

**CITY OF SHIVELY
CERTIFIED SUMMARY
ORDINANCE NO. 11, SERIES 2021**

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 94 OF THE CITY OF SHIVELY CODE OF ORDINANCES DEFINING REPEATED VIOLATION OF ORDINANCES AND LAWS ON BUSINESS PREMISES AS A CHRONIC NUISANCE, AUTHORIZING REMEDIES INCLUDING REVOCATION OF BUSINESS LICENSES OF BUSINESSES IN VIOLATION, AUTHORIZING ENFORCEMENT OF VIOLATIONS THROUGH THE SHIVELY CODE ENFORCEMENT BOARD, AND DEFINING CERTAIN CONDUCT AS PRIMA FACIE EVIDENCE OF A NUISANCE

I certify that the effect of the above-styled ordinance is to create Chapter 94.80 of the Shively Code of Ordinances relating to chronic nuisances by businesses in the City of Shively.

The following penalties for violation of this ordinance are herewith set out in full:

(E) Penalty for Violation.

1. Violation of this chapter shall constitute a criminal violation for which a citation may issue returnable to District Court with a fine to be assessed for each violation consistent with subsection 2 of this section, or at the option of the city, and in addition to the foregoing, a violation shall constitute a civil offense and shall be enforced pursuant to the provisions of Chapter 41.
2. Any person, firm, corporation or entity in violation of this subchapter shall be guilty of a misdemeanor and upon conviction thereof in District Court of Jefferson County, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail for not more than six (6) months. Each day on which a violation occurs shall constitute a separate offense.
3. The civil penalty for violating this subchapter shall not be less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day's violation shall constitute a separate offense. This subchapter is subject to enforcement by the Code Enforcement Board of the city.
4. In addition to the penalties set forth above, the Code Enforcement Board of the city may suspend and/or revoke any license issued by the City of Shively, Kentucky, to the person charged for a violation of Section 94.80, including, but not limited to, a license to do business or to traffic in alcoholic beverages. If, pursuant to a hearing, the Code Enforcement Board finds that there is an imminent and substantial threat to public safety, the Board may enter emergency orders temporarily suspending the license(s) issued by the City of Shively, Kentucky to the person so charged until a final adjudication of the matter.

A complete copy of this ordinance may be reviewed at the Shively City Hall, 3920 Dixie Highway, Shively, KY 40216.

Introduced and first reading: December 6, 2021
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