

- (b) Regular meetings of the Code Enforcement Board shall be held on the _____ of every month, except for months in which no hearings are scheduled. Meetings other than those regularly scheduled shall be special meetings or emergency meetings held in accordance with the requirements of the Kentucky Open Meetings Act.
- (c) All meetings and hearings of the Code Enforcement Board shall be public meetings held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- (d) The presence of at least a majority of the Board's entire membership shall constitute a quorum. The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.
- (e) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of any member on any issue decided by the Board shall be recorded in the minutes.

SECTION 6. Conflict of interest.

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

SECTION 7. Powers of the Code Enforcement Board.

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

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance.
- (b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- (c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Code Enforcement Board may be served by any

Code Enforcement Officer.

- (d) To take testimony under oath. The Chair shall have the authority to administer oaths for the purpose of taking testimony.
- (e) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce.
- (f) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the Board has jurisdiction.
- (g) The Board shall not have the authority to enforce any ordinance for which a violation constitutes a criminal offense or moving vehicle offense.

SECTION 8. Enforcement proceedings.

The following requirements shall govern all enforcement proceedings before the Code Enforcement Board:

- (a) Enforcement proceedings shall only be initiated by the issuance of a Citation by a Code Enforcement Officer.
- (b) Except when immediate action is necessary pursuant to Section 15 of this ordinance, if a Code Enforcement Officer believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a Notice of Violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a Citation.
- (c) The Code Enforcement Officer shall issue a Citation by one of the following methods:
 - 1. Personal service to the alleged violator;
 - 2. Leaving a copy of the Citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the Citation is issued; or

3. Posting a copy of the Citation in a conspicuous place on the premises and mailing a copy of the Citation by regular, first-class mail to the owner of record of the property, if no one is on the premises at the time the Citation is issued.

(d) The Citation issued by the Code Enforcement Officer shall contain, in addition to any other information required by ordinance or by 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 physical address of the premises where the violation occurred;
4. The date and time the offense was committed;
5. The facts constituting the offense;
6. The section of the code or the number of the ordinance violated;
7. The name of the Code Enforcement Officer;
8. The civil fine that may be imposed for the violation, including, if applicable:
 - a. The civil fine that will be imposed if the person does not contest the Citation; and
 - b. The maximum civil fine that may be imposed if the person elects to contest the Citation;
9. The procedure for the person to follow in order to pay the civil fine or to contest the Citation; and
10. A statement that if the person fails to pay the civil fine set forth in the Citation or contest the Citation within the time allowed: the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the Citation; the determination that the violation was committed shall be final; the Citation as issued shall be deemed a Final Order determining that the violation was committed and imposing the civil fine as set forth in the Citation; and the person shall be deemed to have waived the right to appeal the Final Order to District Court.

(e) After issuing a Citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the Citation to the City Clerk of the City of Walton, who shall deliver the Citation to the members and alternates of the Board.

(f) 1. The person to whom the Citation is issued shall respond to the Citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing to contest the Citation. If the person fails to respond to the Citation within seven (7) days, the person shall be deemed to

have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the Citation as issued shall be deemed a Final Order determining that the violation was committed and imposing the civil fine as set forth in the Citation, and the person shall be deemed to have waived the right to appeal the Final Order to District Court.

2. Notice of a Final Order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; 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 9. Hearing; notice; and Final Order.

- (a) When a hearing has been requested, the Code Enforcement Board or its administrative staff shall schedule a hearing for a date not less than seven (7) days from the date the written request for a hearing was received.
- (b) Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by regular first-class mail; certified mail, return receipt requested; 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.
- (c) 1. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the Citation, and the determination that a violation was committed shall be final. In this event, the Citation as issued shall be deemed a Final Order determining the violation was committed and imposing the civil fine set forth in the Citation, and the alleged violator shall be deemed to have waived the right to appeal the Final Order to District Court.

2. Notice of a Final Order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; 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.

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

SECTION 10. Presentation of cases.

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

SECTION 11. Appeals; final judgment.

- (a) An appeal from a Final Order of a Code Enforcement Board following a hearing conducted pursuant to Section 9(e) of this ordinance may be made to

the Boone or Kenton County District Court, in whichever county the violation occurred, within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Final Order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(b) If no appeal from a Final Order of the Code Enforcement Board is filed within the time period set in subsection (a) of this Section, the Code Enforcement Board's order shall be deemed final for all purposes.

(c) The Judgment of the District Court may be appealed to the Circuit Court of the same county as the District Court, in the same manner as provided for such appeals under the Kentucky Rules of Civil Procedure.

(d) If no appeal from a judgment of the District Court is made to the Circuit Court within the time allowed for appeals under the Kentucky Rules of Civil Procedure, the judgment of the District Court shall be final for all purposes.

SECTION 12. Ordinance fine schedule.

Violations of ordinances that are enforced by the city Code Enforcement Board shall be subject to the following schedule of civil fines:

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

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Animals	\$25.00	\$50.00	\$100.00
Building and Construction Code	\$100.00	\$125.00	\$150.00
Garbage	\$10.00	\$25.00	\$50.00
Weeds and tall grass	\$10.00	\$25.00	\$50.00

(b) If the Citation is contested and a hearing before the Code Enforcement Board is required, the Board, in its discretion, may impose a penalty up to the following maximum amounts:

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Animals	\$100.00	\$200.00	\$300.00
Building and			