

**AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY AMENDING SECTION 50.99 OF THE VILLA HILLS CODE OF ORDINANCES TO ESTABLISH CIVIL PENALTIES AND AMENDING SECTION 92.13 TO CONFORM.**

**WHEREAS**, it is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

**WHEREAS**, Chapter 50 of the Villa Hills Code of Ordinances regulates the placement and disposal of garbage in the city with criminal penalties; and

**WHEREAS**, The City Council desires to have the penalties in Chapter 50 changed to Civil penalties so that violations may be enforced via the Code Enforcement Board instead of District Court;

**NOW THEREFORE** be it ordained by the City Council of the City of Villa Hills as follows:

**SECTION I**

Section 50.99 of Chapter 50 is hereby amended:

**§ 50.99. PENALTY**

~~[Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than five dollars (\$5) nor more than five hundred dollars (\$500) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.]~~ **Violations of this chapter shall be enforced by the city code enforcement officer and board designated as the Code Enforcement Board for the City of Villa Hills and shall be subject to the schedule of civil fines as contained in Section 92.13 of the Villa Hills Code of Ordinances.**

**SECTION II**

Section 92.13 of Chapter 92 is hereby amended:

**§ 92.13 PENALTIES.**

The following penalties shall apply to violations of this chapter:

(1) Any person, firm, or corporation who violates any provision of this chapter or any provision of chapter 32 or Chapter 50 shall be subject to a civil fine of not less than \$50 per day per violation but not more than \$500 per day per violation, or the cost to the City to abate the public nuisance, or both. Each day that a violation of this chapter continues after due notice has been served in accordance with the terms of this ordinance may be deemed a separate offense to a maximum of \$10,000 per citation.

(2) As an additional alternative remedy to the above penalty, any violator who violates any provision of Sections 92.01 through 92.12 of this code or any provision of chapter 32 or Chapter 50 and has been previously issued two or more citations for violation of this nuisance ordinance relating to the same property within a 12-month period may be assessed additional civil penalties of \$500 per day per violation to a maximum of \$20,000 per citation.

### SECTION III

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

### SECTION IV

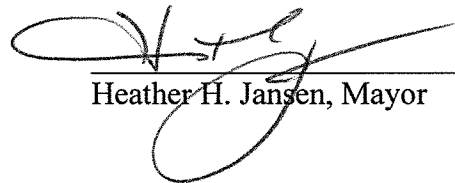
The provisions of this ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

### SECTION IV

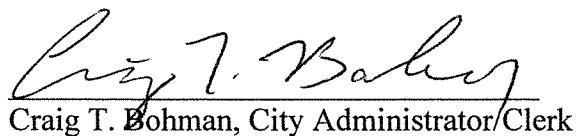
This ordinance shall take effect and be in full force from and after its passage, and may be published in summary form, and recording, according to law.

Passed by the City Council this 17th day of July, 2019.

City of Villa Hills, Kentucky  
A Municipal Corporation of the Home Rule Class

  
Heather H. Jansen, Mayor

ATTEST:

  
Craig T. Bohman, City Administrator/Clerk

Sponsor: Baehner

First Reading: June 19, 2019

Second Reading: July 17, 2019

Ayes: Baehner, Cahill, Ringo, Stover, Thompson, Wadsworth

Nays: 0

Abstentions: none

Absent: none

Published: 08-16-2019