

65.8808 Code enforcement board creation -- Joinder with additional cities or counties -- Powers -- Classification of violation of ordinance as civil offense.

- (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 utilize a code enforcement board to enforce any ordinance of the local government, including but not limited to littering, open dumping of solid waste, or any zoning or nuisance ordinance. Each ordinance to be enforced by a code enforcement board, by its express terms, shall provide that each violation of the ordinance shall constitute a civil offense. The ordinance shall provide either:
 - (a) A specific civil fine or fines that may be imposed for each violation of the ordinance; or
 - (b) Two (2) separate civil fines as follows:
 1. A maximum civil fine that may be imposed for each offense if the citation is contested under KRS 65.8825(6); and
 2. 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) With the exceptions of criminal littering under KRS 433.753 and littering of public waters under KRS 433.757, 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, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 137, sec. 2, effective June 29, 2021. -- Amended 2016 Ky. Acts ch. 86, sec. 2, effective July 15, 2016. -- Amended 2006 Ky. Acts ch. 12, sec. 2, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 364, sec. 1, effective July 15, 1998. -- Created 1996 Ky. Acts ch. 177, sec. 3, effective July 15, 1996.