

CITY OF LEITCHFIELD  
ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY OF LEITCHFIELD, KENTUCKY  
ESTABLISHING A CODE ENFORCEMENT BOARD.

**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**, it is the desire of the City Council of the City of Leitchfield, Kentucky to utilize the authority granted in KRS 65.8801 to 65.8839 by creating a City of Leitchfield Code Enforcement Board.

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

**SECTION 1. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) **"Abatement Costs"** means a city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

(b) **"Code Enforcement Board"** means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.

(c) **"Code Enforcement Officer"** means a city police officer, safety officer, citation officer, or other public law enforcement officer with the authority to issue a citation.

(d) **"Final Order"** means any order:

1. Issued by the code enforcement board following a hearing in accordance with Section 9(e) of this ordinance;
2. Created because a violator neither paid nor contested the citation within seven (7) days as provided in Section 8(f) of this ordinance; or
3. Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Section 9(c) of this ordinance.

(e) **"Imminent Danger"** means a condition which is likely to cause serious or life-threatening injury or death at any time.

(f) **"Ordinance"** means an official action of the 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 the city legislative body which embodies all or part of an ordinance.

(g) **"Owner"** means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

(h) **"Premises"** means a lot, plot or parcel of land, including any structures upon it.

## **SECTION 2. Creation and membership.**

There is hereby created within the city pursuant to KRS 65.8801 to KRS 65.8839, a code enforcement board which shall be composed of three (3) members, all of whom shall be residents of the city for a period of at least one (1) year prior to their appointment and shall reside there throughout the term in office.

## **SECTION 3. Enforcement powers.**

- (a) The code enforcement board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.
- (b) The code enforcement board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

**SECTION 4. Appointment of members; term of office; removal from office; oath; compensation.**

- (a) Members of the code enforcement board shall be appointed by the executive authority of the city, subject to the approval of the legislative body.
- (b) The initial appointment to the code enforcement board shall be as follows:
  - 1. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of one (1) year;
  - 2. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of two (2) years; and
  - 3. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of three (3) years.
- (c) All subsequent appointments shall be for a term of three (3) years. A member may be reappointed, subject to the approval of the legislative body.
- (d) The executive authority may appoint, subject to the approval of the legislative body, shall appoint at least one (1) alternate member to serve on the code enforcement board in the absence of regular members. The executive authority, with the approval of the legislative body shall have the option to appoint up to two (2) alternates to serve on the code board in the absence of regular members. An alternate member shall meet all of the qualifications

and shall be subject to all of the requirements that apply to regular members of the code enforcement board.

- (e) Any vacancy on the board shall be filled by the executive authority, subject to approval of the legislative body, within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining code enforcement board members shall fill the vacancy. A vacancy shall be filled for the remainder of the unexpired term.
- (f) A board member may be removed from office by the executive authority for misconduct, inefficiency, or willful neglect of duty. The executive authority shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to the local Circuit Court.
- (g) All members of the code enforcement board shall, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- (h) Members of the code enforcement board shall be reimbursed for actual expenses shown by proof and compensated in the amount of fifty dollars (\$50) per meeting.
- (i) No member of the code enforcement board shall hold any elected or nonelected office, paid or unpaid, or any position of employment with the city.

**SECTION 5. Organization of board; meetings; quorum.**

- (a) The code enforcement board shall annually elect a chair from among its members. The chair shall be the presiding officer and a full voting member of the board. In the absence of the chair, the remaining members of the board shall select a member to preside in place of and exercise the powers of the chair.
- (b) Regular meetings of the code enforcement board shall be held quarterly and shall be held during the second Tuesdays of the months of March, June, September and December at 5:00 PM. Meetings other than those regularly scheduled shall be special meetings or emergency meetings held in

accordance with the requirements of the Kentucky Open Meetings Act.

- (c) All meetings and hearings of the code enforcement board shall be public meetings held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- (d) The presence of at least a majority of the board's entire membership shall constitute a quorum. The affirmative vote of a majority of a quorum of the board shall be necessary for any official action to be taken.
- (e) Minutes shall be kept for all proceedings of the code enforcement board and the vote of any member on any issue decided by the board shall be recorded in the minutes.

**SECTION 6. Conflict of interest.**

Any member of the code enforcement board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest, shall disqualify himself from voting on the matter in which he has an interest, and shall not be counted for purposes of establishing a quorum.

**SECTION 7. Powers of the code enforcement board.**

The City of Leitchfield Code Enforcement Board shall have the following powers and duties:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance.
- (b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- (c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the code enforcement board may be served by any code enforcement officer.
- (d) To take testimony under oath. The chairman shall have the authority to administer oaths for the purpose of taking testimony.

- (e) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the board is authorized to enforce.
- (f) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction.

**SECTION 8. Enforcement proceedings.**

The following requirements shall govern all enforcement proceedings before the code enforcement board:

- (a) Enforcement proceedings shall only be initiated by the issuance of a citation by a code enforcement officer.
- (b) Except when immediate action is necessary pursuant to Section 16 of this ordinance, if a code enforcement officer believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a Notice of Violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.
- (c) The code enforcement officer shall issue a citation by one of the following methods:
  1. Personal service to the alleged violator;
  2. Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued;
  3. Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or
  4. If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in sections (c) (1), (c) (2), or (c) (3) is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

(d) The citation issued by the code enforcement officer shall contain the following information:

1. The date and time of issuance;
2. The name and address of the person to whom the citation is issued;
3. The physical address of the premises where the violation occurred;
4. The date and time the offense was committed;
5. The facts constituting the offense;
6. The section of the code or the number of the ordinance violated;
7. The name of the code enforcement officer;
8. The civil fine that may be imposed for the violation, including, if applicable:
  - a. The civil fine that will be imposed if the person does not contest the citation; and
  - b. The maximum civil fine that may be imposed if the person elects to contest the citation;
9. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed: the person shall be deemed to have waived the right to a hearing before the code enforcement board to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and the person shall be deemed to have waived the right to appeal the final order to District Court.

(e) After issuing a citation to an alleged violator, the code enforcement officer

shall notify the code enforcement board by delivering the citation to each member of the code enforcement board by electronic mail or US mail first class.

- (f) 1. The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.
- 2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested or personal delivery.

**SECTION 9. Hearing; notice; and final order.**

- (a) When a hearing has been requested, the code enforcement board or its administrative staff shall schedule a hearing.
- (b) Not less than seven (7) days before the date of the hearing, the code enforcement board shall notify the requester of the date, time, and place of the hearing. The notice may be given by regular first-class mail; certified mail, return receipt requested or personal delivery.
- (c) 1. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation, and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.
- 2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested or personal delivery.



- (d) All testimony at the hearing shall be taken under oath and recorded. Testimony shall be taken from the code enforcement officer, the alleged violator, and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (e) The code enforcement board shall, based on the evidence, determine whether a violation was committed. If it is determined that no violation was committed, an order dismissing the citation shall be entered. If it is determined that a violation was committed, an order may be issued upholding the citation. The board may impose a fine up to the maximum authorized by ordinance, or require the offender to remedy a continuing violation to avoid a fine, or both.
- (f)
  1. Every final order following a hearing shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. A copy shall be furnished to the person named in the citation.
  2. If the person named in the citation is not present when the final order is issued, the order shall be delivered to the person by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

**SECTION 10. Presentation of cases.**

Each case before the code enforcement board shall be presented by an attorney selected by the city, a code enforcement officer for the city, or by a member of the city's administrative staff. The city attorney may either be counsel to the code enforcement board or may present cases before the code enforcement board, but shall in no case serve in both capacities.

**SECTION 11. Appeals; final judgment.**

- (a) An appeal from a final order of a code enforcement board following a hearing conducted pursuant to Section 9(e) of this ordinance may be made to the Grayson County District Court within thirty (30) days of the date the order is

issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

- (b) If no appeal from a final order of the code enforcement board is filed within the time period set in subsection (a) of this Section, the code enforcement board's order shall be deemed final for all purposes.

**SECTION 12. Ordinance fine schedule.**

Violations of ordinances that are enforced by the city code enforcement board shall be subject to the following schedule of civil fines:

- (a) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this subsection shall apply:

<u>Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
Animals	\$25.00	\$50.00	\$100.00
Building and Construction Code*	\$100.00	\$125.00	\$150.00
Garbage	\$10.00	\$25.00	\$50.00
Occupational License	\$50.00	\$75.00	\$100.00
Weeds	\$10.00	\$25.00	\$50.00

(\*including the International Property Maintenance Code)

- (b) If the citation is contested and a hearing before the code enforcement board is required, the following maximum penalties may be imposed at the discretion of the code enforcement board:

<u>Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
Animals	\$100.00	\$200.00	\$300.00
Building and Construction Code*	\$500.00	\$750.00	\$1000.00
Garbage	\$75.00	\$150.00	\$250.00
Occupational License	\$500.00	\$750.00	\$1000.00
Weeds	\$50.00	\$75.00	\$100.00

(\*including the International Property Maintenance Code)

**SECTION 13. Lien; fines, charges, and fees.**

- (a) The city shall possess a lien on property owned by the person found by a non-appealable final order as defined by Section 1(d) of this ordinance, or by a final judgment of the court, to have committed a violation of a city ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.
- (b) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for ten (10) years following the date of the non-appealable final order or final court judgment.
- (c) Subject to Section 15 of this ordinance, the lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.
- (d) In addition to the remedy prescribed in subsection (a) of this Section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by the city in connection with the enforcement of the ordinance. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

**SECTION 14. Lienholder notification system.**

The city shall obtain and maintain priority over previously filed liens, as provided in Section 13 of this ordinance, in accordance with the following provisions:

- (a) Individuals and entities, including but not limited to lienholders, may register with the city to receive electronic notification of final orders entered pursuant to this ordinance.
- (b) In order to receive the notification, the registrant shall submit the following information to the code enforcement officer:

1. Name;
2. Mailing address;
3. Phone number; and
4. Electronic mailing address.

(c) A registrant may use the electronic form provided on the city Web site to submit the information required by subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the city. The city shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

(d) Once per month, the city shall send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the city code enforcement database located on the city Web site. The database shall include the following information regarding each final order:

1. The name of the person charged with a violation;
2. The physical address of the premises where the violation occurred;
3. The last known mailing address for the owner of the premises where the violation occurred if, in the exercise of reasonable diligence, it is ascertainable.;
4. A copy of the full citation;
5. A copy of the full final order; and
6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.

(e) If an appeal is filed on a final order pursuant to this ordinance, the city shall send electronic mail notification to all registrants.

(f) The city shall update its code enforcement database to reflect the issued final order, and shall post this notification required by subsection (d) of this Section

containing an updated link to the code enforcement database in a conspicuous space on the city Web site, at the same time that it provides the electronic notification.

(g) The city shall maintain the records created under this Section for ten (10) years following their issuance.

## **SECTION 15. Liens.**

(a) A lienholder of record who has registered pursuant to Section 14(b) of this ordinance may, within forty-five (45) days from the date of issuance of notification under Section 14(d) of this ordinance:

1. Correct the violation, if it has not already been abated; or
2. Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the ordinance, including abatement costs.

(b) Nothing in this Section shall prohibit the city from taking immediate action if necessary under Section 16 of this ordinance.

(c) The lien provided by Section 13 of this ordinance shall not take precedence over previously recorded liens if:

1. The city failed to comply with the requirements of Section 14 of this ordinance for notification of the final order; or
2. A prior lienholder complied with subsection (a) of this Section.

(d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

(e) The city may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the city shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

(f) Failure of the city to comply with Sections 14 and 15 of this ordinance, or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies the city has against the property of the violator.

**SECTION 16. Immediate action.**

Nothing in this ordinance shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

**SECTION 17. INTERNATIONAL PROPERTY MAINTENANCE CODE**

(a) **PROVISIONS OF 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.** The City of Leitchfield, Kentucky, hereby adopts, enacts and incorporates by reference, as if fully set forth herein, in their entirety, the following sections of the 2021 International Property Maintenance Code (herein after for purposes of this section referred to as "2021 Code") as published by the International Code Council, Inc., as same may be amended from time to time hereafter:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS  
SECTION 102 APPLICABILITY  
SECTION 105 DUTIES AND POWERS OF THE CODE OFFICIAL  
SECTION 106 APPROVAL  
SECTION 111 UNSAFE STRUCTURES AND EQUIPMENT  
SECTION 112 EMERGENCY MEASURES  
SECTION 113 DEMOLITION  
SECTION 201 DEFINATIONS  
SECTION 202 GENERAL DEFINITIONS  
SECTION 301 GENERAL  
SECTION 302 EXTERIOR PROPERTY AREAS  
SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS  
SECTION 304 EXTERIOR STRUCTURE  
SECTION 305 INTERIOR STRUCTURE  
SECTION 306 COMPONENT SERVICEABILITY  
SECTION 307 HANDRAILS AND GUARDRAILS

SECTION 309 PEST ELIMINATION  
SECTION 401 GENERAL  
SECTION 402 LIGHT  
SECTION 403 VENTILATION  
SECTION 404 OCCUPANCY LIMITATIONS  
SECTION 501 GENERAL  
SECTION 502 REQUIRED FACILITIES  
SECTION 503 TIOLET ROOMS  
SECTION 504 PLUMBING SYSTEMS AND FIXTURES  
SECTION 505 WATER SYSTEM  
SECTION 506 SANITARY DRAINAGE SYSTEM  
SECTION 507 STORM DRAINAGE  
SECTION 601 GENERAL  
SECTION 602 HEATING FACILITIES  
SECTION 603 MECHANICAL EQUIPMENT  
SECTION 604 ELECTRICAL FACILITIES  
SECTION 605 ELECTRICAL EQUIPMENT  
SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS  
SECTION 607 DUCT SYSTEMS  
SECTION 701 GENERAL  
SECTION 702 MEANS OF EGRESS  
SECTION 703 FIRE-RESISTANCE RATINGS  
SECTION 704 FIRE PROTECTION SYSTEMS  
SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION  
APPENDDIX A BOARDING STANDARD

Violations of the provisions of these sections above shall be deemed a nuisance enforceable by any and all provisions of this Ordinance.

**(b) Revisions/ Additions to International Property Maintenance Code.**

The following sections of the 2021 Code are hereby revised:

1. The term "code official" as used in the 2021 Code shall be deemed to be either the City Code Enforcement Officer, City Fire Marshal or their duly authorized representatives, and all shall be charged with the administration and enforcement of this code.
2. In that there is a need to establish a period of time a vacant problem structure may remain standing, Section 111 of the 2021 Code entitled Unsafe Structures and Equipment, is amended to add the following:

- (i) A vacant problem structure is defined as a vacant building or other structure that poses a nuisance or danger to the public, police department, or fire department and is usually identified by one or more of the following characteristics: utility services disconnected, extensive broken glass, peeling or flaking paint on exterior walls, loose or rotting material on the roof or the exterior walls or the structure has been damaged due to theft, fire damage, weather or neglect and the structure has not been secured from entry.
- (ii) When a vacant problem structure, not in danger or structural collapse, has been closed by the property owner and the structure continues to remain closed by approved methods, it may remain standing in a safe condition for a period not to exceed one (1) year from the date of the fire or the date of receipt of the notice of violation/citation from the code official, at which time an application must have been made for a building permit to repair or for a demolition permit.
- (iii) Failure of the property owner to keep the structure closed or to obtain the required permit in the specified time shall constitute permission to a city official or designated employee or other authorized agent of the city to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the dilapidated structure.

7. The referenced standards listed in chapter eight (8) of the 2021 Code and used throughout the text are changed and shall be referred to as follows:

- (i) ICC – International Code Council is changed to: KDHBC – Kentucky Department of Housing, Buildings and Construction.
- (ii) International Building Code is changed to: Kentucky Building Code, Current Edition, and includes, but is not limited to the Kentucky Residential Code.
- (iii) International Fire Code is changed to: NFPA 1 Fire Prevention Code, Current Edition, and/or Kentucky Fire Prevention Code, Current Edition.
- (iv) International Fuel Gas Code is changed to: Kentucky Fuel Gas Code, Current Edition, and/or related Kentucky Revised Statutes or Kentucky Administrative Regulations.



- (v) International Mechanical Code is changed to: Kentucky Mechanical Code, Current Edition.
  - (vi) International Plumbing Code is changed to: Kentucky Plumbing Code, Current Edition.
  - (vii) ICC Electrical Code is changed to: City of Leitchfield Electrical Ordinances, as amended from time to time.
  - (viii) International Zoning Code is changed to: City of Leitchfield Planning and Zoning Regulations, as amended from time to time, and/or related zoning Kentucky Revised Statutes.
- (c) **Unsafe Structure: Imminent Danger.** When, in the opinion of the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Officer is hereby authorized and empowered to order and require occupants to vacate the premises forthwith. The Code Enforcement Officer shall cause to be posted at each entrance a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Officer". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making repairs, removing the hazardous condition or demolishing the same.
- (d) **Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition, the Code Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Enforcement Officer deems necessary to meet such emergency.
- (e) **Closing Streets.** When necessary for public safety, the Code Enforcement Officer shall have the authority to temporarily close streets and structures, or order the authority having jurisdiction to close,

sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit same from being utilized.

- (f) **Emergency Repairs.** For purposes of this section, the Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be the responsibility of the property owner.
- (g) **Demolition.** The Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

#### **SECTION 18. Jurisdiction.**

The Code Enforcement Officer and Code Enforcement Board shall have jurisdiction over and shall enforce this code and all other ordinances adopted or amended which specifically provide for the enforcement by the Code Enforcement Officer(s) or Board, in the matter set forth herein.

#### **SECTION 19. Validity of Existing Liens Previously Filed.**

The adoption of this Ordinance by the council of the City of Leitchfield shall not constitute a release, satisfaction or discharge of any lien filed of record in the office of the Grayson County Clerk which affects the rights, title and interest of any parcel of real property cited for violation of the Property Maintenance Code in effect prior to the effective date of this Ordinance; it being hereby declared and established that such liens created hereunder shall remain in full force and effect until adjudicated or released.

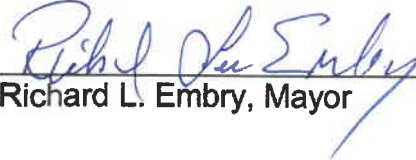
This Ordinance shall be in full force and effect from and after its adoption as provided by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of this Ordinance.

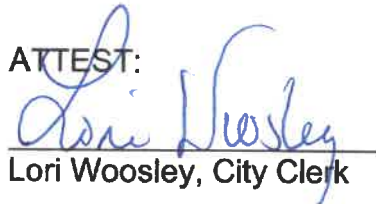
All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Duly enacted on this the 1<sup>st</sup> day of Nov, 2021 after first being read on the 18<sup>th</sup> day of Oct, 2021.

APPROVED BY:

  
Richard L. Embry, Mayor

ATTEST:

  
Lori Woosley, City Clerk