

100.409 Powers of land use enforcement officer to deal with violation -- Citation -- Response of alleged violation -- Hearing -- Final order.

- (1) When a land use enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a violation of a binding element has occurred, the officer may issue a warning notice and citation to the offender. Prior to issuing a citation, the officer shall issue a warning notice giving the offender a specified period of time in which to remedy the violation. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the land use enforcement officer may issue a citation. However, if the violation is deemed by the land use enforcement officer to be a threat to public safety, then a citation shall be immediately issued without a prior warning notice.
- (2) Enforcement proceedings shall be initiated by the issuance of a citation by a land use enforcement officer.
- (3) The citation issued by the land use enforcement officer shall be in a form prescribed by the planning commission and shall contain, in addition to any other information required by the planning commission:
 - (a) The date and time of issuance;
 - (b) The name and address of the person to whom the citation is issued;
 - (c) The date and time the violation of the binding element was committed;
 - (d) The facts constituting the violation of the binding element;
 - (e) A specific description of the binding element violated;
 - (f) The name of the land use enforcement officer;
 - (g) The civil fine that will be imposed for the violation if the person does not contest the citation;
 - (h) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
 - (i) A statement that if the person fails to pay the civil fine set forth in the citation or to contest the citation within the time allowed, the person shall be deemed to have waived the right to a hearing before the planning commission to contest the citation, and that the determination that a violation was committed shall be final.
- (4) After issuing a citation to an alleged violator, the land use enforcement officer shall notify the planning commission by delivering the citation to the administrative official designated by the planning commission.
- (5) All citations issued shall be hand delivered to the alleged violator.
- (6) When a citation is issued, the person to whom the citation is issued shall respond to the citation within fourteen (14) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the planning commission to contest the citation. If the person fails to respond to the citation within fourteen (14) 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 planning commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 10, sec. 5, effective July 15, 1998.