

## CHAPTER 12

## (HB 126)

AN ACT relating to code enforcement boards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 65.8805 is amended to read as follows:

As used in KRS 65.8801 to 65.8839, unless the context otherwise requires:

- (1) "Local government" means any county, any municipal corporation of any class incorporated in the Commonwealth, any urban-county government organized and governed under KRS Chapter 67A, and any charter county government organized and governed under KRS Chapter 67.
- (2) "Code enforcement board" means an administrative body created and acting under the authority of KRS 65.8801 to 65.8839.
- (3) ***"Joint code enforcement board" means two (2) or more local governments that have entered into an interlocal agreement in accordance with KRS 65.210 to 65.300 to perform and enforce the duties of a code enforcement board as provided in KRS 65.8801 to 65.8839.***
- (4) "Code enforcement officer" means a city police officer, safety officer, citation officer, county police officer, sheriff, deputy sheriff, university police officer, airport police officer, or other public law enforcement officer with the authority to issue a citation.
- ~~(5)~~(4) "Ordinance" means an official action of a local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by a local government which embodies all or part of an ordinance.

Section 2. KRS 65.8808 is amended to read as follows:

- (1) The legislative body of a local government may, by ordinance, create a code enforcement board which shall have the power to issue remedial orders and impose civil fines as a method of enforcing a local government ordinance when a violation of the ordinance has been classified as a civil offense in accordance with this section. ***Any local government may expand its code enforcement board to include additional cities or counties within its jurisdiction for performing the function for which the code enforcement board was organized.***
- (2) Subject to the limitations set forth in subsection (3) of this section, the legislative body of a local government may elect to enforce any ordinance of the local government, including any zoning ordinance or regulation, by classifying a violation of the ordinance as a civil offense and establishing civil fines which may be imposed on any person who commits a violation of the ordinance. If a local government elects to enforce an ordinance as a civil offense, the ordinance, by its express terms, shall provide:
  - (a) That a violation of the ordinance is a civil offense;
  - (b) A maximum civil fine that may be imposed for each violation of the ordinance; and
  - (c) A specific civil fine of less than the maximum civil fine that will be imposed for each offense if the person who has committed the offense does not contest the citation.
- (3) No legislative body of a local government shall classify the violation of an ordinance as a civil offense if the same conduct that is regulated by the ordinance would also constitute a criminal offense or a moving motor vehicle offense under any provision of the Kentucky Revised Statutes.

Section 3. KRS 65.8811 is amended to read as follows:

- (1) (a) A code enforcement board shall consist of either three (3), five (5), or seven (7) members who shall be appointed by the executive authority of the local government, subject to the approval of the legislative body.
  - (b) ***A joint code enforcement board shall include representation on the board of all participating local governments and members shall be appointed as set out in the terms of the interlocal agreement.***
- (2) (a) The initial appointments to a three (3) member code enforcement board shall be as follows:

1. One (1) member appointed for a term of one (1) year;
  2. One (1) member appointed for a term of two (2) years; and
  3. One (1) member appointed for a term of three (3) years.
- (b) The initial appointments to a five (5) member code enforcement board shall be as follows:
1. One (1) member appointed for a term of one (1) year;
  2. Two (2) members appointed for a term of two (2) years each; and
  3. Two (2) members appointed for a term of three (3) years each.
- (c) The initial appointments to a seven (7) member code enforcement board shall be as follows:
1. Two (2) members appointed for a term of one (1) year each;
  2. Three (3) members appointed for a term of two (2) years each; and
  3. Two (2) members appointed for a term of three (3) years each.

All subsequent appointments shall be made for a term of three (3) years.

- (3) (a) Each member of a code enforcement board shall have resided within the boundaries of the local government unit for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.
 

(b) *Board members serving on joint code enforcement boards shall have resided within the boundaries of the local government they represent for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.*
- (4) A member may be reappointed, subject to approval of the legislative body.
- (5) Any vacancy on a code enforcement board shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the code enforcement board shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.
- (6) Any member of a code enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of a code enforcement board shall submit a written statement to the member and to the legislative body of the local government setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
- (7) All members of a code enforcement board shall, before entering upon their duties, take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.
- (8) The members of a code enforcement board may be reimbursed for expenses or compensated, or both, as specified in the ordinance creating the board.
- (9) No member of a local government code enforcement board shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the unit of local government that has created the code enforcement board.
- (10) Each legislative body that elects to establish a code enforcement board is encouraged to provide opportunities for education regarding pertinent topics for the members of the code enforcement board.

**Approved March 15, 2006.**