

1 AN ACT relating to planning and zoning.

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

3 ➔Section 1. KRS 65.8835 is amended to read as follows:

4 (1) The local government shall possess a lien on property owned by the person found
5 by a nonappealable final order as defined by KRS 65.8805(8), or by a final
6 judgment of the court, to have committed a violation of a local government
7 ordinance, ***including an ordinance concerning planning and zoning or land use***
8 ***under KRS Chapter 100.*** The lien shall be for all civil fines assessed for the
9 violation and for all charges and fees incurred by the local government in
10 connection with the enforcement of the ordinance, including abatement costs. An
11 affidavit of the code enforcement officer shall constitute prima facie evidence of the
12 amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to
13 65.8839. The lien:

14 (a) Shall be recorded in the office of the county clerk;

15 (b) Shall be notice to all persons from the time of its recording and shall bear
16 interest until paid;

17 (c) Subject to KRS 65.8836, shall take precedence over all other liens, except
18 state, county, school board, and city taxes;

19 (d) Shall continue for ten (10) years following the date of the nonappealable final
20 order, or final judgment of the court; and

21 (e) May be enforced by judicial proceedings, including an action to foreclose.

22 (2) In addition to the remedy prescribed in subsection (1) of this section, the person
23 found to have committed the violation shall be personally responsible for the
24 amount of the lien, including all civil fines assessed for the violation and for all
25 charges, fees, and abatement costs incurred by the local government in connection
26 with the enforcement of the ordinance. The local government may bring a civil
27 action against the person and shall have the same remedies as provided for the

1 recovery of a debt.

2 (3) Nothing in this section shall otherwise affect the rights or obligations between the
3 owner of the property and those persons who claim a security interest in the
4 property.

5 ➔Section 2. KRS 100.991 is amended to read as follows:

6 (1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347
7 or any of the regulations adopted pursuant thereto for which no other penalty is
8 provided, shall upon conviction, be fined not less than ten dollars (\$10) but not
9 more than five hundred dollars (\$500) for each conviction. Each day of violation
10 shall constitute a separate offense.

11 (2) Any person, owner or agent who violates this chapter shall, upon conviction, be
12 fined not less than one hundred dollars (\$100) nor more than five hundred dollars
13 (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract
14 for sale or transfer.

15 (3) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684
16 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred
17 dollars (\$100) nor more than five hundred dollars (\$500).

18 (4) A commission may appoint enforcement officers who shall have authority to issue
19 citations for violations of this chapter which the officer has observed, but shall not
20 have powers of peace officers to make arrests or carry deadly weapons. The
21 defendant shall appear within a designated time pursuant to the citation.

22 (5) The procedure for citations issued by an enforcement officer shall be as provided in
23 KRS 431.015.

24 **(6) A local government shall possess a lien on property owned by any person found**
25 **to be in violation of an ordinance created pursuant to this chapter. Any lien**
26 **created pursuant to this subsection may be administered in a manner consistent**
27 **with Section 1 of this Act. Nothing contained in this subsection shall prohibit the**

1 *enforcement of violations of the provisions of this chapter by any other means*
2 *authorized by law.*