



Louisville Metro Government

Legislation Text

File #: O-230-14, Version: 1

ORDINANCE NO. _____, SERIES 2014
AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES §§32.283 AND 32.284, REGARDING CODE ENFORCEMENT BOARD ENFORCEMENT PROCEEDINGS AND HEARING NOTICE AND FINAL ORDER PROCEDURES.

Sponsored By: Council Member David Yates

WHEREAS, the Code Enforcement Board is entrusted with the authority to provide redress when a civil violation of Louisville/Jefferson County Metro Government ordinances has occurred; and

WHEREAS, the current means by which service of a citation may be effectuated can be imperfect and restrictive.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: LMCO §32.283(B) of the LMCO is hereby amended to read as follows:

(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 Louisville/Jefferson County Metro Government ordinance, the Officer is authorized to issue a citation by:

- (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; or
- (3) ~~Posting a copy of the citation in a conspicuous place on the premises and m~~Mailing a copy of the citation by regular first class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued; or
- (4) If the whereabouts of the alleged violator are unknown and cannot be ascertained by a Code Enforcement Officer in the exercise of reasonable diligence, the citation is properly served if the copies of the citation are posted in a conspicuous place on the premises in which an alleged violation has occurred.

SECTION II: LMCO §32.283(E) of the LMCO is hereby amended to read as follows:

~~(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 administrative official designated by ordinance or by the Board;~~

SECTION III: LMCO §32.283(F) and (G) of the LMCO is hereby amended to read as follows:

~~(F)~~ (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 a final order of the Code Enforcement Board and the civil fine and any other remedial measures set forth in the citation shall be imposed; and

~~(G)~~(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 measures set forth in the citation shall be imposed.

SECTION IV: LMCO §32.284(F) of the LMCO is hereby amended to read as follows:

(F) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the findings and conclusions of the board, and the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered to that person by First Class mail, or by certified mail, return receipt requested; or by personal delivery; or by leaving a copy of the order at that 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 order.

Stephen Ott Metro Council Clerk

H.

President of the Council

Jim King

Greg Fischer Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____