CITY OF GEORGETOWN, KENTUCKY

ORDINANCE NO. 18-006

AN ORDINANCE AMENDING ORDINANCE 16-009 AND MAKING VARIOUS RELATED REVISIONS
SUMMARY

Amends Ordinance 2016-001 to: make various changes necessary to make the ordinance consistent with recent changes to the state law; to clarify that the code enforcement officer has discretion to require a shorter or longer period of remediation as warranted; to make the default remediation period 7 days; to clarify that a $100 admin fee is added to every violation requiring abatement by the city; to limit the city attorney's discretion to reduce or waive penalties to situations involving error by the city, insolvency of the violator or good cause for failure to remedy the violation or if the penalties exceed the value of the property; to provide examples of good cause; to clarify that the hearing officer or Board has the authority to increase or decrease penalties based on the totality of the circumstances in the case; to amend the penalty structure to provide for three classes of violations with separate penalty structures; to change the trigger for when a violator receives a courtesy Notice of Violation from the first offense within a 24 month period to the first offense within the same calendar year; and amends various sections of the Code of Ordinances to specify whether the violations are Class 1, 2 or 3 for purposes of determining penalties; makes violation of the Noise Ordinance a criminal penalty rather than a civil penalty subject to enforcement through the code enforcement board; provides that a violation existing on multiple vacant lots of common ownership in a platted subdivision shall be considered one violation; provides for severability, repeal of inconsistent ordinances and an effective date upon passage and publication.

The full text of this Ordinance 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: December 11, 2017

PUBLICLY READ SECOND TIME AND PASSED: January 22, 2018

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 18-006 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

CITY OF GEORGETOWN, KENTUCKY

ORDINANCE NO. 18-006

AN ORDINANCE AMENDING ORDINANCE 16-009 AND MAKING VARIOUS RELATED REVISIONS

SPONSOR: Council Member Connie Tackett

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

ONE

Section 6 of Ordinance 16-009, entitled "Appointment of Members; Term of Office; Removal from Office; Oath; and Compensation" is amended as follows.

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. Two (2) or more participating local governments may share an appointment or appointments.

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.

TWO

Section 8 of Ordinance 16-009, entitled "Enforcement Proceedings," is amended as follows:

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. Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or

[~~iii~~]iv. If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in paragraphs (i) to (iii) of this subsection is not possible, then the citation is properly served by [P]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~~] by:

(i) Regular first-class mail;

(ii) Certified mail, return receipt requested;

(iii) Personal delivery; or

(iv) 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.

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~~] same calendar year, or

b. the owner of the property has not been issued a citation or notice of violation within the [~~past 24 months~~] same calendar year, or

c. the alleged violator has not been issued a citation or notice of violation within the [~~past 24 months~~] same calendar year.

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.

THREE

Section 12 of Ordinance 16-009, entitled "Abatement," is amended as follows:

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 or longer time is warranted. In the absence of a specified time period, the time period for remedy of a violation shall [~~not exceed (10)~~] be seven (7) days. [~~however~~] Upon request of a violator and for good cause shown, the code enforcement officer, Board or hearing officer may grant an extension of [~~this time~~] the remediation period, which shall serve to toll the incurrence of any initial or additional penalties. 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. In addition to the abatement costs, the property shall be assessed a one-hundred dollar ($100) administrative fee.

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.

FOUR

Section 13 of Ordinance 16-009, entitled "Liens, Fines, Charges and Fees," is amended as follows:

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~~] reduce or waive penalties or release a lien upon a showing by the violator of error by the city, insolvency of the violator, or good cause for failure to remedy the violation, or if the City Attorney determines the penalties exceed the value of the property. Good cause shall include but not be limited to:

i. Death, incapacity or unavoidable absence of the property owner;
ii. Circumstances beyond the control of the violator, such as weather, fire or natural disaster, prevented the violator from remedying the violation;
iii. Remedying the violation within the required time period would have been unreasonable or cost prohibitive.

Failure of a violator to receive a Notice of Violation or Citation shall not be considered good cause absent a showing by the violator that circumstances beyond his or her control prevented the violator from receiving the Notice or Citation and that the same circumstances prevented the violator from knowing the violation existed.

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, <u>if, in the exercise of reasonable diligence, it is ascertainable</u>;

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~~] <u>At the same time notification is required in section (iv) of this Section</u>, 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.

FIVE

Section 15 of Ordinance 16-009, entitled "Penalties," is amended as follows:

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~~ violation if the citation is contested is $2,000.

a. The Code Enforcement Board or hearing officer, when hearing an appeal, shall have the discretion to decrease or increase a penalty based on a totality of the circumstances analysis, which may include, among other factors, the merits of the appeal, costs associated with conducting the hearing, facts surrounding the violation, and other mitigating or aggravating circumstances.

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

a. For a first [~~offense~~] Class 1 Violation within [~~a 24-month period~~] the same calendar year, 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~~] Class 1 Violation within [~~a 24-month period~~] the same calendar year, where the violation is not remedied within the time period allowed by the ordinance, the penalties shall be as set forth in subsection ([~~g~~] d) 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).~~]

c. The maximum civil fine that may be imposed for each [~~offense~~] violation if the citation is not contested is $1,000.

d. Class 1 Violation: The initial fine shall be $50. For each 7 days or portion thereof beyond the remediation date that the violation remains unremedied, $50 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 five hundred dollars ($500).

e. Class 2 Violation: The initial fine shall be $100. For each 7 days or portion thereof beyond the remediation date that the violation remains unremedied, $100 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).

f. Class 3 Violation: The initial fine shall be $200. For each 7 days or portion thereof beyond the remediation date that the violation remains unremedied, $200 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).

~~[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*6 days) + ($100*3 days)).]~~

SIX

Section 3-33 of the Georgetown Code of Ordinances, entitled "Enforcement," is amended as follows:

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. All violations of this section shall be considered Class 1 Violations.

(c) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

SEVEN

Section 8-38 of the Georgetown Code of Ordinances, entitled "Enforcement, violation notice and penalties," is amended as follows:

(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. All violations of this section shall be considered Class 3 Violations.

(c) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

EIGHT

Section 8-99 of the Georgetown Code of Ordinances, entitled "Enforcement," is amended as follows:

(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. All violations of this section shall be considered Class 2 Violations.

(c) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

NINE

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

Violation of this Article shall be considered a criminal violation, subject to enforcement by uniform citation by a police officer or citation officer. Penalties for violation shall be as follows:

First offense: $50

Second offense within 12 months: $100

Third and subsequent offenses within 12 months: $200

TEN

Section 12-20 of the Code of Ordinances, entitled "Enforcement of Article," amended as follows:

(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. All violations of this section shall be considered Class 1 Violations.

ELEVEN

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

(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.

(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. All violations of this section shall be considered Class 1 Violations.

(c) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

TWELVE

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

(a) Every awning or swinging sign erected within the city shall be not less than eight (8) feet above the pavement.

(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. All violations of this section shall be considered Class 1 Violations.

(d) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

THIRTEEN

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

(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.

(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. All violations of this section shall be considered Class 1 Violations.

(d) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

FOURTEEN

Section 15-47 of the Code of Ordinance is amended as follows:

(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. All violations of this section shall be considered Class 1 Violations.

(c) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

FIFTEEN

Section 15-83 of the Georgetown Code of Ordinances, entitled "Penalties," is amended as follows:

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. All violations of this section shall be considered Class 2 Violations.

SIXTEEN

Chapter 9, Article I, Section 9-5 of the Georgetown Code of Ordinances is created to read as follows:

(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. All violations of this section shall be considered Class 1 Violations.

(c) [~~A citation~~] Penalties 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~~] same calendar year and the violation is remedied within 7 days of issuance of the citation or within the time period specified by the Code Enforcement Officer.

SEVENTEEN

Section 302.4(F) of Section 4-122 of the Georgetown Code of Ordinances is created to read as follows:

Any violation of this section that exists upon multiple vacant properties of common ownership in a subdivision platted for development shall be considered a single violation.

EIGHTEEN

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.

NINETEEN

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

TWENTY

This Ordinance shall become effective upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: December 11, 2017

PUBLICLY READ SECOND TIME AND PASSED: January 22, 2018

APPROVED: Tom Prather

Tom Prather, Mayor

ATTEST: Tracie Hoffman

Tracie Hoffman, City Clerk