

ORDINANCE NO. B2015 – NUISANCES PENALTY

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 94 NUISANCES OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section 94.99 Penalty (A), (B) and (C) of the Code of Ordinances relating to Nuisances be amended as follows:

SECTION 94.99 PENALTY

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, on conviction thereof, be fined not less than \$10 nor more than \$500 or imprisoned for not more than 30 days or both, and in addition shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.** Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation.

~~(B) [Violation of the provisions of this chapter or failure to comply with any of its requirements shall subject the offender to a civil penalty of \$25 per violation, plus court costs and reasonable attorneys’ fees, which shall be recovered by the city in a civil action in the nature of a debt if not paid by the offender within ten continuous calendar days after citation for the violation offense or other failure to comply with the provisions of this chapter. Each day a violation continues shall be considered a separate offense. The penalty provided herein shall be in addition to any penalty provided for in §94.99.]~~ **Violators of the provisions of §94.20 may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of §94.20 may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.**

~~[(C) Violation of the provisions of §94.20 shall constitute a violation and be subject to a fine not less than \$50, nor more than \$250.]~~

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

This ordinance shall be in full force and effect following publication as required by law.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk

Dated: _____