

COMMISSIONERS' ORDINANCE NO. D-15-20

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES, NUISANCES, TO PROVIDE ACCURATE CITY DEPARTMENT AND STAFF REFERENCES, UPDATE ABATEMENT AND LIEN PROCEDURES, REVISE THE EXISTING NOISE ORDINANCE, AND UPDATE FINE AMOUNTS AND PENALTIES FOR VIOLATIONS.

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WHEREAS, Chapter 92 of the Covington Code of Ordinances sets forth the City's nuisance code and code enforcement regulations; and

WHEREAS, previous City organizational changes have created a need to update staff references throughout Chapter 92; and

WHEREAS, other revisions to Chapter 92 are needed to give the City additional options to take enforcement action for violations of the nuisance code; and

WHEREAS, City staff believe a revised fine structure will improve compliance and enforcement methods.

NOW THEREFORE,  
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY  
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 92.01 of the Covington Code of Ordinances is hereby amended to read as follows:

**Covington Nuisance Code**

**§ 92.01 GENERALLY.**

These regulations shall be known as the Covington Nuisance Code, hereinafter referred to as "the code" or "this code."

Section 2

Section 92.03 of the Covington Code of Ordinances is hereby amended to read as follows:

**§ 92.03 DEFINITIONS.**

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning of the word being defined.

**ABANDON.** To give up or relinquish one's interest or right in property.

**ABATEMENT COSTS.** The city's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, securing, repairing, 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.

**AEROSOL PAINT CONTAINER.** Any aerosol container, regardless of the material from which it is made, that is adopted or made for the purpose of spraying paint capable of defacing property.

**ALTER or ALTERATION.** Any change or modification in the construction or occupancy of a building or structure.

~~[**APPROVED.** Approved by the Development Director/City Engineer or his or her designee(s), or any of his or her assistants, staff, or employees.]~~

**AUTOMOBILE COLLECTOR.** Any person who collects and restores motor vehicles.

**BANNER SIGN.** Any commercial sign composed of any pliable plastic, cloth, or similar material without a rigid supporting frame.

**BASEMENT.** A portion of a building or structure located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**BUILDING.** Any structure, constructed on, below, or above ground, for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term **BUILDING** shall be construed as if followed by the words, "or any part thereof."

**BUILDING CODE.** The Kentucky Building Code, as adopted by the city in § 150.01 of the city Code of Ordinances.

**CART.** Any cart, wagon, or similar device, regardless of means of propulsion, made of wire, metal, wood or other material, such as is generally provided by merchants for carting or carrying merchandise or food stuffs from said merchants' store or buildings to automobiles or other places without said merchants' building or store.

**CITY.** The City of Covington, Kentucky, a municipal corporation of the second class, and including any departments, divisions, boards, or agencies thereof.

**CODE ENFORCEMENT BOARD.** An administrative body created and acting under the authority of the Local Government Code Enforcement Act, KRS 65.8801 to 65.8839.

**CODE ENFORCEMENT OFFICER.** Any employee of the city [~~working under the direction of the Development Director/City Engineer and~~] charged with the enforcement of the Covington Nuisance Code, exclusive of clerical and administrative staff, as well as police and fire safety officers.

**CONTROL.** To exercise restraint or direction over.

**DELIVER.** Any manner of delivery that conforms to the federal and state constitutional requirements for procedural due process.

**DISORDERLY MANNER.** Any manner that unreasonably causes inconvenience, annoyance or alarm to any member of the public or anybody using any other lot or parcel of real estate within or outside of the city, or wantonly creates a risk thereof.

**DWELLING.** Any building that is wholly or partly used or intended to be used for living, sleeping, cooking, and eating by human occupants, whether or not such building is occupied or vacant, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. The term dwelling shall be construed as if followed by the words, "or any part thereof."

**DWELLING UNIT.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating, whether or not such unit is occupied or vacant. The term **DWELLING UNIT** shall be construed as if followed by the words, "or any part thereof."

**ELECTRICAL CODE.** The National Electrical Code, as adopted by the city in § 150.02 of the city Code of Ordinances.

**EVERYBODY.** Every human being and every organization or combination thereof. In the form of a corporation, partnership, limited liability company, joint venture, unincorporated association or otherwise.

**FINAL ORDER.** Any order:

- (1) Issued by the Code Enforcement Board following a hearing in accordance with this chapter;
- (2) Created because a violator neither paid nor contested the citation within seven days as provided in this chapter; or
- (3) Created because a violator failed to appear at a hearing the violator requested to contest as provided in this chapter.

**FIRE CODE.** The National Fire Codes and the Standards of Safety promulgated by the Office of the State Fire Marshal, as adopted by the city in § 151.01 and § 151.02, respectively, of the city Code of Ordinances.

**FOWL.** Any hen, rooster, chicken, duck, turkey, pheasant or any of several other, usually gallinaceous birds.

**GARBAGE.** The organic, animal, and vegetable waste resulting from the handling, preparation, cooking, and consumption of food or food products. Other general organic materials such as paper and cardboard are also garbage.

**GRAFFITI.** Any inscription, drawing or design that is scratched, painted, sprayed or placed on any surface of any structure that has no redeeming artistic, moral or social value.

**HEARING BOARD.** A body established by ordinance and empowered to conduct hearings pursuant to KRS 65.8801 to 65.8839, and composed of one or more persons appointed by the Mayor of the City of Covington, subject to the approval of the Board of Commissioners.

**IMMINENT DANGER.** A condition which is likely to cause serious or life-threatening injury or death at any time.

**INOPERABLE MOTOR VEHICLE.** A motor vehicle that is: unlicensed as required by KRS 186.020; is in a state of disrepair, caused by wreckage to the vehicle or disassembly, mechanically inoperable, or legally inoperable on public streets and highways.

**LIVESTOCK.** Animals of the bovine, ovine, porcine, caprine, equine, camelide and cervid species, including, without limitation, horses, cattle, sheep, swine and goats.

**LOCAL GOVERNMENT.** The City of Covington, Kentucky.

**MARKER PEN.** Any indelible marker or similar implement with a writing tip exceeding four millimeters in width that contains solution that cannot be removed with water after it dries.

**NUISANCE CODE.** Chapter 92 of the City of Covington Code of Ordinances as enacted pursuant to KRS 65.8801 *et seq.* and incorporated herein by reference the provisions of the International Property Maintenance Code, published by the International Code Council Inc., as amended from time to time and all amendments are hereby incorporated by reference into this Code as if fully set forth herein.

**OCCUPANT.** Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit, rooming unit, building, or portion of a building.

**OPERATOR.** Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

**ORDINANCE.** Any 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.

**ORDINARY PUBLIC VIEW.** A sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.

**OVERGROWN GRASS.** Any grass, weeds or vegetation in excess of ten inches in length, except in agricultural zones.

**OWNER.** The holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. **OWNER** also means a person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property. It shall also mean any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care, or control of any dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm, or corporation in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property.

**PARTS CAR.** An automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of automobiles.

**PERSON.** Any individual, firm, corporation, limited liability company, association, or partnership.

**PLUMBING.** The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm draining facilities, the venting system, and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste, or sewerage, and water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

**PREMISES.** A lot, plot, or parcel of land including the buildings or structures thereon.

**PUBLIC AREA.** Unoccupied open space that is not privately owned, including but not limited to publicly owned property, sidewalks, streets, and rights-of-way.

**RECREATIONAL VEHICLE.** A recreational vehicle as used in this chapter shall have the same meaning provided in KRS 227.550(12).

**REQUIRED.** Means required by some provision of this code or other law or regulation adopted by the city.

**RUBBISH.** Combustible and non-combustible waste materials, except garbage. The term shall include but not be limited to abandoned, discarded, or unused objects placed outside of a structure, such as furniture, stoves, refrigerators, freezers, washers, dryers, clothes, food, cans, containers, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, synthetic materials, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery and dust. The term shall also include the residue from the burning of wood, coal, coke, synthetic material, or other combustible material.

**STAGNANT WATER.** A body of water without wind, waves, fish, or frogs, including but not limited to stagnant water in natural ponds, ornamental ponds, old tires, poorly maintained pools, rain barrels, clogged gutters, and other places where standing water may collect.

**STAIRWAY.** One or more flight of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

**STRUCTURE.** An edifice, cellar, building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words, "or any part thereof."

**YARD.** An open unoccupied space on the same lot with building extending along the entire length of a street, or rear or interior lot line.

### Section 3

Section 92.05 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **§ 92.05 ACTIONS CONSTITUTING PUBLIC NUISANCES.**

(A) The following acts, action, inaction, omissions, behavior, or conditions constitute a public nuisance:

- (1) Any act, thing, occupation, condition, use of property, non-use of property, misuse of property that continues for a length of time so as to:

(a) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;

(b) In any way render the public insecure in life, peaceful uninterrupted existence, or in the use of property;

(c) Offend the public morals or decency;

(d) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, including but not limited to sidewalks.

(2) To allow any physical condition, use, or occupancy of any premises or its appurtenances be an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, standing pools of water or liquid, basements, excavations, retaining walls, and unsafe fences, accessible to children or other persons, on the premises. No person shall abandon or leave unattended in any place accessible to children any refrigerator, freezer ice chest, ice box, or similar airtight box or container, which has a locking device inoperable from within, without first unhinging and removing the door or lid thereof or detaching the locking device from the door or lid. Nothing in this section shall be construed to prohibit the normal use of any refrigerator, ice box, freezer, or similar appliance for the storage of food in any home or buildings appurtenant thereto.

(3) For any premises to have unsanitary, defective, or insufficient sewerage or plumbing facilities.

(4) To keep or maintain any premises designated by a code enforcement officer as unsafe or unfit for human habitation.

(5) For any premises to present an imminent fire hazard, be in imminent danger of collapse, or to be unsafe or unsecure so as to endanger life, limb, or property.

(6) (a) For any premises to lack electrical service, plumbing, heating, and/or other equipment required by this code, the Property Maintenance Code, state statute, or any other ordinance of the city.

(b) If the utility providing natural gas service to a furnace, water heater, or other equipment determines that the equipment is defective, the utility shall cite or "red tag" the defective equipment and notify the [~~Development~~ Department] ***City Manager, or his or her designee*** of such citation. Any equipment so cited by a utility company as defective will be deemed a public nuisance.

(7) For any structure or building to be in a state of dilapidation, deterioration, or decay, or be a product of faulty construction, or to otherwise be in violation of the

International Property Maintenance Code, as adopted by the city pursuant to §§ 152.20 and 152.21 of this code.

(8) For any structure or building to be vacant or abandoned and open or accessible to vagrants or passersby, or damaged by fire so as to not provide shelter.

(9) To allow on any premises or in any structure decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.

(10) To allow on any premises or structure any carcass of an animal, bird, or fowl not buried or otherwise properly disposed in a sanitary manner within 24 hours after death.

(11) To allow on any premises or structure any stagnant water in which mosquitoes, flies, or other insects may breed or multiply. For stagnant water that cannot be easily eliminated, a property owner may use mosquito dunks or other environmentally safe larvacides to kill mosquitoes and other insects and evidence of the effective use of such products will constitute a defense to any citation issued under this section.

(12) To allow any rubbish to remain on any premises.

(13) To allow any premises or structure to pollute any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial wastes or other polluting substances.

(14) To allow any premises or structure within the city limits, or within one mile thereof, to emit or cause any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench repulsive to the physical senses of ordinary persons, or that annoy, cause discomfort, or injure the health of any appreciable number of persons within the city.

(15) To feed pigeons in public areas.

(16) To install, maintain, or operate or allow to be installed, maintained or operated an outdoor pay telephone, as that term is defined in § 94.40(A)(1), on any premises zoned for residential use or on any premises used, in whole or in part, for residential purposes, or in violation of §§ 94.40 through 94.99.

(17) To use a vehicle to further engage in the act of prostitution as defined by KRS 529.020 and 529.080.

(a) A vehicle, operated with the permission, express or implied, of the owner of the vehicle, that is used in the commission of the act of engaging in or soliciting prostitution, shall be declared a public nuisance and may be impounded.

(b) The operator and/or owner of the vehicle shall be liable for all towing, storage, penalties, and administrative fees related to the impounded vehicle.

(c) There shall be administrative fee of \$500, in addition to any towing, storage and penalty fees, for the return of an impounded vehicle used in the commission of the act of engaging in or soliciting prostitution.

(d) The operator or owner of a motor vehicle which has been impounded pursuant to this subchapter may file an appeal pursuant to the procedures outlined in § 75.79 that is incorporated by reference.

(18) To allow excessive growth of weeds, grass, or similar items.

(B) Any violation of the above-referenced acts, omissions, behaviors, or conditions is a public nuisance and shall constitute ***a civil offense and*** violation of this code, subject to the remedies set forth in §§ 92.18, 92.21, and 92.99 of this chapter. In addition, for a violation of divisions (4), (5), or (8) of this subchapter, the city may expend labor and materials to abate the nuisance.

(C) For violations of divisions (12) or (18) of this subchapter, any officer designated by the city, in addition to the procedures set forth in §§ 92.17 through 92.23 of this chapter, may give five days written notice to remedy such situation and said notice shall ~~[be hand-delivered and/or mailed by regular mail to the last known address of the owner of said property to comply.]~~ ***be served in accordance with § 92.17(B).*** If no compliance is achieved within the time frame given, the city is authorized to send employees or agents upon the property to remedy or abate the situation. If city employees or agents are utilized to remedy the situation, the city shall have a lien against said property for the reasonable value of labor and materials and/or abatement costs used in remedying such situation. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recoding and shall bear interest thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and the city taxes, and may be enforced by judicial proceeding if all legal requirements are satisfied. ***The City's lien may also be enforced through a civil action in accordance with § 92.19.***

#### Section 4

Section 92.06 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **§ 92.06 DANGEROUS BUILDINGS.**

(A) It shall be a public nuisance and a violation of this code, to keep, maintain, or own a dangerous building within the city. A dangerous building is defined as any of the following:

(1) A building whose interior or exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

(2) A building, exclusive of the foundation, that shows 33% or more damage or deterioration to its supporting members, or 50% or more damage or deterioration to its non-supporting members, or to the enclosing or outside walls or coverings;

(3) A building having improperly distributed loads on the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe to occupants or the public;

(4) A building damaged by fire, wind, or other causes so as to cause the building to become dangerous to life, limb, or property of the occupants or to the public;

(5) A building that has become or is so dilapidated, decayed, unsafe, unsanitary, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease or injury to health, safety, or general welfare of those living therein;

(6) A building having light, air, and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

(7) A building having inadequate facilities for egress in case of fire or panic or having insufficient stairways, elevators, fire escapes, or other means of travel;

(8) A building that has parts or elements that are attached or not attached in such a way that they may fall and cause injury to persons or property;

(9) A building that is missing or has nonfunctioning smoke detectors or similar detection devices in violation of the Fire Code; or

(10) A building with openings where a door, window or other architectural feature, or parts thereof, should be located.

(B) Every person owning or having control of a building shall not allow openings where a door, window or other architectural feature should be located.

(1) The city shall be authorized to abate the nuisance of an unsecured opening, and may effectuate securing the opening pursuant to the applicable code upon recommendation of the [~~Development Director/City Engineer~~] **City Manager** or his or her designee.

(2) The nuisance of opening where a door, window or other architectural feature should be located may be securely boarded by using a minimum of 3/8 inch plywood or other similar material in a manner that will secure the building from intrusion.

(3) Any board placed on a building shall be painted a color that is consistent with the color of the structure or be painted black, and shall be cut to fit the opening.

(C) Every person violating the provisions of this section shall be subject to the procedures set forth in §§[ 92.14] **92.16** through 92.23 and 92.99.

(D) Keeping, maintaining, or owning a dangerous building is a public nuisance and shall constitute ***a civil offense and*** a violation of this code, subject to the remedies set forth in §§ 92.18, 92.21, and 92.99 of this chapter. ***In addition to applicable procedures and remedies set forth herein, any officer designated by the City may give five days written notice to abate the violation of keeping a dangerous building and said notice shall be served in accordance with § 92.17(B). If no compliance is achieved within the time frame given, the City is authorized to send employees or agents upon the property to remedy or abate the situation. If City employees or agents are utilized to remedy the situation, the City shall have a lien against said property for the reasonable value of labor and materials and/or abatement costs used in remedying such situation. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it 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 thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and the city taxes, and may be enforced by judicial proceeding if all legal requirements are satisfied. The City's lien may also be enforced through a civil action in accordance with § 92.19.***

## Section 5

Section 92.07 of the Covington Code of Ordinances is hereby amended to read as follows:

### § 92.07 NOISE CONTROL.

~~[(A) Nuisance. No person shall make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise or any noise that either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the city. The following loud, disturbing, and unnecessary noises are considered public nuisances and violations of this code, but said list shall not be deemed all-inclusive:~~

~~(1) Horns, signaling devices.~~

~~(a) The sounding of any horn or signaling device on any motor vehicle or on any street or public place in the city, except as a danger warning, when such horn or signaling device is:~~

- ~~1. Unreasonably loud or harsh;~~
- ~~2. Sounded for an unnecessary and unreasonable period of time;~~
- ~~3. Operated by a means other than by hand or electricity, including a device operated by engine exhaust; or~~
- ~~4. Used when traffic is for any reason delayed or held up.~~

~~(b) This section does not apply to locomotives or trains.~~

~~(2) *Radios, stereos and other devices.* The use or operation, or permitting the use or operation, of any radio, receiver, stereo, speaker, amplifier, television, musical instrument, phonograph, computer, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of neighbors or other persons with volume louder than is necessary for convenient hearing of person(s) who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto is prohibited. The operations of any such radio, receiver, stereo, speaker, amplifier, television, musical instrument, phonograph, instrument, or other machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 10 feet from building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section. The operation of any such set, instrument, phonograph, machine, or device at all other times in such a manner as to be plainly audible at a distance of 75 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.~~

~~(3) *Loud speakers, amplifiers for advertising.* The use or operation, or permitting the use or operation, of any radio, receiver, stereo, speaker, amplifier, television, musical instrument, phonograph, computer, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure is prohibited.~~

~~(4) *Yelling, shouting.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, or of any persons in the vicinity, is prohibited.~~

~~(5) *Animals, birds.* The keeping of any animal or bird that causes frequent or long continued noise that disturbs the comfort or repose of any persons in the vicinity is prohibited.~~

~~(6) Whistles, horns. The sounding of any whistle or horn, except when permitted by federal statutes, state statutes or other city ordinances, or the sounding of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper city authorities, is prohibited.~~

~~(7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises from the engine, is prohibited.~~

~~(8) Defect in vehicle or load. The use of any motor vehicle, railroad train, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise is prohibited.~~

~~(9) Loading, unloading, opening boxes and shipping vessels. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or shipping vessels, or the opening or destruction of bales, boxes, crates, and containers, or metal material or piping of any kind is prohibited.~~

~~(10) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while such place is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, is prohibited, provided conspicuous signs are displayed in the streets indicating the institutions are nearby.~~

~~(11) Hawkers, peddlers. The shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet of the neighborhood, is prohibited.~~

~~(B) Excessive noises designated by distance.~~

~~(1) No person shall cause any excessive sound or noise that can be heard from a distance of 75 feet away from the source of the sound or noise.~~

~~(2) If the sound or noise involves a radio, stereo or other item as indicated in division (A)(2) above, the provisions of that section shall apply.~~

~~(C) Pile drivers and pneumatic hammers; permit.~~

~~(1) No person shall operate any pile driver, steam shovel, pneumatic hammer, jackhammer or other equipment, the use of which is attended by loud or unusual noises, without receiving a permit from the Development Department.~~

~~(2) Except in an emergency, no permit shall be issued to operate such equipment between the hours of 6:00 p.m. and 7:00 a.m., Monday through Saturday. Except in an emergency, no such permit shall be issued for any time on Sunday. The~~

Development Department may further restrict the operation of loud equipment in residential areas to limit the disturbance to the public as much as is reasonably possible.

~~(D) Exemptions.~~ The following sounds are exempt from the provisions of this chapter:

- ~~(1) Sounds caused by natural phenomena or wildlife;~~
- ~~(2) Sounds created by emergency equipment and work necessary for law enforcement or for the health, welfare and safety of the community;~~
- ~~(3) Sounds created by portable generators during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;~~
- ~~(4) Sounds created by stationary generators at any property line during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;~~
- ~~(5) Sounds originating from aircraft in flight;~~
- ~~(6) Sounds created by safety and protective warning devices where noise suppression would render the device ineffective;~~
- ~~(7) Sounds created by bells, chimes and carillons not operating continuously for more than five minutes in any one hour;~~
- ~~(8) Sounds created by the repair or installation of essential utility services, streets, and sidewalks;~~
- ~~(9) Sounds relating to the repair, addition, or maintenance of existing single-family homes, their grounds, and appurtenances;~~
- ~~(10) Sounds emanating from officially sanctioned parades, festivals, or other civic events;~~
- ~~(11) Sounds emanating from discharge of firearms on legally established shooting ranges;~~
- ~~(12) Amplified sounds that comply with a permit; issued by the city; and~~
- ~~(13) Sounds created by construction and emanating from construction sites between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays, which are not legal holidays. Sounds emanating from construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited. The hours during which sound caused by construction or construction sites may be expanded upon a showing of good cause by an applicant~~

~~and such expanded hours are authorized by the City Manager or his or her designee.~~

~~(14) Sounds originating from public parks, playgrounds, and recreation areas are exempt from the provisions of this chapter during the hours the parks, playgrounds or recreation areas are open for public use.~~

~~(E) (1) *Remedy; injunction.* In addition to the criminal penalties set forth in § 92.99 of this code, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.~~

~~(2) *Penalties.* Any person who violates any portion of § 92.07 may be issued a civil citation, with a fine in the amount of \$100 per day per violation not to exceed a total of \$5,000.~~

~~(3) *Procedure.* When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date that the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the city Code Enforcement Board to contest the citation. If a hearing is requested, the person requesting the hearing shall pay an administrative hearing fee in the amount of \$50 at the time of the written request of the hearing. If the person fails to respond to the citation within seven days, the person 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 considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine in the citation. An appeal from any final order issued by the board shall be in accordance with the procedures set forth § 92.19. The city may assess a lien against a violator who owns real property in accordance with the terms and procedures of § 92.20. In the event a civil citation is issued, and the ticket is not paid to the city Finance Department within seven days, excluding Saturdays, Sundays and holidays, after its issuance, the city may issue a criminal citation. Any person who has been issued a citation and has not paid the civil fine, shall be charged with a Class B misdemeanor. The penalty upon conviction shall be a \$250 fine.~~

~~(F) *Vehicle Seizure and Impoundment.*~~

~~(1) A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in a manner that violates any portion of § 92.07 may be declared a public nuisance and may be subject to seizure and impoundment under this section.~~

~~(2) First Offense. No vehicle seizure shall occur if the vehicle and owner have not been cited previously under this section.~~

~~(3) Second or subsequent offense. If the violator commits a second or subsequent offense within two years of the date of the first offense, then the vehicle shall be towed to the city impoundment lot. The operator and/or the owner of record shall be liable for all towing, storage, penalties, and administrative fees related to the impounded vehicle. If the offense occurred due to noise emanating from a motor vehicle, the operator and/or owner of record shall be liable for a \$500 administrative penalty. The operator and/or owner of record shall be liable for all towing, storage, penalties, and administrative fees related to the impounded vehicle.~~

~~(4) As used in this section, "owner of record" shall mean the name(s) listed on the motor vehicle's certificate of title.~~

~~(5) Hearing regarding towed vehicle. When a vehicle is towed pursuant to this section, the police officer shall personally notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the reasons for the seizure and the right of the vehicle owner to request a hearing within 48 hours of the seizure. If the person in control of the vehicle is not the owner of record then the City Police Department or its designee shall notify the owner of record at his/her last known address via certified mail, as indicated by the vehicle's certificate of title, of his/her right to request a hearing before a hearing officer that will be conducted to determine whether there was probable cause to impound the vehicle for violation of any portion of § 92.07. The vehicle owner shall have the right to request a hearing within 48 hours of receipt of the notice sent by certified mail. The hearing officer shall be the City Solicitor or another person designated by the City Solicitor.~~

~~(6) If a hearing is requested by the vehicle's owner, the towed vehicle shall remain in the city impoundment lot pending the hearing, unless the owner provides a refundable cash bond equal to the amount of the civil fine, administrative penalties, and related towing or impoundment fees.~~

~~(7) Whenever the owner of a seized vehicle requests a hearing, a hearing officer shall conduct the hearing within seven business days of the request. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the hearing officer determines that there is probable cause that the vehicle, operated with the owner's express or implied permission, was used in the commission of any violation set forth in § 92.07, the hearing officer shall order the continued impoundment of the vehicle as provided in this section until the fines and all other towing related fees are paid in full. If a cash bond was provided for the release of such vehicle, then said bond shall be applied to the penalty. If the hearing officer determines no such probable cause exists, the vehicle will be returned without penalty and all towing related fees shall be refunded.~~

~~(a) Examples of valid defenses.~~

- ~~1. Motor vehicle was stolen or otherwise being used without the owner of record's express or implied permission.~~
- ~~2. The owner and/or operator of the motor vehicle is hearing impaired and had not previously been warned of committing a possible noise violation.~~

~~(8) The owner of record may appeal the final ruling of the hearing officer to the Code Enforcement Board. Written notice of this appeal must be sent to the City Solicitor's office within 14 business days of the hearing officer's final ruling. An attorney designated by the City Solicitor's Office shall act as the prosecutor at this appeals hearing. The decision of the Code Enforcement Board is final.~~

~~(9) Any motor vehicle not reclaimed within 30 days after the expiration of the time during which the owner of record may seek appellate review by the Code Enforcement Board may be disposed of as an unclaimed vehicles as provided by Kentucky law.]~~

**(A) Declaration of Findings and Policy. (1) It is the finding of the City of Covington that excessive noise adversely affects the community in general and individual citizens in particular, and may specifically result in hearing loss, speech interference, both indoors and outdoors, and annoyance, so as to constitute a menace to the public health, welfare and quality of life.**

**(2) It is the purpose of this section to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the City of Covington through the reduction, control and prevention of excessive noise. Further, it is the intent of this section to establish standards that will eliminate and reduce unnecessary and excessive noise, which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.**

**(B) Definitions. As used in this Subchapter:**

**"COMMERCIAL POWER EQUIPMENT" shall mean any equipment or device rated at five (5) horsepower or more and used for home or building repairs or ground maintenance.**

**"CONSTRUCTION EQUIPMENT" shall mean any equipment or devices, such as but not limited to pile drivers, power shovels, jackhammers, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, backhoes, clam shells, bulldozers, crawler-tractors, rotary drills and augers, cranes, ditchers, trenchers, scrapers, graders, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, driveway or appurtenance thereto.**

“DOMESTIC POWER EQUIPMENT” shall mean any equipment or device rated at five (5) horsepower or less and used for home or building repairs or grounds maintenance.

“EMERGENCY WORK” shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to imminent danger.

“MOTOR VEHICLE” shall mean any vehicle driven or powered by any means other than muscular power.

“ORGANIZED SCHOOL AND RECREATION RELATED PROGRAMS, ACTIVITIES OR EVENTS” shall mean and specifically include, but not be limited to daycare activities, band practices, programs and events, athletic practices and events, or other activities and events recognized or endorsed by the school or recreation facility as a sponsored activity. School affiliation and approval notwithstanding, this term shall specifically exclude gatherings, socials or parties conducted or sponsored by fraternities, sororities or other social clubs or organizations.

“PERSON” shall mean any person, firm, group, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner. For purposes of this Subchapter the president, manager, host or other person in charge of a group, association or organization shall be responsible for requiring said group, association or organization to comply with this Subchapter and shall likewise be subject to the penalties imposed for violation of this Subchapter by said group, association or organization.

“PLAINLY AUDIBLE” shall mean any human voice, music or any other sound produced by a sound amplification system upon or from within the vehicle which clearly can be heard at a distance of fifty (50’) feet or more.

“SOUND” shall mean oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation.

“SOUND AMPLIFICATION SYSTEM” shall mean any radio, tape player, compact disc player, MP3 or iPod, loud speaker or other electronic device used for the amplification of the human voice, music or any other sound.

(C) Unlawful Conduct. (1) It shall be unlawful for any person to make, cause to be made, continue or permit any excessive or unreasonably loud noise or any other raucous sound, considering the time, date, place and nature of such noise or sound, that annoys, disturbs, injures or endangers the comfort, health, peace, safety or repose of other persons or ordinary sensibilities within the City. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to the proximity of the sound to sleeping facilities, the land use, nature and zoning of the area from which the sound emanates and the area where it is received, the time of day or night the sound occurs, the duration of the

sound and whether the sound is recurrent, intermittent or constant. Any violation of this section is deemed a civil offense, subject to all lawful enforcement actions and fines, specifically those fines set forth in §92.99.

(2) No person operating, occupying or in control of a motor vehicle on a street, highway, alley, parking lot, park or driveway shall operate or permit the operation of any sound amplification system upon or from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. Measurement standards shall be by human auditory senses based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. These requirements apply to any vehicle whether stopped, standing, parked or moving. Any violation of this section is deemed a civil offense, subject to all lawful enforcement actions and fines, specifically those fines set forth in §92.99.

(D) Exemptions. The prohibitions set forth herein shall not apply and it shall be a defense to any prosecution hereunder if an otherwise unlawful noise was emitted from:

(1) Any siren, whistle, horn or bell lawfully used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, police activity or imminent danger; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be deemed a nuisance and unlawful.

(2) Any commercial power and construction equipment operated in the ordinary course of business.

(3) Any domestic power equipment operated upon any residential premise between 7:00 a.m. and 11:00 p.m.

(4) The operation and maintenance of airplanes, aircraft, locomotives, trains and railways, brush chippers, vacuum leaf loaders, street sweepers, tractor mowers, drill rigs, sanitation removal and refuse collection vehicles or any other City, County or similar service vehicle or equipment.

(5) Organized school or recreational related programs, activities, events, festivals, parades or other public programs, activities or events properly authorized by the City.

(6) The operation and maintenance of businesses or industries, including, but not limited to, the operation of industrial power equipment, located on property zoned and used for industrial purposes.

(E) Special Variance. (1) The City Manager, or his or her designated representative, shall have the authority, consistent with this Subchapter, to grant special variances.

(2) Any person seeking a special variance pursuant to this Section shall file an application with the City Manager or his designated representative, no less than thirty (30) calendar days prior to the date on which the special variance is sought to be effective. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this Subchapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a special variance shall be given by the City Manager or his representative to all persons who own and/or occupy the real property adjoining the site for which the special variance is sought. Notice shall be forwarded by regular mail not less than fifteen (15) calendar days prior to the date on which the special variance is sought to be effective. The failure of the City Manager or his representative to notify any adjoining property owner/occupant shall not be fatal to the applicant's request for a special variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the City Manager or his representative containing any information to support his claim. Said statement shall be filed not less than seven (7) calendar days prior to the date on which the special variance is sought to be effective.

(3) In determining whether to grant or deny the application, the City Manager or his designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the City Manager or his representative may require. In granting or denying an application, the City Manager or his representative shall place on public file a copy of the decision and the reasons for denying or granting this special variance.

(4) Special variances shall be granted by notice to the applicant containing all necessary conditions including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variances shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance was granted.

(5) Application for extension of time limits specified in special variance or for modification of other substantial conditions shall be treated like applications for initial special variances.

**(6) The City Manager or his designated representative may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.**

Section 6

Section 92.10 of the Covington Code of Ordinances is hereby amended to read as follows:

**§ 92.10 CRIMINAL ACTIVITY AS A PUBLIC NUISANCE.**

(A) *Criminal nuisance violation.* For purposes of this section, a criminal nuisance violation shall be defined as a criminal citation, arrest, or court-issued search warrant for crimes involving:

- (1) Prostitution;
- (2) Controlled substances;
- (3) Alcohol intoxication;
- (4) Menacing;
- (5) Assault;
- (6) Terroristic threatening;
- (7) Resisting arrest;
- (8) Disorderly conduct;
- (9) Outdoor gambling; or
- (10) Violations of KRS Chapter 527.

(B) *Criminal activity nuisance.* No owner of residential, commercial, or vacant property located in the city shall allow his or her property to be used as the site for any criminal activity nuisance. A criminal activity nuisance shall exist when the following number of criminal nuisance violations have occurred at a premises within a one year period:

	<b><u>[First offense] Level 1 Criminal Activity Nuisance</u></b>	<b><u>[Second offense] Level 2 Criminal</u></b>	<b><u>[Subsequent offenses] Level 3 Criminal Activity Nuisance</u></b>
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		<b><u>Activity Nuisance</u></b>	
Premises with 1 to 8 residential units	2 criminal nuisance violations	3 criminal nuisance violations	Each additional criminal nuisance violation
Premises with 9 or more residential units	5 criminal nuisance violations	7 criminal nuisance violations	Every 3 additional criminal nuisance violations

**A violation of this section shall be a civil offense, subject to the civil fines set forth in §92.99.**

(C) *Excluded illegal activity.* Any other provision of this section notwithstanding, the following shall not be used as the basis for a warning, citation, or abatement order for a criminal activity nuisance or criminal nuisance violation:

- (1) Any activity otherwise constituting a criminal nuisance violation in which persons legally residing [~~or working~~] at the premises are **only** victims of the criminal activity.
- (2) Any incident of domestic violence perpetrated against a resident, licensee, or invitee of the premises.
- (3) **Any incident where the person requesting emergency services had a good faith belief that assistance was needed for themselves or another pursuant to KRS 218A.133**

~~[(D) *Destroying orders or notices.* No person or owner shall destroy, remove, or deface any order or notice posted by a code enforcement officer.~~

~~[(E) *Disobeying orders.* No person or owner shall disobey any order issued by a code enforcement officer, or use or occupy or permit any other person to use or occupy any premises ordered closed by the Development Department.]~~

~~[(F)]~~ **(D) Duty of Police Department.** The Covington Police shall, as soon as possible but in all cases within 30 days of criminally citing or arresting persons or executing court-issued search warrants for crimes constituting criminal nuisance violations, notify the [~~Development Department~~] **City Manager, or his or her designee** in writing of the specific violation investigated, the address of the property on or in which the violations occurred, and the circumstances of the violation. After the police notify the [~~Development Department~~] **City Manager, or his or her designee** of a criminal nuisance violation at a property for the first time, the [~~Development Department~~] **City Manager, or his or her designee** shall notify the owner of the property of such violation by regular U.S. mail.

~~[(G)]~~**(E)** *Notice and citation.* Whenever the ~~[Development Department]~~ **City Manager, or his or her designee** receives information that a criminal activity nuisance exists in or upon residential, commercial, or vacant property, it shall issue a citation as provided for by this chapter.

~~[(H) Abatement actions not in violation of law. Actions taken by an owner to abate a criminal activity nuisance shall not be deemed to be violations of Fair Housing or Landlord-Tenant laws.]~~

~~[(I)]~~**(F)** *Other remedies available.* Enforcement of this section does not impair or restrict the ability of the ~~[city]~~**City** to bring a separate action to revoke the occupational license of a landlord or business who allows a criminal activity nuisance to exist on the landlord's property~~[-or]~~, to bring an action before the Code Enforcement Board for the imposition of civil fines, as set forth in § ~~[92.99(A)]~~**92.99** of this code, ***or take any other action pursuant to City ordinance.*** No civil fines will be assessed by the Code Enforcement Board until after notice is sent pursuant to division ~~[(G)]~~**(E)** of this section.

### Section 7

Section 92.12 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **§ 92.12 JUNKED VEHICLES, MACHINES, SALVAGE MATERIALS, AND MANUFACTURED HOMES AS NUISANCES.**

(A) It shall be unlawful to allow nuisances in the form of junked or wrecked vehicles, machines, scrap, salvage materials, and mobile or manufactured homes to exist on real property in the city not within a duly licensed salvage yard pursuant to KRS 177.910 to 177.950 ***and any violation of this prohibition shall be a civil offense.*** Furthermore:

(1) No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Except as provided in division (2), it shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of:

(a) One or more junked or wrecked automobiles, vehicles, machines or other similar scrap or salvage materials, excluding nonoperative farm equipment; or

(b) One or more mobile or manufactured homes, as defined in KRS 227.550, that are junked, wrecked, or nonoperative and are not inhabited.

(2) The provisions of division (1) shall not apply to:

(a) Junked, wrecked, or nonoperative automobiles, vehicles, machines or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010(8);

(b) Junked, wrecked or nonoperative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery or other means; and

(c) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed or leased by a motor carrier.

(d) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(3) The city may take action to abate the nuisances referenced in this section by giving **five days written** notice to the property owner [~~of the nuisance~~] **to abate the violation of keeping junked vehicles** [~~pursuant to the procedures set forth in § 92.17.~~] **and said notice shall be served in accordance with § 92.17(B).** The city itself may abate or remove a nuisance referenced under this section if the property owner fails to do so after notice is given regarding the nuisance. The city shall have a lien against the property for the reasonable value of labor and material used in remedying the nuisance including but not limited to the cost of towing, holding, storage and disposal. An affidavit of a Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this section and it 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 thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and the city taxes, and may be enforced by judicial proceeding if all legal requirements are satisfied.

(4) In addition to the remedies prescribed above or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owned.

## Section 8

Section 92.13 of the Covington Code of Ordinances is hereby amended to read as follows:

**§ 92.13 ~~[REMOVAL OF ABANDONED VEHICLES.] ABANDONED, INOPERABLE, AND UNLICENSED VEHICLES; OUTSIDE STORAGE OF VEHICLES AND TRAILERS.~~**

(A) No vehicle which is abandoned, non-functional, in a state of disrepair, or lacking a valid license shall be stored in excess of 72 hours in any residential zone, unless it is in a completely enclosed building.

(B) It shall be unlawful for any person to live in any boat, automobile, camper, recreational vehicle, or truck within the jurisdiction of the legislative body, except houseboats may be permitted along the Licking and Ohio rivers.

(C) The outside storage in excess of 72 hours of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard of all lots within the jurisdiction of the legislative body, except herein provided and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the Code Enforcement Board may permit such storage to be located in the side yard of the lot following review and approval by the Board. The Board may impose certain requirements (such as provided in the Zoning Code) to insure that the vehicle and related equipment is properly screened from view of the adjacent property. In no case shall more than one of the aforementioned vehicles or similar type equipment be permitted outside of an enclosed building on any lot or parcel of land.

(D) It shall be unlawful to park or to keep any truck in excess of 10,000 pounds manufacturer's gross vehicle weight at any place on property located in a residential district zone, except in a completely enclosed garage.

(E) Any provision which does not comply with the provisions of division (A) above, at the time of adoption of this chapter, shall be given a period of 60 days from the date of adoption of this chapter to comply with all the provisions of this section. Further, any property which does not comply with the provisions of divisions (C) and (D) of this section shall be given a period of six months from the date of adoption of this section to comply with all the provisions of these sections.

**(F) Any violation of this section shall be a civil offense, and violators may be subject to the civil fines set forth in §92.99.**

Section 9

Section 92.14 of the Covington Code of Ordinances is hereby amended to read as follows:

**§ 92.14 ADMINISTRATION; RECORD KEEPING; ENFORCEMENT.**

(A) The enforcement and administration of this code shall be carried out under the direction of the [~~Development Director/City Engineer for the city~~] **City Manager, or**

***his or her designee***, working in conjunction with the City Police Chief, City Fire Chief, the County Health Department, and other officials or agencies deemed appropriate by the [~~Development Director/City Engineer~~] ***City Manager, or his or her designee***, or the Mayor[~~, City Manager,~~] and Board of Commissioners. If necessary, the [~~Development Director/City Engineer~~] ***City Manager, or his or her designee*** may seek written opinions concerning the conditions of dwellings and structures from these officials or agencies or professionals outside the city. [~~All references to the Development Department shall be deemed to include the Police Department and Fire Department for the city.~~]

(B) The [~~Development Director/City Engineer~~] ***City Manager, or his or her designee*** and his or her assistants, staff, or employees shall be free from personal liability for acts performed within the scope of their employment and for those acts performed in good faith in the performance of their official duties.

(C) The [~~Development Director/City Engineer~~] ***City Manager, or his or her designee*** or any one of his or her assistants, staff, or employees shall not have a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building in the city, except where he or she is the owner, and shall not act as an agent for real estate sales, leases, or rentals of buildings in the city, except where he or she is the owner, or unless authorized by the City Manager.

#### Section 10

Section 92.15 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **§ 92.15 POWERS AND DUTIES OF THE [~~DEVELOPMENT DIRECTOR/CITY ENGINEER~~] CITY MANAGER OR DESIGNEE; RECORD KEEPING; INSPECTION.**

The powers and duties of the [~~Development Director/City Engineer~~] ***City Manager***, or any person that he or she may designate, including code enforcement officers, assistants, staff, or employees, shall include but not be limited to the following all pursuant to KRS 65.8801 through [~~65.8839~~] **65.8840**:

(A) To conduct surveys and make inspections in any area of the community or within the city to determine compliance with this code or other ordinances he or she is empowered to enforce.

(B) To investigate all complaints made about buildings, structures, vacant lots, or other premises within the city, whether they be verbal, written, or in the form of a petition, alleging or charging that a violation of this code exists or that a dwelling, structure, or building is unfit or unsafe for human habitation or other occupancy.

(C) To inspect, survey, or investigate any building, structure, dwelling, or premises between the hours of 8:00 a.m. and 6:00 p.m., or at any time if an emergency exists or if requested by the owner or occupant. A code enforcement officer may enter a building,

structure, dwelling, or premises to inspect, survey, or investigate with the consent of the owner or occupant, in emergency situations, or when an inspection, survey, or investigation is required before a permit is issued or funding is provided by the city or is part of a licensing scheme adopted by the city. If an owner or occupant refuses to consent to entry or inspection of a building, structure, dwelling, or premises, a code enforcement officer may obtain a search warrant for this purpose from a court of appropriate jurisdiction. In addition, a code enforcement officer may obtain a search warrant to inspect several buildings or structures in a particular area as part of an area inspection policy promulgated by the city. Probable cause to issue a search warrant may be based upon the passage of time, the nature of the building (e.g., a multi-family apartment house), the condition of the entire area, or other reasonable legislative or administrative standards adopted by the city. Probable cause does not need to depend upon specific knowledge of a condition existing in a particular dwelling. A code enforcement officer conducting an inspection pursuant to this chapter shall provide identification and statement of purpose before entering any building, structure, dwelling, or premises and the person in possession or in charge of the building, structure, dwelling, or premises shall give the [~~Development Director/City Engineer~~] **City Manager, or his or her designee** and his or her assistants, staff, or employees free access to such property for the purposes set forth herein.

- (D) To administer oaths and affirmations, to examine witnesses, and receive evidence.
- (E) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this code.
- (F) To delegate any of his or her functions and powers under this code and other ordinances to such officers, agents, and employees as he or she designates.
- (G) To seek through the appropriate judicial officer or office, such warrants that are necessary to enforce the provisions of this code and in pursuit of said warrants, make such oath or affirmation necessary in support thereof.
- (H) To keep records of all complaints received, inspection reports, orders, and of other actions taken. The records shall be made available for public inspection upon request within a reasonable amount of time. The [~~Development Director/City Engineer~~] **City Manager, or his or her designee** shall prepare an annual report including statistics based on the records kept.
- (I) Inspection of public documents maintained by the [~~Development Director/City Engineer~~] **City Manager, or his or her designee** shall be allowed only after a written application is made to the [~~Development Department~~] **City Manager, or his or her designee**. Inspection of public documents shall be done in the presence of an authorized employee or agent of the [~~Development Department~~] **City Manager, or his or her designee**. If copies are requested, the city may require advance payment of a copying fee, including postage, before providing the copies to the requestor. The city reserves the right to withhold requested documents or redact portions of documents that may constitute an unwarranted invasion of personal privacy.

(J) Under normal circumstances, public records shall be provided within three days after receipt of a request for such records (excepting Saturdays, Sundays and legal holidays); or, in the event that the public document is determined to be exempt, pursuant to KRS 61.878, notification of such determination shall be made within three days (excepting Saturdays, Sundays, and legal holidays). Notification shall be made in the manner provided by KRS 61.880.

(K) Blanket requests for information on particular subjects without specifying certain public documents shall not be honored. No list of information gathered from public documents shall be provided unless such lists are already in existence and not otherwise confidential by law.

#### Section 11

Section 92.16 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **Covington Code Enforcement Board and Code Enforcement Procedures**

#### **§ 92.16 ESTABLISHMENT OF CODE ENFORCEMENT BOARD; POWERS.**

(A) The city's Code Enforcement Board (hereinafter referred to as "the board") is hereby established.

(B) The board is established pursuant to KRS 65.8801 *et seq.*, and shall be composed of five members appointed by the Mayor of the city, subject to approval by the Board of Commissioners.

(C) The board members shall hear all matters pursuant to KRS 65.8801 *et seq.*

(D) Upon the hearing of cases pursuant to KRS 65.8801 *et seq.*, the board shall issue findings of fact, conclusions of law, and orders pursuant to its authority described in KRS 65.8801 *et seq.*

(E) The initial appointments of the members of the board shall be made pursuant to KRS 65.8808 and KRS 65.8811 *et seq.* The initial appointments to the board shall be as follows:

- (1) One member shall be appointed for a term of one year.
- (2) Two members shall be appointed for a term of two years each.
- (3) Two members appointed for a term of three years each.

(F) Each member of the board shall have resided within the boundaries of the city for a period of at least one year prior to the date of the member's appointment and shall reside there throughout the term in office.

(G) A board member may be reappointed, subject to the approval of the Mayor and Board of Commissioners. All subsequent appointments shall be for a term of three years.

(H) Any vacancy on the board shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body pursuant to KRS 65.8811(5). If a vacancy is not filled by the executive authority within sixty (60) days, the remaining board members shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(I) Any member of the board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty, pursuant to KRS 65.8811(6). Any appointing authority who exercises the power to remove a member of the board shall submit a written statement to the member and to the legislative body of the city setting forth the reason(s) for removal. The member so removed shall have the right to appeal the removal to the Kenton Circuit Court pursuant to KRS 65.8811(6).

(J) All members of the board shall, before entering upon their duties, take the oath of office prescribed by § 228 of the Kentucky Constitution.

(K) No member of the board shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city.

(L) Each member of the board shall be compensated for his or her services as authorized by the Mayor of the city and the Board of Commissioners.

(M) The board shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among its members who shall be the presiding officer and a full voting member of the board. In the absence of the chairperson, the remaining members of the board shall select one of their number to preside in place of the chairperson and exercise the powers of the chairperson.

(N) Meetings of the board shall convene at a time and place to be designated by the board. Regardless of the actual meeting times set by the board, it shall convene at least once a month. These meeting times shall not be altered without proper notice to the [~~Development Director/City Engineer~~] ***City Manager*** or his or her designee so that all hearing times may be noticed and scheduled. This notice shall be in writing and signed by the chairperson or acting chairperson of the board.

(O) The presence of three or more members shall constitute a quorum on the board. The affirmative vote of a majority of the members constituting a quorum shall be necessary, for any official action to be taken. Any member of the board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the

interest and shall disqualify himself from voting on the matter and shall not be counted for purposes of establishing a quorum.

(P) Minutes shall be kept for all proceedings of the board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

(Q) All meetings and hearings of the board shall be open to the public.

(R) The city, by and through the [~~Development Department~~] **City Manager, or his or her designee**, shall provide clerical and administrative personnel reasonably needed by the board for the proper conduct of its duties.

(S) The Mayor of the city may appoint two alternate members to serve on the board in the absence of regular board members. The appointment of the alternates shall be subject to the approval of the Board of Commissioners. Alternate board members shall meet all of the qualifications and be subject to all of the requirements that apply to regular board members.

(T) The board shall have the power to issue remedial orders and impose civil fines as a method of enforcing any ordinance, including any zoning ordinance or regulation, adopted by the city so long as a violation of the ordinance is classified as a civil offense or the ordinance establishes civil fines as the penalty to be imposed on any person who violates the ordinance. Any ordinance or regulation enforced by the board shall provide by its express terms, the following:

(1) That a violation of the ordinance is a civil offense; and

(2) Either:

(a) A specific civil fine or fines that may be imposed for each violation of the ordinance; or

(b) Two separate civil fines as follows:

1. A maximum civil fine that may be imposed for each violation of the ordinance; 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.

(U) No provision of this chapter shall be enforced as a civil offense if the same conduct constitutes a criminal offense or a moving motor vehicle offense under any provision of the Kentucky Revised Statutes.

(V) The board shall have the following powers when enforcing ordinances:

(1) To conduct hearings to determine whether there has been a violation of any ordinance of the city for which a violation thereof has been designated a civil offense.

(2) To subpoena alleged violators, witnesses, and evidence to hearings. Subpoenas issued by the board may be served by any code enforcement officer.

(3) To take testimony under oath. The chairperson of the board shall have the authority to administer oaths to witnesses prior to their testimony before the board on any matter.

(4) To make findings and issue orders necessary to remedy any violation of an ordinance of the city that the board has jurisdiction to enforce.

(5) To impose civil fines as authorized by this chapter on any person found to be in violation of any ordinance that the board has jurisdiction to enforce.

(W) 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 12

Section 92.17 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **§ 92.17 CODE ENFORCEMENT PROCEEDINGS; PROCEDURE.**

(A) Pursuant to KRS 65.8825(1), enforcement proceedings before the board shall be initiated by the issuance of a citation by a code enforcement officer.

(B) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation to the offender. The citation shall be served by one or more 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 divisions (A) to (C) of the section is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

(C) When authorized, a code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation can be remedied within a specified time period. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.

(D) (1) If a code enforcement officer elects to give notice of violation in lieu of immediately issuing a citation, this notice should be sent to the offending party by regular first-class mail at the last known address of the party.

(2) The notice required by this section shall be in plain language and shall:

- (a) Be in writing;
- (b) Include a description of the real estate sufficient for its identification;
- (c) Include a statement of the reason or reasons why the notice of violation is being issued; and
- (d) Include a correction order allowing a reasonable amount of time for the correction of any and all violations.

(E) Any citation issued by the code enforcement officer shall be in a form prescribed by the city and shall contain, in addition to any other information required by ordinance or rule of the board, 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 date and time the offense or violation was committed;
- (4) The facts constituting the offense or violation;
- (5) The section of the code or number of the ordinance violated;
- (6) The name of the code enforcement officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (8) 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 board to contest the citation and that the determination that a violation was committed shall be final and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.

(F) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the board.

(G) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the board to contest the citation. If a hearing is requested, the person requesting the hearing shall pay an administrative hearing fee in the amount of \$50 at the time of the written request for the hearing. 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 to contest the citation 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.

(H) Notice of a final order shall be provided to the cited violator 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.

**(I) Destroying orders or notices. No person or owner shall destroy, remove, or deface any order or notice posted by a code enforcement officer.**

**(J) Disobeying orders. No person or owner shall disobey any order issued by a code enforcement officer, or use or occupy or permit any other person to use or occupy any premises ordered closed by the Neighborhood Services Department or other appropriate department.**

### Section 13

Section 92.18 of the Covington Code of Ordinances is hereby amended to read as follows:

#### **§ 92.18 CODE ENFORCEMENT BOARD HEARINGS; NOTICE; FAILURE TO APPEAR; PROCEDURE; FINAL ORDER.**

(A) When a hearing before the board has been requested, the board, through its clerical and administrative staff, shall schedule a hearing. Not less than seven (7) days before the

date set for the hearing, the board shall notify the person who requested the hearing of the date, time, and place of the hearing. The notice of hearing may be given by:

- (1) Regular first-class mail;
- (2) Certified mail, return receipt requested;
- (3) Personal delivery; or
- (4) By leaving the notice at the person's usual place of residence with any person residing therein who is 18 years of age or older and who is informed of the contents of the notice.

(B) Each case before the board may be prosecuted by an attorney selected by the city or a code enforcement officer, or other person designated by the [~~Development Director/City Engineer~~] ***City Manager, or his or her designee.***

(C) All testimony at the board hearings shall be under oath and shall be recorded. The board shall take testimony from the code enforcement officer, the alleged offender, and any witnesses regarding the alleged violation offered by the prosecutor or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(D) At the hearing, the board shall determine, based on the evidence presented, whether a violation was committed. When the board determines that no violation was committed, an order dismissing the citation shall be entered. When the board determines that a violation has been committed, it shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount authorized by ordinance, or may order the offender to remedy a continuing violation within a specified period of time to avoid the imposition of the fine, or may order both.

(E) Every final order of the board shall be reduced to writing and include findings and conclusions reached and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order is issued, the order shall be delivered to that person by regular first-class mail; certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any person residing therein who is 18 years of age or older and who is informed of the contents of the order.

(F) Any person requesting a hearing before the board 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 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.

(G) Notice of a final order shall be provided to the cited violator 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 14

Section 92.23 of the Covington Code of Ordinances is hereby amended to read as follows:

**§ 92.23      [~~LIENS.~~] LIENHOLDER RIGHTS, LIEN PRECEDENCE.**

(A) A lienholder of record who has registered pursuant to § 92.22 of this chapter may, within forty-five (45) days from the date of issuance of notification under § 92.22(D) of this chapter:

- (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 this chapter, including abatement costs.

(B) Nothing in this section shall prohibit the City from taking immediate action if necessary under § 92.12 of this chapter.

(C) The lien provided by § 92.20 of this chapter shall not take precedence over previously recorded liens if:

- (1) The city failed to comply with the requirements of § 92.22 of this chapter for notification of the final order; or
- (2) A prior lienholder complied with division (A) of this section.

(D) A lien that does not take precedence over previously recorded liens under division (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 division (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 §§ 92.22 and 92.23 of this chapter, or failure of a lien to take precedence over previously filed liens as provided in division (C) of this

section, shall not limit or restrict any other remedies the city has against the property of the violator.

Section 15

Section 92.99 of the Covington Code of Ordinances is hereby amended to read as follows:

**§ 92.99 PENALTY.**

~~[(A) A violation of this code, with the exception §§ 92.07, 92.08, and 92.10 shall constitute a civil offense, and any person, firm, or corporation who violates any provision of this code, with the exception of §§ 92.07, 92.08, and 92.10, shall be subject to a civil fine of \$100 per day per violation, or the cost to the city to abate the public nuisance, or both. Each date that a violation of this code continues after due notice has been served in accordance with the terms of this code may be deemed a separate offense to a maximum of \$10,000 per citation, if the citation is contested. If the citation is uncontested, the specific fine contained within the citation shall be payable as set forth within the citation and in accordance with this chapter and applicable state law.]~~

**(A) Violations of this Chapter and other provisions as set out in other specified chapters of this Code shall be subject to the following schedule of civil fines which shall be in addition to any remedy or abatement costs, filing costs and other costs incurred by the City:**

**(1) If a citation for a violation of this Chapter is not contested by the person charged with the violation, the maximum penalties below shall apply. A second offense is an offense that occurs within five (5) years of the determination by the Code Enforcement and Nuisance Board of a prior offense. All others are those that occur within five (5) years of the determination by the Code Enforcement and Nuisance Board of two (2) or more prior offenses.**

<u>Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
<u>Animals</u>	<u>\$25.00</u>	<u>\$50.00</u>	<u>\$100.00</u>

**Building and**

**Property Maintenance**

<u>(Non-vegetation)</u>	<u>\$100.00</u>	<u>\$150.00</u>	<u>\$250.00</u>
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<u>Noise</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$150.00</u>
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**Grass, Vegetation**

<u>And Weeds</u>	<u>\$50</u>	<u>\$75.00</u>	<u>\$100.00</u>
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House Numbers \$50.00                      \$100.00                      \$150.00

**Violation of Rental**

Dwelling Licensing \$250                      \$500                      \$750

**Chapter 92 Violations**

Not Specifically Listed                      \$100.00                      \$150.00                      \$250.00

**Chapter 152 Violations**

Not Specifically Listed                      \$100.00                      \$150.00                      \$250.00

**Violation of Ordinance**

**Designated as Civil Offense**

With No Specific Fine Listed \$100.00                      \$150.00                      \$250.00

**(2) If the citation is contested and a hearing before the Board is required, the following maximum penalties may be imposed at the discretion of the Board:**

<u>Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>All Others</u>
<u>Animals</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$200.00</u>

**Building and**

**Property Maintenance**

(Non-vegetation) \$200.00                      \$300.00                      \$500.00

Noise                      \$100.00                      \$200.00                      \$300.00

**Grass, Vegetation**

and Weeds                      \$100.00                      \$150.00                      \$200.00

House Numbers \$100.00                      \$200.00                      \$300.00

**Violation of Rental**

Dwelling Licensing \$500                      \$1,000                      \$1,500

**Chapter 92 Violations**

Not Specifically Listed                      \$200.00                      \$300.00                      \$500.00

**Chapter 152 Violations**

**Not Specifically Listed            \$200.00    \$300.00            \$500.00**

**Violation of Ordinance**

**Designated as Civil Offense**

**With No Specific Fine Listed \$200.00    \$300.00            \$500.00**

(B) As an additional alternative remedy to the above-**listed civil** penalty, any violator who violates any provision of the [city] **City** nuisance code and has been previously issued two or more citations of violations of the nuisance code relating to the same property within a 12-month period may be assessed **an** additional civil [penalties] **penalty in the amount** of \$500 per [day per violation to a maximum of \$20,000] per citation, **and such additional civil penalty may be recovered by the City in a civil action in the nature of debt if the violator does not pay the penalty within a prescribed period of time after he has been cited for violation of the nuisance code.**

(C) **(1)** Any person who violates § 92.10(B) of this code, **and does not contest the citation,** shall be subject to a civil fine of:

~~[(1)]~~**(a)** Two hundred fifty dollars (\$250) per violation for [the first offense] **a Level 1 Criminal Activity Nuisance** as defined by § 92.10(B).

~~[(2)]~~**(b)** Five hundred dollars (\$500) per violation for [the second offense] **a Level 2 Criminal Activity Nuisance** as defined by § 92.10(B).

~~[(3)]~~**(c)** One thousand dollars (\$1,000) per violation for each [subsequent offense] **Level 3 Criminal Activity Nuisance** as defined by § 92.10(B).

**(2) Any person who violates § 92.10(B) of this code, contests the citation, and a hearing before the Board is required, the following maximum penalties may be imposed at the discretion of the Board:**

**(a) Two hundred fifty dollars (\$500) per violation for a Level 1 Criminal Activity Nuisance as defined by § 92.10(B).**

**(b) Five hundred dollars (\$1,000) per violation for a Level 2 Criminal Activity Nuisance as defined by § 92.10(B).**

**(c) One thousand dollars (\$2,000) per violation for each Level 3 Criminal Activity Nuisance as defined by § 92.10(B).**

(D) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing this code and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens, except state, county, school board, and city taxes if all legal requirements are satisfied.

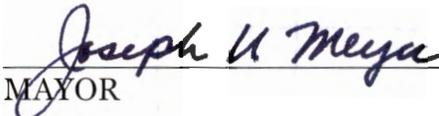
(E) Any person(s) who violates §§ 92.07(C)(2) or 92.08 of this code shall be deemed guilty of a Class B misdemeanor.

~~[(F) Any property owner, against whose property the city possesses a lien related to nuisance, property maintenance or zoning code violations or the Covington Solid Waste and Litter Abatement Ordinance, who fails to correct the applicable deficiencies on his or her property or has not submitted an approved correction plan to the Development Department within 10 business days of the date that the lien is recorded with the County Clerk, shall be deemed guilty of a Class A misdemeanor with a criminal fine not to exceed \$500 per offense and a term of imprisonment not to exceed twelve (12) months per offense. Each day a violation of this chapter continues shall be a separate and distinct offense.]~~

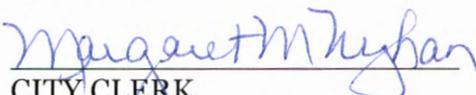
**(F) A person found to have committed a violation of this code shall be personally responsible for the amount of the lien, including all civil fines assessed for the violation and for all charges, fees, and abatement costs incurred by the city in connection with the enforcement of the ordinance. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.**

Section 15

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to the law.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

Passed: 8-11-20 (Second Reading)

7-21-20 (First Reading)

Meeting Date:					
ORD.: 1ST		2ND			
OR:					
	Bowman	Z Downing	Smith	/ Williams	Meyer
Yeas	✓	✓	✓	✓	✓
Nays					
Present, not Voting					