

Jack Rose
Mayor



City of Murray



COUNCIL MEETING AGENDA October 27, 2016 6:30 P.M.

- 1) **Call to Order**, welcome to guests, and moment of silence
- 2) **Pledge of Allegiance to the Flag** Linda Cherry
- 3) **Minutes** Council Meeting of October 13, 2016
- 4) **Mayor's Report**
 - a) Clean Stream Team Project—Justin Smith
 - b) Business friendly report
 - c) Updates by department
- 5) **Public Comment** (Prior arrangement through the Mayor's Office)
- 6) **Recognize Retirees** Brian Mills, Michael Farley
- 7) **WWTP Report** Todd Solomon
- 8) **Report** Public Works Committee Chair, Butch Sargent
- 9) **Surplus**
- 10) **Report** Public Safety Acting Chair, Robert Billington
- 11) **Ordinance Number 2016-1715** (first reading) an ordinance amending the City of Murray Code of Ordinances, Chapter 40: CODE ENFORCEMENT, all subsections, in order to bring the Chapter into compliance with Kentucky General Assembly House Bill 422, signed into law on April 9, 2016
- 12) **Consent Agenda:**
 - a) **Municipal Order Number 2016-021** reappointing Josh Vernon to the Board of Zoning Adjustments for a term of four (4) years to expire on October 27, 2020
 - b) **Municipal Order Number 2016-022** appointing Gayle Balentine to the Code Enforcement Board to fill the unexpired term of Mike Lovins. Said term expires on October 23, 2017
 - c) **Municipal Order Number 2016-023** reappointing Linda Cherry to the Human Rights Commission for a term of three (3) years to expire on October 27, 2019
 - d) **Municipal Order Number 2016-024** reappointing Tom Kind to the Planning Commission for a term of four (4) years to expire on October 27, 2020

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- e) **Municipal Order Number 2016-025** appointing Angie Bogard to the Murray Calloway County Parks Board to fill the unexpired term of Jean Bennett. Said term expires January 14, 2017

13) Adjournment

PUBLIC WORKS COMMITTEE MEETING AMENDED

6:00 – 6:10 p.m.

**Butch Seargent Chair; Jeremy Bell, Johnny Bohannon, Dan Miller,
Jane Shoemaker, Burton Young**

1. Surplus
2. Maple at LP Miller Drainage Rehabilitation Bid
3. Residual Landfill Closure Bid (Vee Gum Pit)

PUBLIC SAFETY COMMITTEE MEETING

6:10 – 6:30 p.m.

**Robert Billington, Linda Cherry, Jason Pittman,
Pat Scott, Jane Shoemaker**

Amend Chapter 40: CODE ENFORCEMENT

MINUTES OF COUNCIL

October 13, 2016

6:30 P.M.

The Murray City Council met in regular session Thursday, October 13, 2016, at 6:30 p.m. in the Council Chambers of City Hall with Mayor Jack Rose presiding.

Council Members Present: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, Butch Seargent, Pat Scott, Jane Shoemaker, Burton Young

Council Members Absent: None

Staff Present: Ron Allbritten, Jaimey Erwin, Chief Liles, Cathy Morris, David Roberts, City Attorney Warren Hopkins

After a moment of silence, Butch Seargent led the Pledge of Allegiance to the Flag.

Mayor Rose welcomed Council members and guests and called the meeting to order.

The minutes of the Council Meeting of September 22, 2016, were presented for approval. **Mr. Bohannon moved; seconded by Ms. Cherry.** All voted aye.

Mayor Rose reminded members of the Chamber of Commerce Business at Breakfast on October 18th, at 7:30 a.m.

Mayor Rose said there had been no request for public comment.

Mayor Rose recognized Cathy Morris who presented a certificate of appreciation to Kenny Reynolds for 26 years of dedicated service in the City of Murray Fire Department. Mr. Reynolds addressed Council briefly.

Health Insurance Committee Chair, Robert Billington, stated the Health Insurance Committee met prior to the Council Meeting to discuss the City's health insurance plan renewal. He said the health insurance trust was healthy and the Committee voted unanimously to keep the same plans and premium rates as the current year.

Transportation Committee Chair, Dan Miller, stated the Transportation Committee met prior to the Council Meeting to discuss several local projects to enhance traffic flow in the City. He said the Committee planned to review the 8th Street and Chestnut intersection to improve the offset among other potential projects and invited input from citizens. Dr. Miller said the Committee also recommended the City request a traffic study by the state to improve safety through the south 12th Street corridor (641). He requested Council move to Agenda Item # 9.

Resolution Number 2016-012, a resolution authorizing the mayor to make application for, and upon acceptance, enter into an agreement with the state of Kentucky to conduct an access point planning study for Highway 641 South (South 12th Street corridor) was presented for approval. **Dr. Miller moved; seconded by Mr. Bell.** All voted aye.

Personnel and Finance Committee Chair, Danny Hudspeth, stated the Personnel and Finance Committee met prior to the Council Meeting to review and declare surplus Tract A and Tract C--real property located on the west side of North 12th Street which was released to the City upon approval of the modified Chamber of Commerce lease. The Committee recommended taking two resolutions for Council approval regarding the potential sale of the tracts.

Resolution Number 2016-013, a resolution authorizing the Mayor or his designee to sell, transfer and convey real property on the west side of North 12th Street and described as "Tract A" in accordance with KRS 82.083, was presented for approval. **Mr. Hudspeth moved; seconded by Mr. Bohannon.** All voted aye.

Resolution Number 2016-014, a resolution authorizing the Mayor or his designee to sell, transfer and convey real property on the west side of North 12th Street and described as “Tract C” in accordance with KRS 82.083, was presented for approval. **Mr. Hudspeth moved; seconded by Mr. Bohannon.** All voted aye.

Public Works Committee Chair, Butch Sargent, stated the Public Works Committee met prior to the Council Meeting to discuss several drainage project bids:

1. 209 South 13th Street Drainage Improvements—low bid of \$2,303.00 by PWH Trucking/Parker Excavating was presented for approval. **Mr. Sargent moved; seconded by Dr. Miller.** All voted aye.
2. 724 Fairlane Dr. Culvert Replacement—low bid of \$7,764.00 by PWH Trucking/Parker Excavating was presented for approval. **Mr. Sargent moved; Mr. Billington seconded.** All voted aye.
3. Greenhills Dr. Drainage Improvements-- low bid of \$3,985.00 by LMD Construction was presented for approval. **Mr. Sargent moved; Mr. Bell seconded.** All voted aye.
4. Walnut Dr. Culvert Replacement—low bid of \$3,678.00 by PWH Trucking/Parker Excavating was presented for approval. **Mr. Sargent moved; Mr. Bell seconded.** All voted aye.
5. Lancelot Dr. Diversion Berm Installation—low bid of \$3,148.00 by PWH Trucking/Parker Excavating was presented for approval. **Mr. Sargent moved; Mr. Bohannon seconded.** All voted aye.

Ordinance Number 2016-1714, an ordinance amending Ordinance Number 2016-1705 which adopted the FY 2016-2017 City of Murray, Kentucky, Annual Budget by restating certain revenues and expenditures for the City of Murray Operations Budget for Murray Calloway County Parks special allocation and E911 Emergency Fund capital equipment was presented for approval on second reading. **Mr. Bell moved; seconded by Ms. Shoemaker.**

Ayes: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, Pat Scott, Butch Sargent, Jane Shoemaker, Burton Young
Nays: None

Resolution Number 2016-015, a resolution appointing Cathy Morris as the 504 Handicap Coordinator for the City of Murray, was presented for approval. **Mr. Billington moved, seconded by Mr. Bohannon.** All voted aye.

Resolution Number 2016-016, a resolution proclaiming the Fair Housing policy of the City of Murray in accordance with the Fair Housing Amendments Act of 1988 (under Title VIII), **Mr. Bohannon moved; seconded by Ms. Shoemaker.** All voted aye.

Mayor Rose recommended and **Dr. Miller moved** to set Halloween hours at 5:30 p.m. – 7:30 p.m. on Monday, October 31st. **Mr. Bohannon seconded.** All voted aye.

With no other business before the Council, **Mr. Billington moved** to adjourn; **seconded by Mr. Bohannon.** All members voted aye. The meeting adjourned at 6:58 p.m.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

Batts, June - City Clerk

From: Morris, Catherine - HR Manager
Sent: Wednesday, October 19, 2016 1:03 PM
To: Batts, June - City Clerk; Crawford, Luke - Finance Director
Subject: FW: Surplus pumps

From: Pierceall, Samuel Eugene - WWTP Operator
Sent: Wednesday, October 19, 2016 12:47 PM
To: Morris, Catherine - HR Manager
Subject: Surplus pumps

I have 3 more pumps ,from Benton Rd# lift station, to be surplused.
3 - 3 phase, 5 H.P. FLYGT pumps.
If you have any questions please give me a call.
Gene

ORDINANCE 2016-1715

AN ORDINANCE AMENDING THE CITY OF MURRAY CODE OF ORDINANCES, CHAPTER 40, ALL SUBSECTIONS, IN ORDER TO BRING CHAPTER 40 INTO COMPLIANCE WITH KENTUCKY GENERAL ASSEMBLY HOUSE BILL 422, SIGNED INTO LAW ON APRIL 9, 2016

Be it Ordained by the City Council of the City of Murray as follows:

WHEREAS, the Public Safety Committee of the City of Murray City Council met on November 27, 2016 to discuss changes to Chapter 40 of the Code Enforcement Board Ordinance; and

WHEREAS, the Public Safety Committee found that it is necessary and in the best interest of the citizens of the City of Murray to amend Chapter 40 in order to bring said Chapter into compliance with the mandates of the Kentucky General Assembly in House Bill 422, signed into law on April 9, 2016; and

WHEREAS, the Committee recommends that Chapter 40 be revised, in its entirety, as set forth herein.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

That Chapter 40 hereby be Amended and Restated, in its entirety, based upon the attached, modified version of said Ordinance, setting forth each change made therein as Exhibit A; with the attached, clean version of said Ordinance, attached as Exhibit B, be adopted by the City Council for codification.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or

affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

Introduced and read on the 27th day of October, 2016 followed by a second reading on the _____ day of November, 2016 and upon motion duly made and seconded, this Ordinance was adopted.

Jack Rose, Mayor, City of Murray, Kentucky

ATTEST:

June Batts, Clerk,
City of Murray, Kentucky

CERTIFICATE

I, June Batts, City Clerk of the City of Murray, Calloway County, Kentucky, do hereby certify that the above is a true copy of Ordinance Number 2016-1715, as adopted by the City Council at a meeting held on November _____, 2016, following a First Reading on October 27, 2016, whereat a quorum was present and voting, all as shown by the records of said City in my office.

June Batts, City Clerk

Introduced to the Murray City Council on: **October 27, 2016**
Adopted by the Murray City Council on: **November _____, 2016**
Published in the *Murray Ledger and Times* on: _____

CHAPTER 40: CODE ENFORCEMENT

EXHIBIT A

General Provisions

- 40.01 Definitions
- 40.02 Adoption of codes by reference

Code Enforcement Board

- 40.15 Creation and membership
- 40.16 Powers
- 40.17 Members
- 40.18 Organization of Board
- 40.19 Conflict of interest
- 40.20 Jurisdiction of Board

Enforcement Proceedings

- 40.35 Requirements governing proceedings
- 40.36 Hearing; notice; final order
- 40.37 Presentation of cases
- 40.38 Appeals; final judgment
- 40.39 Ordinance fine schedule
- 40.40 Lien; fines, charges and fees
- 40.50 Notification System
- 40.98 Immediate action by City

GENERAL PROVISIONS

§ 40.01 DEFINITIONS.

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

- A. City. Shall mean the City of Murray, Kentucky.
- B. “Code Enforcement Board or Board.” An administrative body created by the City of Murray, Kentucky, and acting under the authority of the Local Government Code Enforcement Board Act, as set forth in KRS 65.8801, et seq., and as hereafter amended.
- C. “Code Enforcement Officer.” A City police officer, City Building Official, , City citation officer, other City official with such authority designated by City Ordinance, or other public law enforcement officer with the authority to issue a citation.
- D. “Ordinance.” An official action of City ~~a 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.
- E. “Imminent Danger.” A condition which is likely to cause serious or life-threatening injury or death at any time.
- F. “Abatement Costs.” City’s necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other

action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety, and welfare in accordance with any City Ordinance.

G. "Final Order." Any order issued by the Code Enforcement Board in accordance with this Chapter and referenced as "final;" created because a violator neither paid nor contested the citation within seven (7) days as provided in this Chapter; or, created because of a failure of a violator to appear at a hearing the violator requested to contest the citation as provided in this Chapter.

H. "Owner." A person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property.

I. "Offender." A person, association, corporation, partnership, or other legal entity accused of, charged with, issued a Citation for or found liable of a violation of the Ordinances subject to the jurisdiction of the Code Enforcement Board.

J. "Premises." A lot, plot, or parcel of land, including any structures upon it.

K. Second or Additional Offense: A second or each additional offense shall be deemed to have occurred in the following situations:

1. The first offense had been brought into compliance and a subsequent offense thereafter of similar nature occurred within twelve (12) months; or
2. The Code Enforcement Board has determined that a violation as a first offense occurred and has issued a final order stating same. Thereafter, a second. or each additional offense for the same or similar event shall be deemed to have occurred after any remedy time has passed as stated in the Final Order of the prior offense and no correction or abatement of the offense has occurred. If no remedy time is stipulated in the final order. the second or each additional offense shall be deemed to have occurred for the same or similar event beginning the next business day after the Final Order of the prior offense was entered. without correction.

L. Violation: Offenses to the City of Murray Zoning Ordinance punishable by a fine(s) as detailed in the City of Murray Code of Ordinances Chapter 40.39.

M. Unless otherwise specified in an Ordinance, the word "day" shall mean a calendar day.

(Ord. 2004-1361, passed 10-28-04; Am. Ord. 2011-1556, passed 1-12-12; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.02 ADOPTION OF CODES BY REFERENCE.

This Chapter hereby adopts, as if fully stated herein, the complete provisions, including all amendments and any amendments hereafter filed for the Fire Code, and Property Maintenance Code. All remedies available, including but not limited to, the above stated remedies may be imposed by the Murray Code Enforcement Board.

(Ord. 2004-1361, passed 10-28-04; Am. Ord. 2011-1556, passed 1-12-12; Amd Ord. 2016-_____, passed XX-XX-16)

CODE ENFORCEMENT BOARD

§ 40.15 CREATION AND MEMBERSHIP.

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within the City, a Code Enforcement Board which shall be composed of five members, all of whom shall be residents of the City for a period of one year prior to the appointment and shall reside there throughout the term in office.

(Ord. 2004-1361, passed 10-28-04; Am. Ord. 2011-1556, passed 1-12-12; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.16 POWERS.

A. The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing City Ordinances when a violation of the Ordinance has been classified as a civil offense.

B. The Code Enforcement Board shall not have the authority to enforce any Ordinance the violation of which constitutes as offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

C. The City of Murray Code Enforcement Board shall have the following powers and duties:

1. To adopt rules and regulations to govern its operations and the conduct of its hearings.
2. To conduct hearings to determine if there has been a violation of an Ordinance over which it has jurisdiction.
3. 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.
4. To take testimony under oath. The chairperson shall have the authority to administer oaths for the purpose of taking testimony.
5. To make findings of fact and issue orders necessary to remedy any violation of a City Ordinance or code provision which the Code Enforcement Board is authorized to enforce.
6. To impose civil fines, as authorized, on any person or entity found to have violated an Ordinance over which the Board has jurisdiction.

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.17 MEMBERS.

A. Members of the Code Enforcement Board shall be appointed by the Mayor of the City, subject to the approval of the City Council.

B. Members of the Code Enforcement Board will be appointed to serve a three-year term.

C. The Mayor may appoint, subject to the approval of the City Council, two (2) alternate members to serve on the Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.

D. Any vacancy on the Board shall be filled by the Mayor, subject to approval of the City Council within sixty (60) days of the vacancy.

E. A Code Enforcement Board member may be removed from office by the Mayor for misconduct, inefficiency, or willful neglect of duty. The Mayor must submit a written statement to the member and the City Council setting forth the reasons for removal.

F. All members of the Code Enforcement Board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

G. Members of the Code Enforcement Board shall be reimbursed for actual expenses and compensated fifty dollars (\$50.00) per meeting attended.

H. No member of the Code Enforcement Board may hold any elected or nonelected office, paid or unpaid, or any position of employment with the City.

(Ord. 2004-1361, passed 10-28-04; Am. Ord. 2013-1614, passed 6-27-13; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.18 ORGANIZATION OF BOARD.

A. The Board shall annually elect a Chairperson from among its members. The Chairperson shall be the presiding officer and a full voting member of the Board.

B. Regular meetings of the Code Enforcement Board shall be held on one day of every month, as needed, to be determined by the Board. Meetings other than those regularly scheduled shall be **special 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 held in accordance with the requirements of KRS 65.8815 and the Kentucky Open Meetings Act.

D. 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 each member on any issue decided by the Board shall be recorded in the minutes.

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.19 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 and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.

(Ord. 2004-1361, passed 10-28-04)

§ 40.20 JURISDICTION OF BOARD.

The Code Enforcement Board shall have jurisdiction to enforce and shall enforce those City Ordinances and code provisions which specifically provide for Board enforcement.

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

ENFORCEMENT PROCEEDINGS

§ 40.35 REQUIREMENTS GOVERNING PROCEEDINGS.

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

A. Enforcement proceedings before the Code Enforcement Board shall only be initiated by the issuance of a citation by a Code Enforcement Officer. After issuing a citation to an Offender, a Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the City Police Department. **Notwithstanding the foregoing, the Board may, in its sole discretion, elect to hear proceedings based upon a Notice of Violation issued by a Code Enforcement Officer and upon written request of the**

Offender, in the interest of judicial expediency and consistent with due process. In such limited circumstances, the Notice of Violation shall be converted to a Citation, based upon the hearing request of the Offender.

B. Except as provided in Section 40.31 below, if a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a City Ordinance he or she may issue a Notice of Violation to the Offender allowing the Offender a specified period of time to remedy the violation without fine. If the Offender fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation.

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

C. The citation issued by the Code Enforcement Officer shall contain the following information:

1. The date and time of issuance;
2. The name and address of the Offender to whom the citation is issued;
3. The date and time the offense was committed;
4. The facts constituting the offense;
5. The section of the code or the 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 Offender does not contest the citation;
8. The maximum civil fine that may be imposed if the Offender elects to contest the citation;
9. The procedure for the Offender to follow in order to pay the civil fine or to contest the citation; and
10. A statement that if the Offender fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the Offender shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final, and that the Offender shall be deemed to have waived the right to appeal the final order to District Court.

D. After issuing a citation to an alleged Offender, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the City Clerk, or his/her designee. The Code Enforcement Officer, in the exercise of his/her sole discretion, may also elect to provide notice of the issuance of the citation to any lienholder with an interest in the subject premises.

E. The Offender to whom the citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the Offender fails to respond to the citation within seven days the Offender shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

F. If the Offender does not contest the citation within the time prescribed, the citation, as issued shall be deemed a Final Order determining that the violation was committed and imposing the civil fine set forth in the citation, and that the Offender shall be deemed to have waived the right to appeal the Final Order to the District Court. Notice of this Final Order shall be served upon the Offender in accordance with Section 40.36. ~~the Code Enforcement Board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation.~~

(Ord. 2004-1361, passed 10-28-04; Am. Ord. 2012-1590, passed 9-27-12; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.36 HEARING; NOTICE; FINAL ORDER.

A. When a hearing has been requested by an Offender, the Code Enforcement Board shall schedule a hearing.

B. Not less than seven 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; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice. **The Code Enforcement Board may also elect to provide notice of hearing to any lienholders with an interest in the subject premises.**

C. Any person requesting a hearing before the Code Enforcement 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** ~~The Code Enforcement Board shall enter~~ a Final Order determining the violation was committed and shall impose the civil fine set forth in the citation, **and the Offender shall be deemed to have waived the right to appeal the Final Order to District Court.** Notice of the Final Order shall be provided to the Offender in the manner prescribed in Division F of this Section. ~~A copy of the final order shall be served upon the person guilty of the violation.~~

D. All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the Offender, and any witnesses to the violation offered by the Code Enforcement Officer or Offender. 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 determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, **the Board may issue an order upholding the citation and may order the Offender to do either or both of the following: Pay a civil fine in an amount up to the maximum authorized by the Ordinance or remedy a continuing violation within a specified time to avoid the imposition of a fine, as authorized by Ordinance.** ~~an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both.~~

F. Every Final Order of the Code Enforcement Board **following a hearing** shall be reduced to writing, which shall include **the findings and conclusions of the Board** and the date the order was issued. A copy shall be furnished to the person named in the citation. If the Offender named in the citation is not present when the 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 the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.**

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.37 PRESENTATION OF CASES.

Each case before the Code Enforcement Board shall be presented by an attorney selected by the City or by a Code Enforcement Officer for the City. The City Attorney may either be counsel to the Code Enforcement Board or may present cases before the Code Enforcement Board, but in no case serve in both capacities.

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.38 APPEALS; FINAL JUDGMENT.

A. An appeal from any **Final Order of the Code Enforcement Board following a hearing** may be made to the Calloway District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and copy of the Code Enforcement Board's Final Order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. **The District Court shall conduct a de novo review of the Final Order.**

B. If no appeal from a Final Order of the Code Enforcement Board is filed within the time period set forth in Division A, above, the Code Enforcement Board's order shall be deemed final for all purposes.

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.39 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 Offender, the penalties set forth in this Division shall apply; however, the Board may waive all or any portion of penalty for a contested violation, if in its discretion, the Board determines that such waiver will promote compliance with the Ordinance in issue.

<i>Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>Each Additional Offense</i>
Animal Control	\$50	\$150	\$250
Property Maintenance Code	\$100	\$150	\$250
Noise Control Zoning Ordinance	\$100	\$150	\$250
The acceptance of these fines for uncontested offenses shall be contingent upon the abatement of these offenses and/or approval of the Code Enforcement Board.			

B. If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

<i>Violation</i>	<i>Fine</i>
Animal Control	\$50 to \$500
Property Maintenance Code	\$100 to \$500
Noise Control Zoning Ordinance	\$100 to \$500

(C) The Code Enforcement Board is authorized to impose penalties as set forth in the Fire Code, Property Maintenance Code, Animal Control Ordinance and any other ordinance or code that designates enforcement by

the Code Enforcement Board.

(Ord. 2004-1361, passed 10-28-04; Am. Ord. 2005-1369, passed 2-10-05; Am. Ord. 2005- 1377, passed 5-26-05; Am. Ord. 2006-1421, passed 9-14-06; Am. Ord. 2011-1556, passed 1- 12-12; Am. Ord. 2012-1590, passed 9-27-12; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.40 LIENS; FINES; CHARGES AND FEES.

A. The City shall possess a lien on property owned by the person found by a non-appealable Final Order of the Code Enforcement Board, or by a final judgment to the court, to have committed a violation of a City Ordinance. ~~The lien shall be for all civil fines assessed for the violation and all charges and fees incurred by the City in connection with the enforcement of the Ordinance, including abatement costs. An Affidavit of the Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings conducted pursuant to this Chapter. for all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance.~~

B. ~~The lien shall be recorded in the office of the Calloway County Clerk; shall be notice to all persons from the time of its recording and shall bear interest until paid; subject to § 40.50, shall take precedence over all other subsequent liens, except state, county, school board, and city taxes; shall continue for ten (10) years following the date of the non-appealable Final Order, or final judgment of the court, and may be enforced by judicial proceedings, including an action to foreclose.~~

C. ~~In addition to the remedy prescribed in Division A, the Offender found to have committed the violation 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.~~

D. ~~Nothing in this Section shall otherwise affect the rights or obligations between the owner of the premises and those who claim a security interest in the premises.~~

(Ord. 2004-1361, passed 10-28-04; Amd Ord. 2016-_____, passed XX-XX-16)

§ 40.50 NOTIFICATION SYSTEM

A. ~~The City shall implement a system for notification to lienholders that meets the minimum requirements of Division B of this Section and shall comply with the procedures to permit remedial action by lienholders as provided in Division C of this Section in order to obtain and maintain the lien priority over previously filed liens granted pursuant to applicable law.~~

B. ~~The City shall create a notification system that provides lienholders and others that elect to do so with electronic notifications of all Final Orders entered pursuant to Chapter 40 of the Code of Ordinances of the City of Murray, Kentucky. This system shall meet the following minimum requirements:~~

1. ~~An individual or entity (hereafter, individually, registrant; collectively, party) may register with the City to receive information on each final order issued by the Code Enforcement Board by providing a name, mailing address, phone number, and an electronic mailing address to the City. The City shall accept this information in any form submitted by a registrant. It shall be the responsibility of the registrant to maintain and update its contact information with the City, except that the City shall inform a registrant of any evidence the City receives that the electronic mailing address is invalid or not functional in order to provide the registrant an opportunity to submit an updated electronic mailing address;~~

2. No less than once a month, the City shall send electronic mail notification of all Final Orders issued pursuant to the provisions of Chapter 40 of the Code of Ordinances of the City of Murray since the last date of notification to each registrant or party registered pursuant to paragraph (1) of this subsection. The notification shall, at a minimum, include or provide an electronic link to a document or database meeting the requirements of this Division that includes:

- a. The name of the person charged with a violation;
- b. The physical address of the premises where the violation occurred;
- c. The last known mailing address for the owner of the premises where the violation occurred.
- d. A specific description of the citation leading to the final order, including the citation detail required by § 40.35(D)(1-10) and which may be satisfied by including a copy of the full citation;
- e. The findings of the Final Order, including the penalty or penalties imposed by the Final Order, which may be satisfied by providing a copy of the full Final Order; and
- f. The status of the Final Order in regard to its ability to be appealed, except that the City shall provide an update to registrants if an appeal is filed on a Final Order.

3. The City shall post the notification required under Division B(2) of this Section or provide a summary of the information regarding each Final Order in a conspicuous place on the City's public Web site, within ten (10) days of the issuance of the Final Order. If the City posts using summary form, the summary shall be calculated to reasonably allow identification of the specific properties which may be impacted by the lien. Upon written request, the City shall provide the complete record of a Final Order without charge

4. City shall maintain the records created under this Section for a period of ten (10) years following their issuance.

C. A Registrant who is a lien holder of record may, within forty-five (45) days from the date of issuance of notification under Division (B)(2) of this Section, correct the violation if it has not already been abated, or elect to pay all civil fines assessed for the violation and all charges and fees incurred by the City in connection with the enforcement of the Ordinance, including abatement costs. This Section shall not prohibit the City from taking immediate action if necessitated under Section 40.31 of this Chapter.

D. The lien provided by Section 40.40 of this Chapter shall not take precedence over previously recorded liens if:

1. The City failed to comply with the requirements of Division B(2) of this Section for notification of the Final Order; or

2. A prior lienholder corrected the violation or paid all civil fines assessed for the violation and all charges and fees incurred by the City in connection with the enforcement of the Ordinance, including abatement costs within forty-five (45) days as provided in Division C of this Section.

E. A lien that does not take precedence over previously recorded liens under the circumstances outlined in Division D of this Section, shall, if the Final Order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

F. Nothing contained in this Section shall prohibit the City from recording a lien before the forty-five (45) day period established in Division C of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period established in Division C of this Section, the City shall release

the lien in the office of the Calloway County Clerk within fifteen (15) days of satisfaction.

G. The failure of City to comply with this section or the failure of a lien to take precedence over previously filed liens as provided in this Section, shall not limit or restrict any other remedies that the City has against the property or the Offender.

H. The requirements of this Section shall not be mandatory for City's compliance with or enforcement of KRS 65.8840 or the former KRS 381.770.

(Ord. 2016-_____, passed XX-XX-16)

§ 40.98 IMMEDIATE ACTION BY CITY

Nothing in this Chapter shall prohibit the City from taking immediate action to remedy a violation of an Ordinance when there is reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(Ord. 2016-_____, passed XX-XX-16)

Jack Rose
Mayor



City of Murray



MUNICIPAL ORDER NUMBER 2016-021

Be it hereby ordered by the Murray City Council, duly assembled this date, that Josh Vernon is hereby reappointed to the City of Murray Board of Zoning Adjustments for a four (4) year term to expire October 27, 2020.

ADOPTED BY THE MURRAY CITY COUNCIL ON THE 27th DAY OF OCTOBER, 2016.

Jack Rose , Mayor

ATTEST:

June Batts, City Clerk

TELEPHONE (270) 762-0300

104 North 5th Street, Suite B
Murray, Kentucky 42071
FAX (270) 762-0306
Website: www.murrayky.gov

TDD (270) 753-1621



Jack Rose
Mayor



City of Murray



MUNICIPAL ORDER NUMBER 2016-022

Be it hereby ordered by the Murray City Council, duly assembled this date, that Gayle Balentine is appointed to the City of Murray Code Enforcement Board to fill the unexpired term of Mike Lovins. Said term expires October 23, 2017.

ADOPTED BY THE MURRAY CITY COUNCIL ON THE 27TH DAY OF OCTOBER, 2016.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

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TDD (270) 753-1621



Jack Rose
Mayor



City of Murray



MUNICIPAL ORDER NUMBER 2016-023

Be it hereby ordered by the Murray City Council, duly assembled this date, that Linda Cherry is hereby reappointed to the City of Murray Human Rights Commission for a three (3) year term to expire October 27, 2019.

ADOPTED BY THE MURRAY CITY COUNCIL ON THE 27th DAY OF OCTOBER, 2016.

Jack Rose , Mayor

ATTEST:

June Batts, City Clerk

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Jack Rose
Mayor



City of Murray



MUNICIPAL ORDER NUMBER 2016-024

Be it hereby ordered by the Murray City Council, duly assembled this date, that Tom Kind is hereby reappointed to the City of Murray Planning Commission for a four (4) year term to expire October 27, 2020.

ADOPTED BY THE MURRAY CITY COUNCIL ON THE 27th DAY OF OCTOBER, 2016.

Jack Rose , Mayor

ATTEST:

June Batts, City Clerk

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Jack Rose
Mayor



City of Murray



MUNICIPAL ORDER NUMBER 2016-025

Be it hereby ordered by the Murray City Council, duly assembled this date, that Angie Bogard is appointed to the Murray Calloway County Parks Board to fill the unexpired term of Jean Bennett. Said term expires January 14, 2017.

ADOPTED BY THE MURRAY CITY COUNCIL ON THE 27TH DAY OF OCTOBER, 2016.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

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