

**CITY OF PROSPECT, KENTUCKY**  
**Ordinance No. 597, Series 2020**

**AN ORDINANCE AMENDING §39.09 OF THE CITY OF PROSPECT CODE OF  
ORDINANCES REGARDING CODE ENFORCEMENT PROCEEDINGS BY  
GRANTING THE CODE ENFORCEMENT OFFICER THE AUTHORITY TO GRANT  
A PERIOD OF TIME IN WHICH TO REMEDY A VIOLATION IN LIEU OF  
IMMEDIATELY ISSUING A CITATION**

**WHEREAS**, Prospect City Council recognizes the enforcement of ordinances as critical to maintaining property values and quality of life of residents; and,

**WHEREAS**, the City has established a Code of Ordinances, a Code Enforcement Board, and a Code Enforcement Officer; and,

**WHEREAS**, KRS 65.8825(3) requires the City to authorize by Ordinance, the Code Enforcement Officer to allow violators a specified time frame in which to remedy a violation.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**Section 1.** §39.09 of the City of Prospect, Kentucky Code of Ordinances is hereby amended and modified as herein set forth with old language struck through and bracketed and new language underlined, reading as follows:

**§39.09 ENFORCEMENT PROCEEDINGS**

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

(A) Enforcement proceedings before the Code Enforcement Board shall be initiated only by the issuance of a citation by a Code Enforcement Officer.

(B) Except as provided in division (C) below, if a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a city ordinance, the Code Enforcement Officer and the mayor or the mayor's designee may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation with the time specified, the code enforcement officer is authorized to issue a citation.

(C) Nothing in this chapter shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(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 date and time the offense was committed;
  - (4) The facts constituting the offense;
  - (5) The section of the code or the number of the ordinance violated;
  - (6) The name of the code enforcement officer;
  - (7)(a) The civil fine that will be imposed for the violation if all of the following conditions are met:
    1. Payment is made within seven days of the date of the citation; and
    2. The alleged violator does not contest the citation; and
    3. The alleged violator takes the action(s) necessary
  - (b) The civil fine shall be the minimum fine stated in the ordinance unless the offender has been cited and paid a fine for a similar offense. In that case, the minimum fine will double each time the person is cited for a similar offense.
  - (8) 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 within the time allowed and fails to appear at the hearing, the person shall be deemed to have waived their right to a hearing before the Code Enforcement Board to contest the citation and a determination by the Board that the violation was committed shall be final.
- (E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall forward the original and one copy to the Police Department Administrative Assistant. The Administrative Assistant will notify Code Enforcement Board members of scheduled hearings when an offender does not pay the fine within seven days.
- (F)(1) If the alleged violator does not pay the civil fine within seven days of the citation, and does not contest the citation by appearing at the hearing before the Code Enforcement Board, the Board shall, upon determining that the violation was committed, enter a final order and impose a civil fine within the range of the uncontested and maximum fine on the citation. More than one fine may be assessed when:

(a) The ordinance provides that each day the violation continues may be considered a separate offense; and

(b) Notice of the same is provided on the citation form.

(2) Charges and fees incurred by the city in connection with the enforcement of the ordinance may be assessed in addition to the civil fine(s). A copy of the final order shall be served on the person guilty of the violation.

**Section 2.** This Ordinance shall take effect from and after its passage, signing and publication as required by law.

**First Reading this 20th day of July, 2020.**

**Second Reading this 17th day of August, 2020.**

**“Aye” votes: 6**

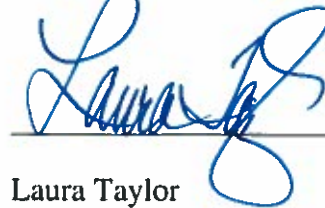
**“Nay” votes: 0**

**APPROVED**



John E. Evans  
Mayor, City of Prospect

**ATTEST:**



Laura Taylor  
City Clerk