

**CITY OF BELLEVUE**

**ORDINANCE NO. 2024-10-02**

**AN ORDINANCE AMENDING THE CITY OF BELLEVUE ZONING ORDINANCE, SUBDIVISION REGULATIONS, AND HISTORIC PRESERVATION ORDINANCE RELATED TO CIVIL PENALTIES.**

**WHEREAS**, the City of Bellevue has adopted an Official Zoning Ordinance, Subdivision Regulations and Historic Preservation Ordinance; and,

**WHEREAS**, the City of Bellevue Planning & Zoning Commission was requested to review and act upon an application by the City of Bellevue to review and modify text related to penalties and enforcement; and,

**WHEREAS**, the City of Bellevue Planning & Zoning Commission held a public hearing to review said proposed text to amend; and

**WHEREAS**, after a public hearing on June 24, 2024, and after due consideration of the evidence and testimony presented, the City of Bellevue Planning & Zoning Commission voted to recommend to the City of Bellevue City Council that said text revisions be approved and adopted; and

**WHEREAS**, the City of Bellevue, Campbell County, Kentucky, having reviewed the proposed text amendments, hereby concurs in the recommendation, reasoning and findings of fact of the City of Bellevue Planning & Zoning Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLEVUE OF THE COUNTY OF CAMPBELL, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

That the City of Bellevue ZONING ORDINANCE, SUBDIVISION REGULATIONS, and HISTORIC REGULATIONS be amended as attached.

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Charles Cleves  
Mayor

ATTESTED:

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Lindy Jenkins, City Clerk/Treasurer

First Reading:  
Second Reading:  
Publication:

Words to be **removed** are ~~strike-through~~ and to be **added** are underlined

**Chapter 158, Zoning, Section 16.10, is hereby amended as follows:**

**ARTICLE XVI - ADMINISTRATION**

**SECTION 16.10 – PENALTIES:** ~~Any person or entity who violates any of the provisions of this ordinance shall upon conviction be fined not less than ten dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.~~

(A) Violations of this Chapter of the City of Bellevue, Ky., Code of Ordinances (“Code”) are civil offenses, which shall be enforced through the Code Enforcement Board pursuant to the provisions of Chapter 35 of the Code.

(B) Any titled owner of real property who violates a provision in this Chapter shall be subject to a civil fine of not less than fifty dollars (\$50.00) per day per violation, but not more than one hundred dollars (\$100.00) per day per violation for the first thirty (30) days if the violation(s) remains uncorrected, and thereafter, a civil fine of not less than one hundred dollars (\$100.00) per day per violation, but not more than two hundred fifty dollars (\$250.00) per day per violation, until the violation(s) is corrected. The city may also recover any costs it incurs in abating the violation(s).

(C) Each day a violation continues after due notice has been served shall be deemed a separate offense, up to a maximum of five thousand dollars (\$5,000.00) per citation. A Code Enforcement Officer may suspend daily fines if a titled owner of real property submits documentation or provides other substantial evidence showing it has taken action to remediate the code violation(s). If so, the Code Enforcement Officer shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. This Officer may revoke the suspension if remediation efforts at the property have discontinued; this revocation also shall be recorded in the case file.

(D) If the property owner timely appeals violation(s) to the Code Enforcement Board, the Board may waive the fines accrued under this section if the property owner can show an attempt to remediate the code violation(s) in a timely fashion.

(E) The City of Bellevue shall possess a lien on a property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing the provisions of this Chapter and may place a lien on subject parcel of real property with the County Clerk pursuant to Kentucky law. The lien shall be superior to and have priority over all other subsequently filed liens, except state, county, school board, and city taxes.

**Chapter 157, Subdivision Regulations, Section 8.4 is hereby amended as follows:**

**ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT**

**SECTION 8.7 CIVIL PENALTIES:**

~~Pursuant to KRS 100.991, any person or entity who violates any of these regulations shall, upon conviction, be fined not less than ten dollars (\$10.00) but not more than five hundred dollars (\$500.00) each day of violation shall constitute a separate offense.~~

Any titled owner of real property who violates a provision of this Chapter shall be liable of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 35.101 of Chapter 35.

**Chapter 153, Historic Regulations, is hereby amended by adding new sections as follows**

**153.99 PENALTY.**

~~—Any person violating any of the provisions of this chapter shall be fined not less than \$50 nor more than \$500 for each offense. Each day's violation shall constitute a separate offense.~~

Any titled owner of real property who violates a provision of this Chapter shall be liable of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 35.101 of Chapter 35.