

ORDINANCE 2003-19

AN ORDINANCE AMENDING ORDINANCE 92-19, "AN ORDINANCE PROHIBITING THE BURNING OF LEAVES, YARD TRIMMINGS AND HOUSEHOLD RUBBISH WITHIN THE CITY LIMITS OF RUSSELLVILLE, KENTUCKY; 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

WHEREAS, City of Russellville has previously adopted Ordinance 92-19, 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.

Section 1 of Ordinance 92-19 is hereby amended to create a new subsection with three (3) sub-parts, all of which are new, to read as follows:

- a. CIVIL PENALTY: 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.
- b. 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.

- c. 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 thereof 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 4th day of November, 2003.

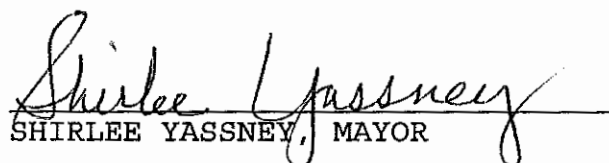
SECOND READING AND PASSAGE by roll call vote on the 18th day of November, 2003.

Ayes:

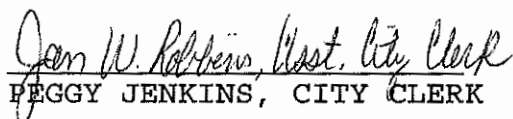
Nays:

Abstaining:

Absent:


SHIRLEE YASSNEY, MAYOR

ATTEST:


PEGGY JENKINS, CITY CLERK

The City Council of Russellville, Kentucky, has enacted Ordinance 2003-18 entitled "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".

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 \$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."

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 2003-18.

C. Robert Hedges
Russellville City Attorney