

ORIGINAL



**CITY COUNCIL MEETING
Minutes of Special Meeting and Caucus Meeting June 1, 2021**

After the pledge and invocation by Amy Hurst, Mayor called the special meeting to order.

The following Council Members answering roll call:

Amy Hurst	Present	Joyce Carson	Absent
Craig Owen	Present	Sebastian Ernst	Present
Darryl Ammerman	Present	Luke Price	Present

Also Present: Attorney Rachael Wilhite for Brandon Voelker

Mayor Stinson called the meeting to order explaining the purpose was to have a second reading on Ordinance 2021:4 amending the City's Nuisance Ordinance.

There were several residents/citizens present that had specific questions regarding citation process, compliance, and code enforcement in general.

After discussion, Attorney Rachael Wilhite gave a second reading to the ordinance.

Ordinance 2021:4 2nd Reading amending the Nuisance Ordinance.

MOTION: Luke Price made a motion to approve Ordinance 2021:4, seconded by Darryl Ammerman. Motion carried 5-0-0.

ADJOURNMENT

MOTION: Amy Hurst made a motion to adjourn the special Meeting, seconded by Craig Owen. All aye 5-0-0.

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**CITY COUNCIL MEETING
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The Caucus Meeting then began with Departmental Reports:


Gary Lea: Reported the leak on Shelby Street had been fixed and water restored, he stated the electrical outage he thought was due to a fuse or could have been a limb on a wire and restored quickly. City Clerk Ramona Williams thank Gary and his crew for getting the Veteran Banners hung last week in time for the holiday weekend. They had received several compliments.

Andy Richie: There would be an inspection on the water tower this week, and hopefully Bluegrass Energy would be on site to change out the electric needed. The hole at the sewer plant was progressing as they were drilling for the rods to be installed. They had replaced both filters at the water plant. Mayor Stinson reported he had spoken to Wayne Lonaker regarding the fee for sewer extension. Mr. Lonaker said he too was now waiting on KIA for further progress. With the pending funds the City might receive, it was asked of Andy to get with Jeff Reynolds, Engineer to draw up plans/specs for moving the pump station at Cardinal Ridge. This would be an infrastructure project that would meet criteria for funding.

Shannon Clem: Thanked Gary for installing the new LED lights at the police department. He had finished training recently on recruitment and retention. Reported they would be doing qualifying at the range within the next two weeks.

Dave Klabe: Submitted his report to Council and stated he had added 5 new members taking the roster to 31, and there is a cap of 35 per ordinance. They would be participating in an event at the fairgrounds for educational purposes handing out coloring books to the kids and water. They will also have a booth at the fair for public education and recruiting purposes. There would be an open house at the Butler station on June 12 from 4-7 PM. Discussed at length issues with an illegal burn situation.

Ramona Williams: A E Door would be on site beginning June 8 to replace doors on Kennett Building, update on the front door, vendor had a measuring mistake they are behind due to short staff. She reported one bid had been received on the surplus items and would plan on opening at the June 15th meeting. CSX would be working on tracks on Shelby Street through Friday, begin work on budget and be at training week of June 14.



Ron Stinson, Mayor



Attest: City Clerk

ORIGINAL

SUMMARY OF ORDINANCE

1). The City of Falmouth, Kentucky, at a meeting held on June 1, 2021, and adopted the following Ordinance No 2021:4:

AN ORDINANCE AMENDING THE CITY OF FALMOUTH'S CODE OF ORDINANCES CHAPTER 92: NUISANCES AND CHAPTER 40 CODE ENFORCEMENT BOARD

The purpose of the Ordinance was to amend the City of Falmouth's Nuisance and Code Enforcement Board Code of Ordinances to provide for better enforcement and collection of fines.

This Ordinance is being published in the Title and Summary. A complete copy of the Ordinance may be reviewed at the office of the City Clerk, City of Falmouth, Kentucky.

CITY OF FALMOUTH, KENTUCKY

By: /s/Ramona Williams Clerk

Prepared and Certified by:

/s/Brandon N. Voelker

Brandon N. Voelker (88076)

Gatlin Voelker PLLC

50 East Rivercenter, Suite 1275

Covington, Kentucky 41011

(859) 781-9100

bvoelker@gatlinvoelker.com

Attorney for City of Falmouth

ORIGINAL

COMMONWEALTH OF KENTUCKY
COUNTY OF PENDLETON
CITY OF FALMOUTH
ORDINANCE NO. 2021:4

AN ORDINANCE AMENDING THE CITY OF FALMOUTH'S CODE OF
ORDINANCES CHAPTER 92: NUISANCES AND CHAPTER 40 CODE
ENFORCEMENT BOARD

Whereas, the City of Falmouth is desirous of amending its Code of Ordinances, Chapter 92, Nuisances and Chapter 40 Code Enforcement Board to provide for better enforcement and/or collection of fines.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FALMOUTH,
COUNTY OF PENDLETON, COMMONWEALTH OF KENTUCKY:**

*(Strikethrough portions are to be deleted, underlined portions are to be added
as required by KRS 83A.060(3))*

Section I

The City of Falmouth approves an amendment to the Code of Ordinances, Title IX: General Regulations, Chapter §92 as follows:

§92.01 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“APPROVED FENCE”. A barrier constructed of: earthen (minimum 2 ½ to 1 slope), rock, concrete, evergreen vegetation, painted wood, or painted metal, of such consistency and height that a person of six feet in height and having 20/20 vision cannot view the content therein while standing on the surface of any public passage way.

“AUTOMOBILE PARTS.” Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

“BUSINESS.” An economic activity involving the buying, selling or trading of good or service as evidenced by a Federal Tax Identification or social security number and the filing of a tangible or intangible State tax form and by inclusion in the Pendleton County Tax rolls as such business.

“CODE ENFORCEMENT OFFICER.” A city police officer, civilian code enforcement officer, safety officer, citation officer or other public law enforcement officer with the authority to issue a citation.

“DWELLING.” Any part of any structure or its premises used or intended to be used as a place of residence, habitation, or for sleeping by any person.

“INOPERATIVE CONDITION.” Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than ten consecutive days. A vehicle shall also be considered inoperative condition if it does not have a valid license plate and/or registrations as required by state law.

“MOTOR VEHICLE.” Any style or type of motor driven vehicle used for the conveyance of persons or property.

“NUISANCE.” Public nuisance.

“NUISANCE CODE.” Chapter 92 of the City of Falmouth Code of Ordinances.

“PROPERTY MAINTENANCE CODE.” The International Code Council, Inc., International Property Maintenance Code 2012, edition, and subsequent amendments thereto, subject to the changes, deletions, and amendments, as adopted and modified by the city in Chapter 155 of the City of Falmouth Code of Ordinances.

“SALVAGE MATERIALS OR VEHICLES”. Damaged, discarded, or dismantled material or vehicles which are stored for potential further use.

“SCRAP METAL.” Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

“UNFIT FOR FURTHER USE.” In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.

“UNFIT FOR HUMAN HABITATION”. Description of any material which is dangerous or detrimental to life or health due to: want of repair; defects in the drainage, plumbing, lighting, or ventilation systems, or in construction itself; infection with contagious disease; or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling or other persons who may come into contact with same.

§ 92.02 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having occupancy control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous trees or stacks adjoining streets. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insects, or blow rubbish into any street, sidewalk, or property of another. No allowance of appliances or non-outdoor furniture shall be placed and/or stored in any exterior property area, excluding within enclosed structures. Appliances, furniture, or other objects that block or restrict ingress and egress to or from a structure are prohibitive. Storage and/or accumulation of furniture, household appliances, boxed materials, totes, or trip hazards shall be prohibited on front porches and exterior (non-enclosed) premises.

(C) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(D) Weeds and grass. The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, "EXCESSIVE" shall mean growth to a height of 12 inches or more. This division shall not apply to parcels of property on which agricultural or horticultural activities are conducted, and which are valued by the Pendleton County P.V.A. as agricultural or horticultural property.

(E) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(F) Trees and shrubbery obstructing streets, sidewalks, or drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

(G) Keeping of animals. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors. The failure to keep the animal from making such noise as to materially interfere with the peaceful enjoyment by owners or occupants of property adjacent or in the immediate vicinity; for example, loud barking of dogs.

(H) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.

(I) Violation of any provision of the Property Maintenance Code with respect to property located within the city.

(J) Dangerous buildings adjoining public ways. Any building, house or structure that poses a threat of a fire hazard or poses serious threat to the life, limb, or property of persons upon the public streets materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(K) Dilapidated or Vacant Building. Any building, house or structure which is so out of repair and dilapidated that it poses a serious threat of a fire hazard or which due to lack of adequate maintenance or neglect, endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property; or which is vacant, abandoned, and open to vagrants or passersby.

(L) Noxious odor or smoke. Odor, dust, smoke or other matter which unreasonably interferes with the ordinary health and general welfare of other citizens in the vicinity of the source of same; this subsection shall not apply to any such emissions related to business activities which are regulated by State or Federal authorities and when the emissions are within guidelines or limits prescribed by the same.

(M) Noxious Noise. Noise which unreasonably detracts from the enjoyment by persons of their personal or real property in the vicinity of the source of same; this subsection shall not apply to any noise emissions related to business activities which is regulated by State or Federal authorities and when the noise emission is within guidelines or limits prescribed by the same.

(N) Criminal Activity. Any building or premises where law enforcement officers have, on one or more occasion in the preceding three (3) month period cited or arrested persons for crimes, or executed court-issued search warrants for crimes involving the following:

- (1) Prostitution;
- (2) Trafficking and/or possession of controlled substances (excluding marijuana);
- (3) Disorderly Conduct; or
- (4) Outdoor gambling.
- (5) Squatting/trespassing on secured building
- (6) Any structure without current utility services

(O) Weeds and grass: The excessive growth of weeds, grass, or other vegetation around businesses and residential housing. Unless otherwise provided, "excessive" shall mean growth to a height of six inches or more.

(P) Keeping of domestic animals: The failure to keep a domestic animal confined in a pen, yard, lot, or other enclosure and in sanitary conditions free from preventable, offensive odors. Any enclosure must be maintained in such a way that the animal cannot escape.

(Q) Dead animals: The carcasses of animals or fowl not disposed of with 72 hours after death.

(R) Water pollution: The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(S) Stagnant Water: Any accumulation of stagnant water permitted or maintained on any lot or piece of ground including but not limited to all pools regardless of size, hot tubs, and other objects. Excludes water used for agricultural purposes.

§ 92.04 ABATEMENT PROCEDURE.

(A)(1) The Code Enforcement Board established pursuant to Chapter 40 of the Code of Ordinances is designated as the hearing board, and its members are designated as hearing officers. The Board shall follow the procedures established by Chapter 40 of the Code of Ordinances.

(2) The Police Department is hereby delegated authority for the enforcement of this Nuisance Code. The Nuisance Code may be enforced by a civilian code enforcement officer employed by or under contract with the Police Department.

(B) Whenever a nuisance situation is discovered, a Code Enforcement Officer may initiate enforcement proceedings pursuant to § 40.09 of the Code of Ordinances. Upon the failure of the owner of the property to comply, the Police Department is authorized to send employees or agents upon the property to remedy the situation and abate the nuisance.

(C) Pursuant to the authority of KRS 65.8840, the city shall possess a lien on the property for all fines, penalties, charges, abatement costs, and fees imposed, including for the reasonable value of labor and materials used in remedying the nuisance situation by abatement thereof. The affidavit of the responsible officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8840 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 12% per annum thereafter until paid. The lien created shall take precedence over, be superior to, and have priority over all other liens on the property, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

§ 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is brought to the attention of the City Council that a nuisance exists and the City Council deems that there is an immediate threat to the public health, safety, or welfare, the City Council may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) The City Clerk-Treasurer/Tax Collector shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(C) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

§ 92.99 PENALTY.

~~Violation of any provision of this chapter constitutes a civil offense that carries a maximum civil fine of \$500 for each occurrence. A civil fine in the amount of \$100 shall be imposed for each violation if the person who has committed the offense does not contest the citation. Each day's continued violation shall constitute a separate offense.~~

Any person who violates any part of this Ordinance shall be assessed a civil fine not less than One Hundred (\$100.00) Dollars not more than Five Hundred (\$500.00) Dollars; each day that a violation continues after the date of an initial conviction hereunder shall constitute a separate offense. Any offender who has been adjudicated and fined for a violation under this Ordinance on a previous occasion shall be fined in an amount that is double the amount previously fined, with the maximum amount not to exceed Five Hundred (\$500.00) Dollars.

In the alternative, a violation of this Ordinance may also be enforced by the County Attorney through the District Court as a criminal penalty, the same fines shall apply, and shall be in addition to the Liens and charges as set forth in the Abatement procedures set forth herein.

Section II

The City of Falmouth approves an amendment to the Code of Ordinances, Title III: Administration, Chapter §40 as follows:

CODE ENFORCEMENT BOARD

§ 40.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CODE ENFORCEMENT BOARD” or “BOARD.” An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act and/or the Local Government Nuisance Code Enforcement Act.

“CODE ENFORCEMENT OFFICER.” A city police officer, civilian code enforcement officer, safety officer, citation officer or other public law enforcement officer with the authority to issue a citation.

§ 40.02 CREATION AND MEMBERSHIP.

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within the City of Falmouth, a Code Enforcement Board which shall be composed of three members, all of whom shall be residents of the city for a period of at least one year prior to their appointment to the Board and shall reside there throughout the term in office.

§ 40.03 POWERS.

(A) The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense, including violations of the city's Nuisance Code.

(B) The Code Enforcement Board shall not have authority to enforce any ordinance the violation of which constitutes an offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

§ 40.04 APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL FROM OFFICE; OATH; AND COMPENSATION.

(A) Members of the Code Enforcement Board shall be appointed by the Mayor, subject to the approval of the City Council.

(B) One member of the Board shall initially be appointed to a one year term; one member shall initially be appointed to a two year term and one member shall initially be appointed to a three year term. All subsequent appointments shall be for a term of three years. A member may be reappointed by the Mayor, subject to the approval of the City Council.

(C) The Mayor may appoint, subject to the approval of the City Council, two alternate members to serve in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.

(D) Any vacancy of the Board shall be filled by the Mayor, subject to the approval of the City Council, within 60 days of the vacancy. If the vacancy is not filled within the time period, the remaining Code Enforcement Board members shall fill the vacancy.

(E) A Board member may be removed from office by the Mayor, with approval of the City Council, for misconduct, inefficiency or willful neglect of duty. The Mayor shall submit a written statement to the member and the Council setting forth the reasons for removal.

(F) All members of the Board shall, before entering into office, take the oath of office prescribed by § 228 of the Kentucky Constitution.

(G) Members of the Code Enforcement Board shall be reimbursed for actual expenses and may be compensated no more than \$100 per meeting.

(H) No member of the Board may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city.

§ 40.05 ORGANIZATION OF THE BOARD; QUORUM.

(A) The Board shall annually elect a Chair from among its members. The Chairperson shall be the presiding officer and a full voting member of the Board.

(B) The Board may elect to hold regular meetings of the Board each month. Meetings other than established regular meetings shall be special meeting held in accordance with the Kentucky Open Meetings Act.

(C) All meetings and hearings of the Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.

(D) The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.

(E) Minutes shall be kept for all proceedings of the Board, and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

§ 40.06 CONFLICT OF INTEREST.

Any member of the Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.

§ 40.07 JURISDICTION.

The Board shall have jurisdiction to enforce and shall enforce those city ordinances which specifically provide for Code Board enforcement or which contain provisions for the imposition of civil penalties.

§ 40.08 POWERS OF THE CODE ENFORCEMENT BOARD.

The City of Falmouth Code Enforcement Board shall have the following powers and duties:

(A) To adopt rules and regulations to govern its operations and the conduct of its hearings;

(B) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction;

(C) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Board may be served by a Code Enforcement Officer;

(D) To take testimony under oath. The Chairperson shall have the authority to administer oaths for the purpose of taking testimony;

(E) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance which the Board is authorized to enforce;

(F) To impose civil fines as authorized on any person found to have violated an ordinance over which the Board has jurisdiction; and

(G) To impose enforcement costs against violators.

§ 40.09 ENFORCEMENT PROCEEDINGS.

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

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

(B) When a Code Enforcement Officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a City of Falmouth ordinance, the Code Enforcement Officer is authorized to issue a citation to the offender. When authorized by ordinance, a Code Enforcement Officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. Such notice shall include a statement that if the problem is not remedied, the city shall issue a citation. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation. The citation shall be served by one or more of the following methods:

- (1) Personal service to the alleged violator;
- (2) Leaving a copy of the citation with any person 18 years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued;
- (3) Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or
- (4) If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in divisions (B)(1) through (B)(3) above is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

(C) 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) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (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 or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final.

(D) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the Board;

(E) The person to whom the citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final and the civil fine and any other remedial measures set forth in the citation shall be imposed; and

(F) If the alleged violator does not contest the citation within the time prescribed, the violation will be deemed to have been committed and the civil fine and any other remedial measure set forth in the citation shall be imposed.

§ 40.10 HEARING, NOTICE AND FINAL ORDER.

(A) When a hearing has been requested, the Board shall schedule a hearing for the next regular meeting of the Board that will permit adequate notification to be made to all parties.

(B) Not less than seven days before the date of the hearing, the Board shall notify the requester of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested, by personal delivery, first class mail or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice.

(C) Any person requesting a hearing before the Board who fails to appear at the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Board shall enter a final order determining the violation was committed and shall imposed the civil fine set forth in the citation. A copy of the final order shall be served on the violator.

(D) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) The Board shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorize or requiring the violator to remedy a continuing violation, or both.

(F) Every final order of the Board shall be reduced to writing, which shall include the date the order was issued. The final order may contain a statement that if the civil fine is not paid within 14 days from the date of the order, a lien shall be filed for the civil penalty assessed and any legal expenses the city may incur. A copy shall be furnished to the person named in the citation. If the person named is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth above.

§ 40.11 LEGAL COUNSEL.

Each case before the Board shall be presented by an attorney selected by the city or by a Code Enforcement Officer for the city. If the Board determines that it needs counsel to the city present at the hearing, that attorney may either be counsel to the Board or may present cases before the Board, but in no case shall counsel to the city serve in both capacities.

§ 40.12 APPEALS; FINAL JUDGMENT.

An appeal from any final order of the Board may be made to the Pendleton 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 Board's order in the same manner as any civil action under

the Kentucky Rules of Civil Procedure. If no appeal of the final order of the Board is filed within the time allowed, the Board's order shall be deemed final for all purposes.

§ 40.13 ORDINANCE FINE SCHEDULE.

Violations of ordinances that are enforced by the City of Falmouth Code Enforcement Board shall be subject to the civil fines set in the ordinance establishing a violation.

§ 40.14 LIEN; FINES; CHARGES AND FEES.

(A) The City of Falmouth shall possess a lien on property owned by the person found by a final non-appealable order of the Code Enforcement Board, or by a final judgment of the Court, to have committed a violation of a Falmouth City ordinance, for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of this subchapter.

(B) The lien shall be recorded in the office of the Pendleton County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 12% per annum.

(C) The lien shall take precedence over all other subsequent liens, except state, county, School Board, and city taxes, and may be enforced by judicial proceedings.

(D) In addition to the remedy prescribed in division (A), the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of this subchapter. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

§ 40.15 LIENHOLDER NOTIFICATION SYSTEM.

The city shall obtain and maintain priority over previously and subsequently filed liens, as provided in § 40.14 of this chapter, in accordance with the following provisions.

(A) Individuals and entities, including, but not limited to, lienholders, may register with the city to receive electronic notification of final orders entered pursuant to this chapter.

(B) In order to receive the notification, the registrant shall submit the following information to the Code Enforcement Manager, or his or her designee:

(1) Name;

- _____ (2) Mailing address;
- _____ (3) Phone number; and
- _____ (4) Electronic mailing address.

_____ (C) A registrant may use the electronic form provided on the city website to submit the information required by division (B) above. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The city shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

_____ (D) No less than once a month, but no more frequently than once per week, the city shall send electronic mail notification of all final orders entered pursuant to this chapter since the last date of notification to each party registered pursuant to this section. The notification shall provide an electronic link to the City Code Enforcement database located on the city website. The database shall include the following information regarding each final order:

- _____ (1) The name of the person charged with a violation;
- _____ (2) The physical address of the premises where the violation occurred;
- _____ (3) The last known mailing address for the owner of the premises where the violation occurred if, in the exercise of reasonable diligence, it is ascertainable;
- _____ (4) A copy of the full citation;
- _____ (5) A copy of the full final order; and
- _____ (6) The status of the final order regarding its ability to be appealed pursuant to this chapter.

_____ (E) If an appeal is filed on a final order pursuant to this chapter, the city shall send electronic mail notification to all registrants.

_____ (F) At the same time the electronic notification under division (D) above is sent, the city shall update its code enforcement database to reflect the issued final order, and shall post this notification containing an updated link to the code enforcement database on the city website.

_____ (G) The city shall maintain the records created under this section for ten years following their issuance.

§ 40.16 PROPERTY TO BE SOLD, COURT PROCEEDINGS

_____ (A) Property subject to a lien for unpaid nuisance abatement charges shall be sold nonpayment of same, and the proceeds of the same shall be applied to pay the charges after deducting costs as is the case in the foreclosure of statutory liens. The foregoing

shall be in equity in the name of the county government. Sale of the property shall be had by the Master Commissioner following proper Order of the Circuit Court.

(B) The City Attorney is hereby authorized and directed to institute the proceedings, in the name of the City of Falmouth, in any court having jurisdiction over the matter, against any property for which the bill has remained at the expiration of sixty (60) days after being placed on the City's Tax Bill for payment. Nothing shall prevent the initiation of proceedings prior to placement of the unpaid liens on the City's Tax Bill.

(C) All Court Costs, Master Commissioner Fees, Advertising Fees, Attorney Fees and any other costs associated with the initiation of legal proceedings shall be assessed against the violator and awarded in any judgment.

§ 40.1520 IMMEDIATE ACTION.

Nothing in this subchapter shall prohibit the City of Falmouth from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation present 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.

Section III

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section IV

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.

1st Reading - May 24, 2021.

2nd Reading - June 1, 2021.

Vote: 5, Yes, 0, No

Published 6-8-21

City of Falmouth
Pendleton County, Kentucky

By: Ron Stinson
Ron Stinson
Mayor

ORIGINAL

Attest:

Ramona Williams
Clerk

this month, left Tuesday. He will be stationed with the U.S. Army. Mr. Marquis, who has been a member of the Army Reserve since 1933, retains the rank of captain.

Wiley Humphrey Ellis was born on July 8, 1865 at Pleasant Hill, the son of James and Sarah Beckett Ellis, eighth of ten children, two of whom survive him. He departed this life April 24, 1946.

Mr. and Mrs. James H. Smith who reside on the J. W. Wright farm four miles from Falmouth, are receiving congratulations upon the arrival of a fine 10 lb. baby daughter on May 1, 1946. She will answer to the name of Emma Marianne.

John K. Conner was killed in an automobile accident near his home in Claysville when his car collided head on with a transfer truck on Friday night. William Batte, who was riding with him was injured.

Wiley Humphrey Ellis was born on July 18, 1865 at Pleasant Hill, the son of James and Sarah Beckett Ellis, eighth of ten children, two of whom survive him. He departed this life April 24, 1946 at Christ Hospital.

100 Years Ago - May 1921

H. D. (Chip) Wadsworth, L&N conductor was seriously injured at 2:45 a.m. Sunday night in the Corbin Railroad Yards, when he was struck by an engine.

Born to the wife of Plumus Wells of near Goforth on May 5, 1921, a fine 9 lb. daughter. The little miss has been named Elizabeth Louise. This is the third heir.

Lyle Houston passed away last Friday morning at the home of his niece, Mrs. George Pribble, near Mt. Hope, where he was visiting.

Mrs. George B. Moneyhon passed away at her home on the Dutch Ridge Pike near Augusta on Thursday morning, April 28, 1921.

Peter Scharfenburger, a highly esteemed and aged citizen, passed away suddenly at the home of his son, Peter Scharfenburger, at Catawaba on April 27, 1921.

Mrs. John Woods Jr. passed away Wednesday following a protracted illness of tuberculosis.

Anyone wishing to help care for New Zion Cemetery, please make your donations payable to the New Zion Cemetery Fund.

Mail to Martha (Sally) Hamilton at 366 Upper Pitty Creek Rd. Foster Ky. 41043.

THE FALMOUTH OUTLOOK

Don't forget to take your Falmouth Outlook on vacation this year. Just snap a picture holding the newspaper and send the photo and a brief description to news@falmouthoutlook.com. We will publish it in our "Outlook Travels" section at no charge. For questions call 654-3333.

SAFE AND HAPPY TRAVELS



Awards

- Runners 1st, 2nd, 3rd overall female and
- Runners 1st, 2nd, 3rd place in each age
- Youngest & Oldest Participant
- Largest Team (min of 5 per team)
- Fastest Team (min of 5 per team)
- Door Prizes!

Pre-registered racers will receive a race t receive a t-shirt while supplies last.

Date: Friday, July

Check-in: 7:00 AM

Race Time: 8:00 AM

Location: Pendleton

Parking: Southern I

320 Fairgr

Falmouth

Course: Flat terrai

Registration &

Pendleton Cou

Attr

45 David P

Falmouth

*Please have ex

Checks Payable to: P

Call: 859-654-3395

SUMMARY OF ORDINANCE

1) The City of Falmouth, Kentucky, at a meeting held on June 1, 2021, and adopted the following Ordinance No 2021-4

AN ORDINANCE AMENDING THE CITY OF FALMOUTH'S CODE OF ORDINANCES CHAPTER 92: NUISANCES AND CHAPTER 40 CODE ENFORCEMENT BOARD

The purpose of the Ordinance was to amend the City of Falmouth's Nuisance and Code Enforcement Board Code of Ordinances to provide for better enforcement and collection of fines.

This Ordinance is being published in the Title and Summary. A complete copy of the Ordinance may be reviewed at the office of the City Clerk, City of Falmouth, Kentucky.

By: /s/Ramona Williams Clerk

Prepared and Certified by:

/s/Brandon N. Voelker

Brandon N. Voelker (88076)

Gatlin Voelker PLLC

50 East Rivercenter, Suite 1275

Covington, Kentucky 41011

(859) 781-9100

bvoelker@gatlinvoelker.com

Attorney for City of Falmouth

Cooperative Extension Service
Agriculture and Natural Resources
Family and Consumer Sciences
4-H Youth Development
Community and Economic Development

Educational programs of Kentucky Cooperative Extension Service will not discriminate on the basis of race, color, sex, sexual orientation, religion, political belief, age, national origin, or status. genetic information, age, veteran status. Kentucky State University, U.S. Department of Agriculture, KY 40546

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