THREE

Section 15-26 of the Georgetown Code of Ordinances, entitled Notice to clean sidewalks or trim trees, bushes, and shrubbery, is repealed in its entirety.

THIRTY-FOUR

Section 15-27 of the Georgetown Code of Ordinances, entitled Failure to comply with notice, is repealed in its entirety.

THIRTY-FIVE

Section 15-41 of the Georgetown Code of Ordinances is amended as follows:

Sec. 15-41. Generally.

It shall be the responsibility of each owner to keep and maintain the sidewalk ~~(in front of)~~ bordering their property in good repair. All sidewalks hereafter constructed shall be done under the supervision of the ~~[council, through its building official,]~~ City Engineer and shall be at the cost of the lot or a portion thereof. Any person undertaking repair or construction of a sidewalk shall first ~~[notify the building official]~~ obtain a permit from the City Engineer. There shall be no charge for such ~~[application]~~ permit. The ~~[building official]~~ City Engineer shall ensure that the work is done in a good and workmanlike manner and is consistent with any applicable codes and the Americans with Disabilities Act. Allowing a sidewalk to become a danger to the public is hereby expressly declared a public nuisance subject to enforcement and abatement according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance.

THIRTY-SIX

Section 15-42 of the Georgetown Code of Ordinances is amended as follows:

Sec. 15-42. Owner failing to construct or repair.

The ~~[council]~~ City Engineer, by and through a citation issued by code enforcement officer or citation officer, may order the construction or repair of sidewalks which constitute a hazard to the public. The owner or his agent of the property in front of which sidewalks are to be built may construct same; provided the work is done as herein ordered and under the supervision of the ~~[building official]~~ City Engineer. ~~[At the time the council orders the repair of sidewalks, it]~~ The citation shall set a reasonable time, not to exceed 30 days, by which the work is to be done and completed. If the work is not completed by the owner or his agent by the time set forth in the citation, then the ~~[same shall be paid and let out by the council, and the letting shall be done in separate contracts for each sidewalk, and the cost of construction shall be paid by the owner of the lot in front of whose property it is built]~~ city shall repair the sidewalk

and bill the property owner(s) whose lots the sidewalk abuts in accordance with the Georgetown Code Enforcement Board Ordinance. Should the pavement in any case extend beyond the line of one owner and ~~[in front of]~~ abutting the property of two (2) or more owners, it shall be apportioned among the owners according to the number of front feet abutting the street where construction is done~~[, as ordered by the council].~~

~~[Advertisement for bids shall be made for at least one (1) week prior to awarding of bids.]~~

THIRTY-SEVEN

Section 15-43, entitled Notice to construct or repair sidewalks, is repealed in its entirety.

THIRTY-EIGHT

Section 15-44 of the Code of Ordinances, entitled Lien for cost of construction, is repealed in its entirety.

THIRTY-NINE

Section 15-45 of the Code of Ordinances, entitled Sidewalks and gutters to be kept in repair, is repealed in its entirety.

FORTY

Section 15-46 of the Code of Ordinances, entitled Annual inspection, is repealed in its entirety and replaced with the following language:

Sec. 15-46. Annual inventory of sidewalks.

The City Engineer shall annually inventory the sidewalks within the city and assess the condition of each using a scale and scoring criteria established by his or her office. The City Engineer shall provide the results of the annual inventory and condition analysis to the city council.

FORTY-ONE

Section 15-47 of the Code of Ordinance is created to read as follows:

Sec. 15-47. Enforcement and Penalties

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within the remediation period established by the City Engineer in the citation.

FORTY-TWO

Section 15-83 of the Code of Ordinances, entitled Penalties, is repealed in its entirety and replaced with the following language:

15-83. Enforcement and Penalties

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

FORTY-THREE

Section 17-37 of the Georgetown Code of Ordinance, entitled Delinquent taxes, is repealed in its entirety.

FORTY-FOUR

Section 17-38 of the Georgetown Code of Ordinances, entitled Notice of delinquent taxes owed filed with county clerk's office, is repealed in its entirety:

FORTY-FIVE

A new section of Chapter 1 of the Georgetown Code of Ordinances is created to read as follows:

Administrative Hold

(a) Persons, businesses or entities who:

(1) Own property in the city for which there exists:

- a. Unpaid city ad valorem taxes,
- b. Unpaid fines and abatement costs assessed by the city, or
- c. A final order finding a violation of any code or ordinance of the city that has not been remedied, or

(2) Are delinquent on payment or filing of occupational license/net profits taxes, insurance premium taxes, tourism taxes or any other taxes owed to the city or its agencies

shall be administratively ineligible for the issuance of any license, permit or other approval issued by the city or its agencies, including the Planning Commission and Staff, Building Inspection Department, Revenue Commission, City Clerk, City Engineer, or Fire Department, or by any agency with which the city has an agreement for reciprocal application of this section, until such time as the deficiency or deficiencies have been corrected. Notwithstanding this prohibition, the city or agency may issue any permit necessary to remedy the condition causing the administrative ineligibility.

(b) An administrative hold resulting from the application of section (a) shall run with the land and be binding on the person, business or entity's successors and heirs, provided that the successors and heirs have notice or constructive notice of the delinquent obligation. The filing of a lien in the County Clerk's office shall presumptively establish constructive notice to all persons.

FORTY-FIVE

If any portion of this Ordinance is for any reason held invalid or unlawful such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

FORTY-SIX

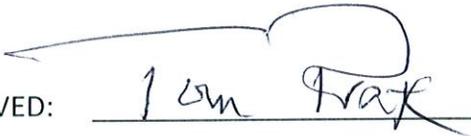
All prior ordinances and parts of ordinances in conflict with this Ordinance are repealed.

FORTY-SEVEN

This Ordinance shall become effective October 1, 2016 and after passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: August 22, 2016

PUBLICLY READ SECOND TIME AND PASSED: September 12, 2016

APPROVED:  _____

Tom Prather, Mayor

ATTEST:  _____
Tracie Hoffman, City Clerk