

COMMISSIONERS ORDINANCE O-2019-026

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 32.018 OF THE CODE OF ORDINANCES CONCERNING ENFORCEMENT PROCEEDINGS.

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That Section 32.018 of the Code of Ordinances of the City of Newport, Kentucky shall be and is hereby amended to read, as follows:

§32.018 ENFORCEMENT PROCEEDINGS

The following requirements shall govern all enforcement proceedings before the Board or Hearing Officer:

- (A) Enforcement proceedings shall only be initiated by the issuance of a citation by a code enforcement officer.
- (B) [~~Except when immediate action is necessary, i]~~ If a code enforcement officer believes, based on his or her personal observation or investigation, that a person has violated a city ordinance or code provision, he or she [~~shall~~] may issue a notice of violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine or may immediately issue a citation. If a notice of violation is issued and the alleged violator fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.
- (C) The code enforcement officer shall issue the citation by one of the following methods:
 - (1) Personal service to the alleged violator;

- (2) Leaving a copy of the citation with any person 18 years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
 - (3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.
- (D) The citation issued by the code enforcement officer shall contain the following information:
- (1) The date and time of issuance;
 - (2) The name and address of the person to whom the citation is issued;
 - (3) The physical address of the premises where the violation occurred;
 - (4) The date and time the offense was committed;
 - (5) The facts constituting the offense;
 - (6) The section of the code or the number of the ordinance violated;
 - (7) The name of the code enforcement officer;
 - (8) The civil fine that may be imposed for the violation, including, if applicable:
 - (a) The civil fine that will be imposed if the person does not contest the citation; and
 - (b) The maximum civil fine that may be imposed if the person elects to contest the citation.
 - (9) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
 - (10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed: the person shall be deemed to have waived the right to a hearing before the Board or Hearing Officer to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and the person shall be deemed to have waived the right to appeal the final order to the Campbell District Court.
- (E) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Board by delivering the citation to the Director of Code Enforcement.

(F) (1) The person to whom the citation is issued shall respond to the citation within 7 days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing to contest the citation. If the person fails to respond to the citation within 7 days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to the Campbell District Court.

(2) Notice of the final order shall be delivered to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the delivery.

SECTION II

All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published by Summary, and shall be effective upon publication.

PASSED: First reading October 21, 2019
PASSED: Second reading November 18, 2019

Jerry R. Peluso, Mayor

ATTEST:

Amy B. Able, City Clerk

PUBLISHED: Online on the City website, www.newportky.gov, with URL reference published in the Campbell County Recorder the 28th of November, 2019 as statutorily allowable under Section 143 of HB 487 approved in 2018 by the Kentucky Legislature and became law on April 27, 2018.