File #: O-136-22, **Version:** 1

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE AMENDING CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO THE REDUCTION OF FINES AND COSTS FOR OWNER OCCUPIED PROPERTIES.

SPONSORED BY: COUNCIL MEMBER PURVIS

WHEREAS, the transfer of generational wealth, including multi-generational family property is a challenge for many of citizens of Louisville Metro;

WHEREAS, to be addressed equitably, this issue will at times require some forbearance on the part of Louisville Metro Government, as the requirements of home ownership becomes a challenge for many of our senior citizens; and

WHEREAS, this amendment will enhance the ability of Louisville Metro to ensure that generational wealth stays within the family and encourage the growth of our local communities while at the same time encouraging compliance with Chapter 156.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I. LMCO Section 156.999 is amended as follows:

§ 156.999 PENALTY.

(A) Any violation of § 156.057 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-16769>(B) shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in §§ 32.275 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-24373> et seq. or as it may be amended. The civil penalty shall be in accordance with the penalty schedule as set forth in Appendix A, Exhibit A. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(B) Any violation of § 156.057 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-16769>(B)(1) or (2) shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in §§ 32.275 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-

24373> et seq. or as it may be amended. The civil penalty shall be in accordance with the penalty schedule as set forth in Appendix A, Exhibit B. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(C) (1) Any person violating any of the provisions of § 156.203 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-16924>, or neglecting to comply with any order issued pursuant to § 156.203 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-16924>, shall be guilty of a misdemeanor and shall be fined not less than $25 nor more than $500, or be imprisoned for not more than 60 days, or both. Each day's violation shall constitute a separate offense.

(2) Any person, firm or corporation, who shall violate any provision of § 156.203 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-16924> shall be subject to a civil penalty of not less than $100 nor more than $1,000. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(D) Any person, firm or corporation, who shall violate any provision of this chapter other than as set forth in subsections (A), (B) and (C), above, shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit C <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-28114>. Any person cited pursuant to this subsection (D) may pay the civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with § 32.283 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-65232>(F). If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be final. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(E) The Metro Government shall possess a lien on property for all fines, penalties, charges, abatement costs, and fees imposed pursuant to this Code in accordance with § 32.288 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-65187>. The lien shall be superior to and have priority over all other liens on the property except state, school board and Metro Government taxes.

(F) A property owner qualifying for the Homestead Exemption pursuant to KRS 132.810, upon proper application and proof, shall receive a fifty (50) percent reduction of the amount owed on their primary residence due to fines, penalties, charges, interest, and fees imposed pursuant to Chapter 156 in accordance with § 32.288 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-65187>, if, in addition to the requirements of KRS 132.810, the following requirements and criteria are met:

(1) The person filing an application for reduction under this section has owned and maintained the property for which the reduction is requested as their personal and primary residence for the preceding 15 years; and

(2) The property for which the reduction is requested must not be subject to any violation of Chapter 156 and the property must remain in compliance with Chapter 156 at all times from the date

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of application until final payment of the debt is made; and

(3) A requesting property owner shall not be eligible for a reduction under this section if they own or have owned any other property than the one for which the application is made, that has been found by a final order, to be in violation of this Chapter at the time of their ownership within 10 years from the date of application; and

(4) An application for reduction, if approved, may be made by an owner only one time within any 5 year period; and

(5) The total reduction shall not exceed $2,500; and

(6) This section shall not apply to any owner or property that is involved in a court action concerning the property for which the application is made; and

(7) Louisville Metro Government may establish payment plans to facilitate the utilization of this section. This section shall create a minimum reduction for eligible property owners. Louisville Metro Government has the discretion to offer greater reductions.

(~~F~~G) Notwithstanding subsection (C), above, any person, firm or corporation who violates any provision of this chapter shall be subject to criminal proceedings and upon conviction thereof shall be subject to a fine of not more than $250 if committed by a person, not more than $500 if committed by a corporation, or imprisonment for a term not to exceed 50 days, or both. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

SECTION II. This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

_____ _____

Sonya Harward
Metro Council Clerk

David James
President of the Council

_____ _____

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

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By: _____

O-136-22 Penalty Waiver rh (4.11.22)

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