

ORDINANCE 2003-18

AN ORDINANCE AMENDING ORDINANCE 85-15, "AN ORDINANCE DEFINING, AND PROVIDING FOR THE CONTROL OF GARBAGE, REFUSE, AND LITTER, PROVIDING FOR PRIMA FACIE EVIDENCE OF VIOLATIONS OF PROVISIONS OF THIS ORDINANCE IN CERTAIN SITUATIONS, PROVIDING FOR ACTION BY CITY AT EXPENSE OF OWNER, TENANT, OR PERSON IN CONTROL OF PREMISES AFTER FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE, WITH A PENALTY CLAUSE, A REPEALER CLAUSE, AND A SEVERABILITY CLAUSE", BY PROVIDING A NEW SECTION AUTHORIZING CONCURRENT JURISDICTION FOR VIOLATIONS TO BE WITHIN THE CODE ENFORCEMENT BOARD POWERS, AND AUTHORIZING THE CODE ENFORCEMENT BOARD TO SEEK LEGAL ACTION AGAINST VIOLATORS OF THIS ORDINANCE; PROVIDING FOR CIVIL PENALTIES FOR VIOLATIONS; AND PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the City of Russellville has previously adopted Ordinance 85-15, the heading of which is found above, and which is incorporated by reference as is fully rewritten herein; and

WHEREAS, City Council desires to amend this Ordinance to grant concurrent jurisdiction to the Code Enforcement Board of Russellville, Kentucky, and authorizing the Code Enforcement Board to seek judicial action by the City Attorney; and

WHEREFORE, City Council deems this Ordinance to be in the best interests of the health, safety and welfare of the citizens of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, as follows:

**I. THE AMENDMENTS.**

1. Section 18 of Ordinance 85-15 is hereby amended to create four (4) sub-parts, three (3) of which are new, to read as follows:

a. Criminal penalties: Any person found guilty of violating any section of this ordinance shall, upon conviction, be fined in an amount of not less than \$20 nor, more than \$250, and each day of violation shall be considered a separate offense, but the court in its discretion may require an individual convicted of violating this ordinance to remove litter from public property within the City for any proscribed period not to exceed seven (7) days (up to six (6) hours per day) in lieu of or in addition to the fine provided for in this section.

b. Civil penalties: Violation of this Ordinance is a civil offense. The maximum civil penalty that may be imposed is \$250.00 for each offense, and each day the Ordinance is violated may be considered a separate offense. If one who violates this Ordinance does not contest a citation, then the penalty for such violation shall be \$20.00, and each day the Ordinance is violated may be considered a separate offense.

c. The Code Enforcement Board of Russellville, Kentucky is granted concurrent jurisdiction to decide all cases based on a Citation issued by a Code Enforcement Officer for violation of this Ordinance.

d. In order to assist in enforcement of this Ordinance, the Code Enforcement Board may authorize the City Attorney of Russellville to file a legal action to collect fines, foreclose on Judgment Liens, and to seek injunctive relief against a violator who fails to comply with the terms of this Ordinance.

**II. SEVERABILITY.** The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

**III. REPEAL OF EXISTING ORDINANCES.** All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

**IV. EFFECTIVE DATE.** This ordinance shall become effective upon passage and publication as required by law.

**FIRST READING** conducted the 4<sup>th</sup> day of November, 2003.

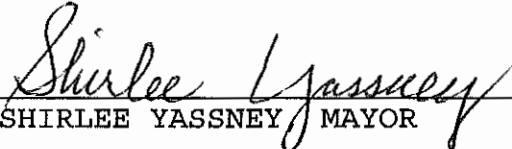
**SECOND READING AND PASSAGE** by roll call vote on the 18<sup>th</sup> day of November, 2003.

Ayes:

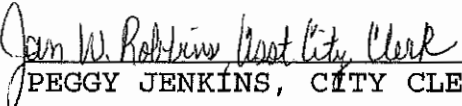
Nays:

Abstaining:

Absent:

  
SHIRLEE YASSNEY MAYOR

ATTEST:

  
PEGGY JENKINS, CITY CLERK

The City Council of Russellville, Kentucky, has enacted Ordinance 2003-17 entitled "AN ORDINANCE AMENDING ORDINANCE 94-9, 'AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY ENACTING A PROPERTY MAINTENANCE CODE AND STATING ITS PURPOSES; PROVIDING DEFINITIONS, IMPOSING DUTIES ON OWNERS AND OPERATORS; CREATING ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT; IMPOSING PENALTIES; WITH SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE' BY PROVIDING A NEW SECTION AUTHORIZING CONCURRENT JURISDICTION FOR VIOLATIONS TO BE WITHIN THE CODE ENFORCEMENT BOARD POWERS, AND AUTHORIZING THE CODE ENFORCEMENT BOARD TO SEEK LEGAL ACTION AGAINST VIOLATORS OF THIS ORDINANCE; PROVIDING FOR CIVIL PENALTIES FOR VIOLATIONS; AND PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE"

In accordance with KRS 83A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to give the Code Enforcement Board concurrent jurisdiction to enforce the Ordinance.

2. This Ordinance provides for a civil penalty as follows: "Violation of this Ordinance is a civil offense. The maximum civil penalty that may be imposed is \$500.00 for each offense, and each day the Ordinance is violated may be considered a separate offense. If one who violates this Ordinance does not contest a citation, then the penalty for such violation shall be \$5.00, and each day the Ordinance is violated may be considered a separate offense."

The full text of this Ordinance is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on November 4, 2003 and a second reading conducted on November 18, 2003.

This Ordinance is in effect immediately upon publication.

**CERTIFICATION OF COUNSEL**

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2003-17.

C. Robert Hedges  
Russellville City Attorney