

**CITY OF FINCASTLE
ORDINANCE NO. 2, SERIES 2026**

**AN ORDINANCE OF THE CITY OF FINCASTLE,
KENTUCKY ESTABLISHING THE POSITION OF
CITATION OFFICER/CODE ENFORCEMENT OFFICER**

WHEREAS, it is the desire of the City Commission of the City of Fincastle (the “City”) to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City through the enforcement of City ordinances;

WHEREAS, pursuant to KRS 83A.087, a city may create the position of citation officer and grant such officer the authority to issue citations for violations of City ordinances;

WHEREAS, the City has established the Code Enforcement Board of the City of Fincastle, Kentucky (the “Code Enforcement Board”) under the provisions of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839 (the “Act”); and

WHEREAS, it is the desire of the City Commission, and in the best interest of the City, to establish the position of citation officer to serve as code enforcement officer.

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

SECTION 1. CODE ENFORCEMENT OFFICER; CITATION OFFICER

The City hereby establishes the position of code enforcement officer with the authority to issue citations for violations of City ordinances pursuant to KRS 83A.087, Ordinance No. 1, Series 2026, and all other applicable laws. The code enforcement officer shall have authority to issue citations only for violations designated as civil offenses by ordinance and for non-moving motor vehicle offenses.

SECTION 2. APPOINTMENT AND REMOVAL

The code enforcement officer shall be appointed by the City Commission and may be removed by the City Commission at will unless otherwise provided by statute, ordinance, or the terms of the applicable contract.

SECTION 3. COMPENSATION; POWERS AND DUTIES

(A) This position shall be a part-time, independent contractor position. Compensation shall be as established by contract between the contractor and the City and as appropriated in the City’s annual budget. The City may also reimburse necessary citation-related expenses as provided in the contract.

(B) The code enforcement officer shall perform the duties and functions of a code enforcement officer under and consistent with Ordinance No. 1, Series 2026, the Act, and as directed by the City Commission.

(C) The code enforcement officer shall not have the powers of a peace officer to make arrests or carry deadly weapons, but may issue citations upon observation of:

- (1) Non-moving motor vehicle offenses; and
- (2) Violations of ordinances, except for moving motor vehicle offenses and except for offenses which constitute a violation of the Kentucky Penal Code.

(D) Nothing in this Ordinance shall limit the power of a code enforcement officer to make an arrest as a private person as provided in KRS 431.005.

(E) If required by the City Commission, a bond in the amount as may be fixed by the City Commission shall be filed with the City Clerk.

(F) The code enforcement officer shall provide a monthly report to the City Commission or its designee regarding enforcement activities for the previous month, shall keep the Chair of the Code Enforcement Board routinely apprised of enforcement activities, and shall perform such other duties, not contrary to law, as may be prescribed by the City Commission.

SECTION 4. QUALIFICATIONS

(A) The preferred experience, training, and education for the code enforcement officer shall include graduation from high school supplemented by experience and/or education in related fields. Additional experience, education, and training in code administration, inspection, and enforcement shall be advantageous.

(B) No person who has been convicted of a felony shall be eligible for appointment as a code enforcement officer. No person shall be appointed as a code enforcement officer unless he or she is: (1) at least 21 years of age; and (2) sober, moral, and exhibits good judgment.

SECTION 5. NO LIMITATION

The procedures set forth in this Ordinance shall not be the exclusive means for enforcement of City ordinances. This Ordinance 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 other lawful method of enforcement.

SECTION 6. SEVERABILITY

If any provision, or part thereof, of this Ordinance, or its application to any person or circumstance, is held 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 declared to be severable.

SECTION 7. ORDINANCE CONTROLS

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


SECTION 8. 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
Jerry Gregory
Mayor John Bell

THOSE OPPOSED: None

