

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2008-10**

AN ORDINANCE AMENDING ORDINANCE 2001-02, "AN ORDINANCE REGULATING THE USE OF FIRE AND/OR POLICE SECURITY ALARM SYSTEMS LOCATED WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY; PRESCRIBING REGULATIONS FOR AND DUTIES OF THE OWNERS OF FIRE AND/OR POLICE ALARM SYSTEMS TO INSPECT, MAINTAIN AND REPAIR SUCH ALARMS; PROVIDING FOR PENALTIES FOR MULTIPLE FALSE ALARMS; PROVIDING DEFINITIONS; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING 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

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WHEREAS, City of Russellville has previously enacted Ordinance 2001-02, 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 through 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 4 of Ordinance 2001-02 is hereby amended to delete the penalty section and its title and to create a new title with three (3) substantive sub-parts, to read as follows:

SECTION 4 - ~~Fines/civil penalties.~~ PENALTIES, AND JURISDICTION OF CITY OF RUSSELLVILLE CODE ENFORCEMENT BOARD.

~~Any person found to be in violation of any section of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00). As an alternative to, or in conjunction with, the penalties set forth herein, any person found to be in violation of this article may also be assessed a civil penalty not to exceed the amounts found in Section 4(A) payable to the City of Russellville within twenty (20) days of the issuance of the citation. Civil penalties not paid within the time prescribed herein may be recovered by the city in a civil action, in the same manner provided for the collection of a civil debt.~~

A. CIVIL PENALTY: Violation of this Ordinance is a civil offense. The maximum civil

penalty that may be imposed is \$100.00 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 \$25.00 for a first offense; \$50.00 for a second offense; and \$100.00 for a third and subsequent offenses, 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.

SECTION II. SEVERABILITY CLAUSE. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application thereof to any particular set of facts 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 enact each other.

SECTION 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.

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

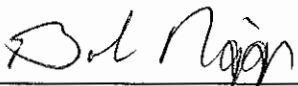
FIRST READING conducted the 22nd day of July, 2008.

SECOND READING and passage on the 19th day of August, 2008.



GENE ZICK, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK

Ayes: Jones, Russell; McPherson, Lanny; Philips, Chuck; Stratton, Mark; Whipple, Jack.

Nays: Davenport, Jimmy

Absent: none.

Abstaining: none.