

82.715 Notice of violation -- Liability of property owner -- Appeal.

- (1) Any person who violates the nuisance code shall be cited for the violation and shall receive notice of the violation. The form of the notice shall be designed by the local government in a manner reasonably calculated to inform the person of the nature of the violation, the penalties for violation, the procedure to be followed by him to respond to the notice, and that the determination shall be final unless contested pursuant to the hearing procedures provided under KRS 82.710.
- (2) The notice of violation shall represent a determination that a violation has been committed, and that determination shall be final unless contested.
- (3) The owner of the property at the time the violation occurred shall be liable for all fines, fees, abatement costs, and penalties assessed for the violation.
- (4) An appeal from the hearing board's determination may be made to the District Court of the county in which the city is located within thirty (30) days of the board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the local government to establish that a violation occurred. If the court finds that a violation occurred, the owner shall be ordered to pay to the local government all fines, fees, and penalties occurring as of the date of the judgment. If the court finds a violation did not occur, the local government shall be ordered to dismiss the notice and the plaintiff shall be authorized to recover his costs.
- (5) A judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 95, sec. 7, effective June 8, 2011. -- Created 1992 Ky. Acts ch. 349, sec. 4, effective July 14, 1992.

Legislative Research Commission Note (7/15/2016). The repeal of this statute in 2016 Ky. Acts ch. 86, sec. 18 is effective January 1, 2017. Section 17 of that Act provided that the repeal of statutes in Section 18 of that Act "shall not be interpreted or otherwise construed to affect the status, priority, or enforcement of any lien that was created and existed pursuant to the provisions of KRS 82.725 or KRS 381.770 prior to January 1, 2017."