

**CITY OF FINCASTLE  
ORDINANCE NO. 1, SERIES 2026**

**AN ORDINANCE OF THE CITY OF FINCASTLE,  
KENTUCKY ESTABLISHING A CODE ENFORCEMENT  
BOARD AND A FINE SCHEDULE FOR ORDINANCE  
VIOLATIONS**

**WHEREAS**, it is the intent of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839, to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with city ordinances; and

**WHEREAS**, it is the desire of the City Commission of the City of Fincastle, Kentucky (the "City") to utilize the authority granted in KRS 65.8801 to 65.8839 by creating a City of Fincastle Code Enforcement Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FINCASTLE:**

**SECTION 1. DEFINITIONS**

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

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

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

(C) **"Code enforcement officer"** means a safety officer, citation officer, public law enforcement officer, or other person authorized to issue a citation.

(D) **"Final order"** means any order:

(1) Issued by the Code Enforcement Board following a hearing in accordance with Section 9(F) of this Ordinance;

(2) Created because a violator neither paid nor contested the citation within seven (7) days as provided in Section 8(G) of this Ordinance; or

(3) Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Section 9(C) of this Ordinance.

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

(F) "**Ordinance**" means an official action of the local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of any ordinance adopted by the city legislative body which embodies all or part of an ordinance.

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

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

## **SECTION 2. CREATION, QUALIFICATIONS, AND MEMBERSHIP**

There is hereby created within the City pursuant to the Local Government Code Enforcement Board Act, KRS 65.8801 to KRS 65.8839, a code enforcement board that shall be known as the "Code Enforcement Board of the City of Fincastle, Kentucky" (the "**Code Enforcement Board**") and be composed of three (3) regular members all of whom shall be at least 21 years of age and a resident of the City for a period of at least one year prior to their appointment and shall reside in the City throughout their term in office.

## **SECTION 3. ENFORCEMENT POWERS**

(A) The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.

(B) The Code Enforcement Board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

## **SECTION 4. APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL FROM OFFICE; OATH; COMPENSATION**

(A) Members of the Code Enforcement Board shall be appointed by the executive authority of the City, subject to the approval of the legislative body.

(B) The initial appointment to the Code Enforcement Board shall be as follows:

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

All subsequent appointments shall be for a term of three (3) years.

(C) The executive authority of the City may appoint, subject to the approval of the legislative body, up to two (2) alternate members to serve on the Code Enforcement Board in the absence of any of the three regular members. Alternate members shall meet all qualifications and shall be subject to all requirements that apply to regular members of the Code Enforcement Board. Alternate members shall be appointed for a term of three (3) years.

(D) Members and alternate members may be reappointed, subject to the approval of the legislative body.

(E) Any vacancy on the Code Enforcement Board shall be filled by the executive authority, subject to approval of the legislative body, within sixty (60) days of the vacancy. If the vacancy is not filled within that time, the remaining Code Enforcement Board members shall fill the vacancy. A vacancy shall be filled for the remainder of the unexpired term.

(F) A Code Enforcement Board member may be removed from office by the executive authority for misconduct, inefficiency, or willful neglect of duty. The executive authority shall submit a written statement to the member and the legislative body setting forth the reason(s) for removal. The member so removed shall have the right to appeal to the circuit court.

(G) All members of the Code Enforcement Board shall, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(H) Members of the Code Enforcement Board shall be reimbursed for actual expenses attendant to the performance of their duties as members and compensated in the amount of \$50.00 per meeting.

(I) No member of the Code Enforcement Board shall hold any elected or nonelected office, paid or unpaid, or any position of employment with the City.

## **SECTION 5. ORGANIZATION OF BOARD; MEETINGS; QUORUM; OPEN MEETINGS; MINUTES**

(A) The Code Enforcement Board shall annually elect a Chair from among its members. The Chair shall be the presiding officer and a full voting member of the Code Enforcement Board. If the Chair is not present, the Code Enforcement Board shall select one of its members in attendance to preside in place of and exercise the powers of the Chair.

(B) Regular meetings of the Code Enforcement Board shall be held on the second Thursday of every month at a time and place to be determined by the Code Enforcement Board.

Meetings other than those regularly scheduled shall be special meetings or emergency meetings. If there is no business to come before the Board, the Chair may cancel the meeting.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.

(D) A majority of the number of Code Enforcement Board members shall constitute a quorum. The affirmative vote of a majority of the members present at a meeting at which a quorum is present of the Code Enforcement Board shall be necessary for any official action to be taken. For purposes of establishing a quorum and the affirmative vote of a majority of members, an alternate member serving in the absence of a regular member shall be counted.

(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 Code Enforcement Board shall be recorded in the minutes. Copies of meeting minutes shall be given to the City Clerk in a timely manner.

## **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 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.

## **SECTION 7. POWERS OF THE CODE ENFORCEMENT BOARD**

The 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 the requirements of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839, and City ordinances.

(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 or acting 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 Code Enforcement Board is authorized to enforce.

(F) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the Code Enforcement Board has jurisdiction to enforce.

## **SECTION 8. ENFORCEMENT PROCEEDINGS**

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

(A) Enforcement proceedings before the Board shall only be initiated by the issuance of a citation by a code enforcement officer.

(B) Except as provided in subsection (C) 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 allowing the alleged violator a specified time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, a code enforcement officer shall issue a citation. Notwithstanding anything herein to the contrary, in the case of parking violations or when otherwise warranted by the circumstances, the code enforcement officer may issue a citation without first issuing a notice of violation.

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

(D) The code enforcement officer shall issue a citation by one of the following methods:

(1) Personal service on the alleged violator;

(2) Leaving a copy with any person 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) By posting a copy of the citation in a conspicuous place on the premises or on the vehicle, as applicable.

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

(1) The date and time of issuance;

(2) The name and address of the person to whom the citation is issued;

(3) The 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 license plate number and vehicle description, if applicable;
- (8) The civil fine that may be imposed for the violation, including, if applicable:
  - (i) the civil fine that will be imposed if the person does not contest the citation; and
  - (ii) 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, (i) the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation; (ii) the determination that a violation was committed shall be final; (iii) the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine a set forth in the citation; and (iv) the alleged violator shall be deemed to have waived the right to appeal the final order in district court.

(F) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Code Enforcement Board by delivering a copy of the citation to the Chair and with a copy to the City Clerk.

(G) 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 set forth in the citation or requesting, in writing, a hearing before the Code Enforcement Board 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 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 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. Notice of the final order shall be provided to the cited violator by: regular first-class mail; certified mail, return receipt requested; personal delivery; or leaving a copy of the order at that 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 order.

## **SECTION 9. HEARING; NOTICE; AND FINAL ORDER**

(A) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing.

(B) Not less than seven (7) days before the date set for 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.

(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 a final order determining the violation was committed and imposing the civil fine(s) 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.

(D) Notice of the 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 18 years of age or older and who is informed of the contents of the order.

(E) 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 relevant 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.

(F) After the board conducts the hearing, the Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. If the Code Enforcement Board determines that no violation was committed, an order dismissing the citation shall be entered. If the Code Enforcement Board determines that a violation was committed, the Code Enforcement Board shall issue an order upholding the citation and either imposing a fine up to the maximum authorized by this or another ordinance, or, if applicable, requiring the violator to remedy a continuing violation within a specified time to avoid a fine, or both.

(G) Every final order following a hearing of the Code Enforcement Board shall be reduced to writing, which shall include the findings and conclusions of the Code Enforcement Board and the date the order was issued. A copy shall be furnished to the person named in the citation.

(H) If the person 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 a copy of the order 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 order.

## **SECTION 10. PRESENTATION OF CASES**

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

## **SECTION 11. APPEALS; FINAL JUDGMENT**

(A) An appeal from a final order of the Code Enforcement Board following a hearing may be made to the Jefferson County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(B) If no appeal from a final order of the Code Enforcement Board is filed within thirty (30) days of the date the order is issued, the Code Enforcement Board's order shall be deemed final for all purposes.

## **SECTION 12. ORDINANCE FINE SCHEDULE**

Violations of ordinances that are enforced by the 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:

<b><u>Violation</u></b>	<b><u>1st Offense</u></b>	<b><u>2nd Offense</u></b>	<b><u>All Others</u></b>
Ordinance No. 3, Series 2026 Grass/Weeds (I)	\$10	\$25	\$50
Ordinance No. 3, Series 2026 Garbage (B,F)	\$10	\$25	\$50
Ordinance No. 3, Series 2026 Animals (Q2,Q3)	\$25	\$50	\$100
Ordinance No. 3, Series 2026 All Other Property Maintenance Standards/Nuisances(A,C,D,E,G,H,J, K,L,M,N,O,P, Q1,Q4,R,S)	\$100	\$200	\$300
Ordinance No. 4, Series 2026 Right-of-Way/Easement	\$100	\$200	\$300
Ordinance No. 5, Series 2026, Parking	\$50	\$100	\$150
Ordinance No. 5, Series 2026, Driveways	\$50	\$100	\$150

(B) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed:

<b><u>Violation</u></b>	<b><u>1st Offense</u></b>	<b><u>2nd Offense</u></b>	<b><u>All Others</u></b>
Ordinance No. 3, Series 2026 Grass/Weeds (I)	\$50	\$75	\$100
Ordinance No. 3, Series 2026 Garbage (B,F)	\$50	\$75	\$100
Ordinance No. 3, Series 2026 Animals (Q2,Q3)	\$100	\$200	\$300
Ordinance No. 3, Series 2026 All Other Property Maintenance Standards /Nuisances (A,C,D,E,G,H,K,L,M,N,O,P,Q1,Q4,R,S)	\$500	\$750	\$1000
Ordinance No. 4, Series 2026 Right-of-Way/Easement	\$500	\$750	\$1000
Ordinance No. 5, Series 2026, Parking	\$300	\$400	\$500
Ordinance No. 5, Series 2026, Driveways	\$300	\$400	\$500

## **SECTION 13. LIEN; FINES; CHARGES; FEES**

(A) The City shall possess a lien on property owned by the person found by a nonappealable final order of the Code Enforcement Board, or by a final judgment of the court, to have committed a violation of a City ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance, including abatement costs.

(B) The lien shall be recorded in the office of the Jefferson County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall continue for 10 years following the date of the nonappealable final order or final court judgment, or such longer period as may be provided for by law.

(C) Subject to Section 15 of this Ordinance, the lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings, including a foreclosure action.

(D) In addition to the remedy prescribed in Section 13(A) above, the person found to have committed the violation shall be personally responsible for all civil fines assessed for the violation and for all charges, fees, and abatement costs incurred by the City in connection with the enforcement of the ordinance. The City may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

## **SECTION 14. LIENHOLDER NOTIFICATION SYSTEM**

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

(A) Individuals and entities, including but not limited to lienholders, may register with the City to receive electronic notification of final orders entered pursuant to this Ordinance.

(B) In order to receive the notification, the registrant shall submit the following information to the City Clerk:

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

(C) Once per month, the City shall send electronic mail notification of all final orders entered pursuant to this Ordinance since the last date of notification to each party registered pursuant to this section. The notification shall provide an electronic link to the code enforcement

database located on the City's website. The database shall include the following information regarding each final order:

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

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

(E) The City shall update its code enforcement database to reflect the issued final order and shall post this notification required by subsection (C) of this section containing an updated link to the code enforcement database in a conspicuous space on the City's website, at the same time that it provides the electronic notification.

(F) The City shall maintain the records created under this section for 10 years following their issuance.

## **SECTION 15. LIENS**

(A) A lienholder of record who has registered pursuant to Section 14(B) of this Ordinance may, within 45 days from the date of issuance of notification under Section 14(C) of this Ordinance:

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

(B) Nothing in this section shall prohibit the City from taking immediate action under Section 16 of this Ordinance.

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

(1) The City failed to comply with the requirements of Section 14 of this Ordinance for notification of the final order; or

(2) A prior lienholder complied with subsection (A) of this section.

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

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

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

## **SECTION 16. IMMEDIATE ACTION**

**NOTHING IN THIS ORDINANCE SHALL PROHIBIT THE CITY FROM TAKING IMMEDIATE ACTION TO REMEDY A VIOLATION OF ITS ORDINANCES WHEN THERE IS REASON TO BELIEVE THAT THE VIOLATION PRESENTS A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR IF IN THE ABSENCE OF IMMEDIATE ACTION, THE EFFECTS OF THE VIOLATION WILL BE IRREPARABLE OR IRREVERSIBLE.**

## **SECTION 17. NO LIMITATION**

The procedure set forth in this Ordinance shall not be the exclusive means for enforcement of City ordinances. It does not repeal any current ordinance. Nothing in this Ordinance shall be construed to limit or restrict the City's ability to enforce City ordinances through any lawful method of enforcement.

## **SECTION 18. SEVERABILITY**

If any provision, or part thereof, of this Ordinance, or the application thereof to any person or circumstance, is found by a court of competent jurisdiction to be invalid or unenforceable, such provision, or part thereof, or its application shall be limited to the extent necessary to make it enforceable. The remaining provisions of this Ordinance, or their application to other persons or circumstances, shall remain in full force and effect. The provisions of this Ordinance are severable.

## SECTION 19. ORDINANCE CONTROLS

In the event of any conflict between the provisions of this Ordinance and of any prior ordinance or part thereof, the provisions of this Ordinance shall control.

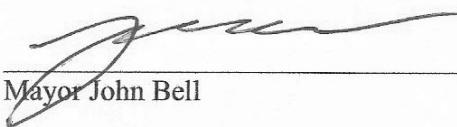
## SECTION 20. ORDINANCE EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption, passage and publication as required by law.

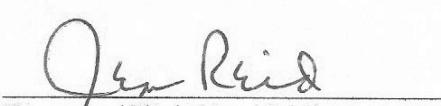
First Reading: 12-11-25

Second Reading: 1-8-26

Passed and Approved: 1-8-26

  
Mayor John Bell

ATTEST:

  
Treasurer/Clerk Jean Reid

THOSE IN FAVOR:

Commissioners: Ollie White  
Gene Harris  
Samuel Jackson  
Terry Gregory  
Mayor John Bell

THOSE OPPOSED: none