

**ORDINANCE NO. 13-26**

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING  
SECTION 94.04 OF THE CITY'S CODE OF ORDINANCES**

**WHEREAS**, Section 94.04 of the City of Richmond's Code of Ordinances sets forth the abatement procedures applicable to nuisances found to exist within the City; and

**WHEREAS**, Section 94.04 (E) is the section of the Code which, pursuant to the provisions of Kentucky Revised Statutes Section 381.770, provides for the creation of a lien for the benefit of the City in cases in which the City abates an existing nuisance after the property owner has failed to do so; and

**WHEREAS**, that provision of the Kentucky statutes has been amended to provide greater priority for such a City lien, and the applicable section of the City's Code should be amended to bring it into conformity with the Kentucky statutes;

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**Section I**

Section 94.04 (E) of the City's Code of Ordinances is hereby amended in the following particulars:

(E) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770, including without limitation the provisions of KRS 381.770 (6), and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate until paid. The lien created shall take precedence over ~~all other subsequent liens~~ all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

**Section II**

This Ordinance shall be effective immediately upon adoption following second reading and publication in accordance with the requirements of applicable Kentucky law.

**DATE OF FIRST READING:**  
**MOTION BY:**  
**SECONDED BY:**

**November 12, 2013**  
**Commissioner Baird**  
**Commissioner Blythe**

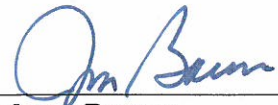
**DATE OF SECOND READING:**  
**MOTION BY:**  
**SECONDED BY:**

**November 26, 2013**  
**Commissioner Newby**  
**Commissioner Blythe**

**VOTE**

Commissioner Baird  
Commissioner Blythe  
Commissioner King  
Commissioner Newby  
Mayor Barnes

<b>YES</b>	<b>NO</b>
x	
x	
x	
x	
x	



\_\_\_\_\_  
Mayor Barnes

ATTEST:

  
\_\_\_\_\_  
City Clerk