

**ORDINANCE 2016-1688**

**AN ORDINANCE AMENDING THE CITY OF MURRAY CODE OF ORDINANCES, CHAPTER 40, SUBSECTIONS §40.01, §40.35 (E), §40.38(A) AND §40.39 IN ORDER TO BRING CHAPTER 40 INTO COMPLIANCE WITH OTHER ORDINANCES AND TO REVISE PROVISIONS ADDRESSING ZONING ORDINANCE VIOLATIONS.**

Be it Ordained by the City Council of the City of Murray as follows:

WHEREAS, the City of Murray Public Safety Committee met on January 14, 2016 to discuss the Code Enforcement Board Ordinance; and

WHEREAS, the Public Safety Committee found that it is necessary and in the best interest of the citizens of the City of Murray to amend Chapter 40 in order to bring said chapter into compliance with other ordinances and to revise the provisions addressing zoning ordinance violations; and

WHEREAS, the committee recommends that Chapter 40, Subsections §40.01, §40.35 (E), §40.38(A) and §40.39 be amended in order to bring the chapter into compliance with other ordinances and to revise the above-referenced provisions; and

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

That Section §40.01 is amended and revised to add to the definitions, the following:

§40.01 DEFINITIONS.

Second or Additional Offense: A second or each additional offense shall be deemed to have occurred in the following situations:

(1) The first offense had been brought into compliance and a subsequent offense thereafter of similar nature occurred within twelve (12) months. OR

(2) The Code Enforcement Board has determined that a violation as a first offense occurred and has issued a final order stating same. Thereafter, a second, or each additional offense for the same or similar event shall be deemed to have occurred after any remedy time has passed as stated in the final order of the prior offense and no correction or abatement of the offense has occurred. If no remedy time is stipulated in the final order, the second or each additional offense shall be deemed to have occurred for the same or similar event beginning the next business day after the final order of the prior offense was entered, without correction.

Violation: Offenses to the City of Murray Zoning Ordinance punishable by a fine(s) as detailed in the City of Murray Code of Ordinances Chapter 40.39.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

That Section §40.35 is amended and revised in the following respects:

(E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the ~~City Clerk~~ Police Department.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

That Section §40.38(A) is amended and revised in the following respects:

§40.38 APPEALS; FINAL JUDGMENT.

(A) An appeal from any final order of the Code Enforcement Board may be made to the Calloway County ~~Circuit or District Court~~ within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

That Section §40.39 is amended and revised in the following respects:

§40.39 ORDINANCE FINE SCHEDULE.

Violations of ordinances that are enforced by the Code Enforcement Board shall be subject to the following schedule of civil fines:

(A) If a citation for a violation of an ordinance is not contested by the person charged with the violation the penalties set forth in this division shall apply; however, the Board may waive all or any portion of penalty for ~~an uncontested~~ a contested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

Violation	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	Each Additional Offense
Animal Control	\$50	\$150	\$250
Property Maintenance Code	\$100	\$150	\$250
Noise Control	\$100	\$150	\$250
<u>Zoning Ordinance</u>	<u>\$100</u>	<u>\$150</u>	<u>\$250</u>
The acceptance of these fines for uncontested offenses shall be contingent upon the abatement of these offenses and/or approval of the Code Enforcement Board.			

(B) If the citation is contested and a hearing before the Code Board is required, the following maximum penalties may be imposed at the discretion of the Code Board:

Violation	Fine
Animal Control	\$50 to \$500
Property Maintenance Code	\$100 to \$500
Noise Control	\$100 to \$500
Zoning Ordinance	\$100 to \$500

(C) The Murray Code Enforcement Board is authorized to impose penalties as set forth in the Fire Code, Property Maintenance Code, Animal Ordinance and any other ordinance or code that designates enforcement by the Code Enforcement Board.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

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JACK D. ROSE, MAYOR

ATTEST:

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JUNE BATT'S, CITY CLERK

Introduced by the City Council on \_\_\_\_\_, 2016.

Adopted by the City Council on \_\_\_\_\_, 2016.

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