

65.8835 Lien -- Recording -- Responsibility for fines, charges, and fees.

- (1) The local government shall possess a lien on property owned by the person found by a nonappealable final order as defined by KRS 65.8805(8), or by a final judgment of the court, to have committed a violation of a local government ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to 65.8839. The lien:
 - (a) Shall be recorded in the office of the county clerk;
 - (b) Shall be notice to all persons from the time of its recording and shall bear interest until paid;
 - (c) Subject to KRS 65.8836, shall take precedence over all other liens, except state, county, school board, and city taxes;
 - (d) Shall continue for ten (10) years following the date of the nonappealable final order, or final judgment of the court; and
 - (e) May be enforced by judicial proceedings, including an action to foreclose.
- (2) In addition to the remedy prescribed in subsection (1) of this section, the person found to have committed the violation shall be personally responsible for the amount of the lien, including all civil fines assessed for the violation and for all charges, fees, and abatement costs incurred by the local government in connection with the enforcement of the ordinance. The local government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.
- (3) Nothing in this section shall otherwise affect the rights or obligations between the owner of the property and those persons who claim a security interest in the property.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 86, sec. 10, effective July 15, 2016. -- Created 1996 Ky. Acts ch. 177, sec. 11, effective July 15, 1996.