

83A.065 Enforcement of city ordinances.

- (1) Every city shall have the power to establish fines, penalties, and forfeitures that may be imposed for violation of its ordinances, and may secure injunctions and abatement orders, when appropriate, to insure compliance with its ordinances.
- (2) A city may make the violation of any of its ordinances a misdemeanor or a violation by the express terms of the ordinance. When an offense is designated by ordinance as a misdemeanor, a criminal fine not to exceed the amounts set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1), or both, may be imposed for the offense. When an offense is designated by ordinance as a violation, a criminal fine not to exceed the amounts set forth in KRS 534.040(2)(c) may be imposed for the offense.
- (3) If an ordinance fails to prescribe any penalty for noncompliance with its provisions, any noncompliance shall be deemed a violation and a criminal fine not to exceed the amount set forth in KRS 534.040(2)(c) may be imposed for the offense.
- (4) As an alternative to or in conjunction with the criminal penalties authorized by subsection (2) of this section, an ordinance may provide by its express terms that a violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for the violation of the ordinance.
- (5) A city ordinance may provide a fine, penalty, forfeiture, or term of imprisonment for an act or omission to act which is also an offense under the Kentucky Revised Statutes. In that case, the fine, penalty, forfeiture, or term of imprisonment imposed by the ordinance shall not be less than or greater than that imposed by statute for the same offense.
- (6) A city ordinance may provide, when appropriate, that each day a violation of the ordinance continues shall be a separate and distinct offense.
- (7) Subject to the express terms of the ordinance, a city ordinance may be enforced by any one (1), all, or a combination of the remedies authorized by this section.
- (8) Except where the charge of a violation of a city ordinance is joined with an indictment for a felony as provided in KRS 24A.110(2), the violation of all city ordinances prescribing a criminal penalty as authorized in subsection (2) of this section shall be prosecuted in the District Courts of the Commonwealth. The county attorney shall prosecute all violations of city ordinances for which the criminal penalties authorized by subsection (2) of this section may be imposed. The city attorney shall pursue all violations of ordinances for which a civil penalty or forfeiture may be imposed, or involving injunctive relief or abatement, by filing a petition with the court of appropriate jurisdiction. Nothing in this section shall be intended to preclude any remedy for the violation of a city ordinance, including any administrative remedy, authorized by any other statute.

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