

ORDINANCE 2016-1692

AN ORDINANCE AMENDING CHAPTER 156 (ZONING CODE), SPECIFICALLY §156.075, §156.078 AND §156.999(A) OF THE CITY OF MURRAY CODE OF ORDINANCES IN ORDER TO CLARIFY AND IMPROVE THE ZONING ENFORCEMENT PROCESS BY THE CODE ENFORCEMENT OFFICER AND THE CODE ENFORCEMENT BOARD.

WHEREAS, the City of Murray desires to alter, add and delete portions of the paragraphs defined above and set forth in Chapter 156 of the City of Murray Code of Ordinances.

WHEREAS, the Murray Planning Commission has reviewed and discussed the following proposed changes to Chapter 156 and believe that the proposed changes are reasonable and necessary.

WHEREAS, the City of Murray Planning Commission held a public hearing on November 17, 2015 in accordance with Kentucky Revised Statutes Chapter 424 regarding the proposed changes and voted 9-0 to recommend the following changes be made to Chapter 156 of the City of Murray Code of Ordinances.

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

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

Chapter 156, specifically §156.075, shall read in its entirety as follows:

ADMINISTRATION, AND ENFORCEMENT AND VIOLATIONS

§156.075 ZONING OFFICIAL ADMINISTRATION AND ENFORCEMENT.

(A) ~~The Zoning Official of the city shall administer and enforce this zoning code except as otherwise provided herein.~~ The provisions of this Zoning Ordinance shall be administered and enforced by the Code Enforcement Officer and/or Zoning Official, except as otherwise provided herein.

(B) The Code Enforcement Officer and/or Zoning Official shall promptly investigate complaints of violations and report his the findings and actions to complainants. He Such enforcement personnel shall use his their best efforts to prevent violations and to detect and secure the correction of violations. If he shall they should find any of the provisions of this zoning code are being violated, he they shall in writing notify the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He The enforcement personnel shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take or cause to be taken any other action authorized by this zoning code to insure compliance with, and prevent violations of, the provisions hereof.

(C) The Code Enforcement Officer and/or Zoning Official shall make records of all official actions of ~~his~~ this office relating to the administration and enforcement of the provisions of this zoning code including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered with actions taken thereto, and the final disposition of all such matters.

**AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:**

Chapter 156, specifically §156.078, shall read in its entirety as follows:

**§156.078 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this zoning code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the ~~Building Official~~ Code Enforcement Officer and/or Zoning Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this zoning code.

**AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:**

Chapter 156, specifically §156.999(A), shall read in its entirety as follows:

(A) ~~Violation of Failure to comply with~~ the provisions of this ~~chapter zoning code~~ for which no other penalty is specifically provided, or failure to comply with any of its requirements (including violations of the conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a ~~misdemeanor~~ violation.

(1) Any person who so violates this zoning code or fails to comply with any of its requirements, including the compliance with any official notice of violation, shall be subject to a fine as detailed in the City of Murray Code of Ordinances Chapter 40.39. ~~except as provided in subsection (2) below. shall upon conviction thereof be guilty of a misdemeanor and shall be fined not less than \$10 but no more than \$500 for each conviction. Each day of violation shall constitute a separate offense. A separate civil fine shall be assessed for each day a violation continues.~~

(2) Any person, owner or agent who violates this zoning code shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. ~~where such sale or transfer, or contract therefor, constitutes a violation of this zoning code. KRS 100.991.2.~~

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending 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 Zoning Ordinance 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.

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JACK D. ROSE, MAYOR

ATTEST:

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JUNE BATTS, CITY CLERK

Introduced by the City Council on \_\_\_\_\_, 2016.

Adopted by the City Council on \_\_\_\_\_, 2016.

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