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*(This is the twenty-fourth in a series of updates on zoning in Kenton County. The series is intended to keep city and county elected officials abreast of issues being addressed by NKAPC in the **2020 Sourcebook**, new model zoning provisions for Kenton County's local jurisdictions. We hope you find it timely and thought provoking and encourage you to contact us using the link below if we can provide more information or answer any questions.)*

Code enforcement boards get action, avoid court dockets

At a time when so much of people's total worth is tied up in their homes, waiting for courts to act on a neighborhood zoning violation can prompt untold anxiety. For decades, however, that was the only recourse for local governments intent on making sure their zoning codes were followed. File suit. Get in line. And wait while often times the violation grew worse.

Responding to constituent pleas for help, the Kentucky General Assembly in the early 2000s enacted a bill that strengthened the hands of local officials to enforce their community standards in a timely manner. The *2020 Sourcebook* incorporates the practices and procedures that resulted from that enactment into its pages on how to administer zoning requirements more effectively.

As a result of these changes, the protocol for zoning enforcement is relatively straight forward. When local zoning administrators receive complaints of zoning violations, they respond with violation letter(s) which in most cases will get offending properties cleaned up. If a property remains unkempt for too long, however, local zoning administrators now have the authority to issue citations much like police officers issue speeding tickets.

Under the new Kentucky law and provisions of the *2020 Sourcebook*, when property owners receive a citation, they have three options.

- **Ignore the citation.** If a property owner pursues this course, inspections of the property will continue and additional citations will be issued. Fine amounts will increase. Liens can be placed on properties if the fines are not paid, and the local jurisdiction may eventually initiate foreclosure proceedings.
- **Pay the fine (and abate the violation).** If a property owner pursues this course, inspections of the property will continue. If the violation is not corrected, additional citations will be issued with increasing fines. Liens can be placed on properties if the fines are not paid, and the local jurisdiction may eventually initiate foreclosure proceedings.
- **Appeal the citation.**

Much like the speeding ticket analogy in which a driver can attempt to prove that (s)he wasn't exceeding the speed limit, the third option requires a hearing before someone in authority—in this case a local code enforcement board. The board has the authority to listen to the property owner's testimony and rule, "Yes, the violation exists and you will pay a fine," or "No, this really isn't a violation."

In carrying out their responsibilities, code enforcement board members consider if the citation was issued properly and under the right terms and if the violation still exists. In either case, the board is the body that makes the final decision on the matter.

Under all options that result in fines, when those fines on properties reach unacceptable levels—especially without any action to abate the violation—the code enforcement board can issue final orders and work with legislative bodies to place liens on properties.

State statutes and the *2020 Sourcebook* give local governments a more effective and less expensive alternative to the state judicial system for ordinance enforcement. They are intended to bring about compliance with local zoning ordinances and property maintenance codes.

A process like this is necessary because without it, a jurisdiction's only other option would be to pursue a repeat offender through the court system. This is a lengthy and costly process, and can tie up the courts on local matters that may delay more serious issues. This also can lead to violations going uncorrected for lengthy periods of time with the jurisdiction having few options besides continuing to send violation letters.

Under the *2020 Sourcebook*, the code enforcement board's goal is to get property owners to clean up violations that have existed for too long. While fines are assessed and collected, the real victories are counted when violations are abated.

To contact a staff member who can answer your questions about the issues covered in this update or on the *2020 Sourcebook* in general, click [here](#).

To view past editions of this update series, click [here](#).