



The City Of  
**GOSHEN**

**ORDINANCES**



**June 2014**

**Non-Codified**

**CODE OF ORDINANCES  
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CITY OF GOSHEN  
ORDINANCE NO. 5,2010**

**AN ORDINANCE CREATING A CODE ENFORCEMENT BOARD  
FOR THE CITY OF GOSHEN**

WHEREAS, the City Commission of Goshen, Kentucky has determined that it is the interest of the health and safety of its citizenry to actively enforce the Ordinances of the City of Goshen, and

WHEREAS, the City Commission of Goshen has determined that the property values of structures in the City of Goshen are more likely to be protected if City Ordinances are enforced, and

WHEREAS, the City Commission of Goshen has determined that the creation of a code enforcement board will promote the efficient enforcement of City Ordinances,

BE IT ORDAINED BY THE CITY OF GOSHEN:

SECTION ONE: CREATION OF CODE ENFORCEMENT BOARD.

- A. There is hereby created a City of Goshen code enforcement board.
- B. The code enforcement board shall consist of three (3) members who shall be appointed by the City Commission of Goshen. Each member of the code enforcement board shall have resided within the boundaries of the City of Goshen for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout his or her term in office.
- C. The initial appointments to the code enforcement board shall be as follows: one member of the board shall be appointed for a term of one (1) year. One member of the board shall be appointed for the term of two (2) years. One member of the board shall be appointed for a term of three (3) years. All subsequent appointments shall be made for a term of three (3) years.
- D. All members of the code enforcement board shall, before entering upon their duties take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.
- E. A member of the code enforcement board may be removed from office by the City Commission for misconduct, inefficiency, or willful neglect of duty. The City Commission must submit a written statement to the member setting forth the reason(s) for removal.
- F. Members of the code enforcement board shall receive a salary of \$\_\_\_\_\_. The out-of-pocket expenses incurred by the members of the code enforcement board may be reimbursed by the City of Goshen upon approval by the Goshen City Commission.

## SECTION TWO: MEETINGS

G. The code enforcement board shall annually elect a chair from its members. The chairman shall preside over the meetings of board and shall be a full voting member of the board.

H. Regular meetings of the code enforcement board shall be scheduled by the chairman as needed. All meetings and hearings of the code enforcement board shall be held in accordance of the requirements of the Kentucky Open Meetings Act and KRS 65.8815.

I. The affirmative of vote of a majority of the code enforcement board shall be necessary for any official action of the board.

J. Minutes shall be kept of all meetings of the code enforcement board and the vote of each member on any issue decided by the board shall be recorded in the Minutes.

## SECTION THREE: CONFLICT OF INTEREST

Any member of the code enforcement board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

## SECTION FOUR: JURISDICTION AND POWERS

A. The code enforcement board shall have jurisdiction to enforce those City of Goshen Ordinances which have a civil penalty for their violation.

B. The code enforcement board found shall have all powers granted code enforcement boards by KRS 65.8821.

## SECTION FIVE: ENFORCEMENT PROCEEDINGS PROCEDURE

A. Enforcement proceedings before the code enforcement board shall by initiated by the issuance of a citation by a code enforcement officer.

B. The code enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the code enforcement officers is authorize to issue a citation.

C. The citation issued by the code enforcement officer shall be in the form prescribed by the Goshen City Commission and shall contain, in addition to any other information prescribed by the Commission:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the offense was committed.
4. The facts constituting the offense.
5. The section of the code of ordinances or number of ordinance alleged to be violated.
6. The name of the code enforcement officer.
7. The civil fine that will be imposed if the person does not contest the violation.
8. The maximum civil fine that may be imposed if the person elects not to contest the citation.
9. The procedure for the person to follow in order to the civil fine or to contest the violation.
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived his right to a hearing before the code enforcement board to contest the citation and that the determination that a violation has been committed shall be final.
11. After issuing a citation to the alleged violator, the code enforcement officer shall notify the code enforcement office by delivering the citation to the chairman of the code enforcement board.
12. When a citation is issued, the person to whom the citation is issued shall respond within seven (7) days of the date of the citation by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation within seven (7) 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 final. In this event, the code enforcement board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

SECTION SIX:

A. When a hearing before the code enforcement board has been requested, not less than seven (7) days before the date set for the hearing, the board shall notify the person who requested the hearing of the time, date and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery, or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing who fails to appear at the hearing shall be deemed to have waived his right to contest the citation, and the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

B. All testimony at a hearing before the code enforcement board shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer, the alleged offender and any witnesses to the alleged violation. The formal rules of evidence shall not apply but fundamental due process shall govern the proceeding.

C. At the hearing, the code enforcement board shall determine, based upon the evidence presented, whether a violation was committed. If the board determines that no violation was committed, it shall enter an order dismissing the citation. If the board determines a violation has been committed, the board shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized by ordinance, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine.

D. Every final order of the code enforcement board shall be reduced to writing, which shall include the date the order was issued; a copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery, or by leaving the order at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the order.

## SECTION SEVEN: APPEALS

Any final order of the code enforcement board may be appealed to the Oldham District Court within thirty (30) days of the date the order is issued. The appeal shall be limited to a review of the record created before the code enforcement board.

## SECTION EIGHT: LIENS

A. The City of Goshen shall possess a lien on property owned by the person found by a final, non-appealable order of the code enforcement board, or by a final judgment of the court, to have committed a violation of a Goshen Ordinance for all fines assessed for the violation and for all charges and fees incurred by the City of Goshen in connection with the

enforcement of said Ordinance. The lien shall be recorded in the office of the county clerk. The lien shall bear interest at the rate of \_\_\_\_% until paid. The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

B. In addition to the remedy prescribed in subsection A of this Section, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City of Goshen in connection with the enforcement of the Ordinance. The City of Goshen may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

This Ordinance may be published in summary.

Given first reading at a meeting by the City Commission of Goshen on July 19, 2010.

Given second reading at a meeting by the City Commission of Goshen on August 16, 2010.

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Todd Hall, Mayor

ATTEST:

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Joyce Morphew  
City Clerk

**CITY OF GOSHEN  
ORDINANCE NO. 6, SERIES 2010**

**AN ORDINANCE AMENDING THE PENALTIES FOR VIOLATION OF  
CERTAIN CITY ORDINANCES AND MAKING THE VIOLATIONS OF  
THOSE ORDINANCES CIVIL OFFENSES**

WHEREAS, the Commission of the City of Goshen, Kentucky has determined that it is the best interest of the citizens of the City of Goshen for the City to create a code enforcement board pursuant to the authority of KRS 65.8801 *et seq.*, and

WHEREAS, a requirement and condition of a code enforcement board operating under the authority of KRS 65.8801 *et seq.* is that the penalty for violation of the ordinances which the code enforcement board be enforced as a civil offense, and

WHEREAS, the City of Goshen presently has a series of ordinances, more specifically identified herein, that it wishes to have enforced by its Code Enforcement Board, which Board shall be created by a separate City ordinance,

THEREFORE, it is ordained by the City of Goshen as follows:

**SECTION ONE: CREATION OF CODE ENFORCEMENT BOARD.**

E. The violation of each of the Ordinances identified in Section Two of this Ordinance shall be deemed a civil offense and the penalties for such violation shall be those set forth in subsection B below.

F. The penalty for violating any of the ordinances identified in Section Two herein is (a) a fine of up to \$25.00 per day, with each day of violation of the ordinance constituting a separate offense.

G. In addition to the fine provided for in subsection B above, upon a finding of violation of any of the ordinances set forth in Section Two herein, the Code Enforcement Board may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine.

**SECTION TWO:** The penalty for violation of any of the Ordinances of the City of Goshen Code of Ordinances identified below shall be as stated in Section One of this Ordinance. Any other penalty for said Ordinances is hereby repealed.

- H. Chapter 50.01 Garbage Containment; Ord. No. 4, Series 2005.
- I. Chapter 70.20 Parking in Residential Areas; Ord. 4, Series 1998; Ord. 5, Series 2005.
- J. Chapter 70.21 Pull-Off Areas; Ord. 6, Series 2000.
- K. Chapter 90.01 Restrictions of Dogs; Ord. 6, Series 2006.

L. Chapter 91.01 through 91.09; Nuisances on Private Property; Ord. 8, Series 1990; Ord. 3, Series 1996.

M. Chapter 91.22 Unlawful Utilization of the Public Way; Ord. 9, Series 1990.

N. Chapter 91.23 Unlawful Parking Ord. 9, Series 1990; Ord. 2, Series 1996.

O. Chapter 130.01 Discharge of Firearm or Child Carrying Firearm; Ord. 3, Series 1993.

P. Chapter 150.01 through 150.06; Ord. 3, Series 2003.

Q. Chapter 150.20 and 150.21; Requirements Relating to Fences; Ord. 3, Series 1999.

R. Chapter 150.35 through 150.37 Requirements Relating to Building Conditions; Ord. 3, Series 1998.

S. Ordinance No 1, Series 2010, Restrictions on Window Treatments.

Given first reading at a meeting by the City Commission of Goshen on July 19, 2010.

Given second reading at a meeting by the City Commission of Goshen on August 16, 2010.

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Todd Hall, Mayor

ATTEST:

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Joyce Morphew  
City Clerk

CITY OF GOSHEN, KENTUCKY

ORDINANCE NO.01, SERIES 2013

**AN ORDINANCE AMENDING THE PENALTY FOR VIOLATION  
OF SPECIFIED CITY ORDINANCES**

BE IT ORDAINED BY THE CITY OF GOSHEN:

SECTION ONE: The penalty sections of Chapters 50, 70, 90 and 91 of the Goshen Codified City Ordinances, and the penalty section of City of Goshen Ordinance No. 01, Series 2010, are hereby amended as follows:

A.

50.99 Any person who violated 50.01 shall be fined ~~\$10~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, with each day constituting a separate violation.

B.

70.99

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who violates 70.20 shall be subject to a find of ~~\$10~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, with each day constituting a separate violation.

(C) Any person who parks in a parking pull-off area on property purchased after 8-1-99 and more than 60 days after the property was purchased shall be fined ~~not less than \$10, nor more than \$50~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations. Each day a person violates 70.21 shall be considered a separate and distinct offense. Any property owner who does not remove a pull-off parking are within the time period prescribed by ' 70 21 shall be fined ~~not less than \$10, nor more than \$50~~ up to \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations. Each day a person violates 70.21 shall be considered a separate and distinct offense.

C.

90.99

(A) The City Commission may cause a warning letter to be sent to any person deemed to be in violation of ' 90.01, directing the person to correct the violation within ten days of the date of the letter. In the event the violation is not corrected,

the person violating ' 90.01 shall be fined up to \$25 ~~per day~~ for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations for each day the violation continues to exist after the date of the warning letter advising the person of the violation of '90.01.

(B) In addition to enforcement through the application of the penalty set forth in section (A) above, ' 90.01 may be enforced through injunctive relief by legal action initiated by the city in the County Circuit Court.

D.

91.99

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who violated '' 91.01 through 91.08 shall be fined ~~\$10~~ \$25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, for each day the nuisance continues to exist after receiving the notice pursuant to ' 91.06, provided, however, that the fine shall be suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within ten days of receipt of the notice.

(C) (1) Any person who violates ' 91.21 shall be served by an officer or agent of the city with written notice thereof and be required to abate the encroachment or be subject to the penalties in this division (C)(1).

(2) Any person who violates '' 91.22 ~~and~~ or 91.23 shall be served by an officer or agent of the city with written notice thereof and fined no more than \$100 for each violation. Each day in which any violation of '' 91.22 ~~and~~ or 91.23 occurs shall be deemed a separate violation. In addition to the penalties set forth in this division (C)(2), any person found in violation of '' 91.22 ~~and~~ or 91.23 shall be liable to the city for any and all expenses, losses or damage to the city as a result of the violation.

(D) Any person who violates '' 91.35 through 91.37 shall be fined a total of \$50, with each day of violation constituting a separate offense.

E.

Ordinance Number 01, Series 2010,

(13) Penalties. Any person who ~~violated~~ violates this Ordinance shall be ~~subject~~ subject fined ~~\$10.00~~ up to \$ 25 for the first violation, up to \$50 for the second violation, and up to \$100 for the third and subsequent violations, for each day ~~such nuisance~~ the violation continues to exist after receiving such notice pursuant to Section 9 of this Ordinance, provided, however, that such fine shall be

suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within ten (10) days of receipt of the notice.

This Ordinance may be published in summary.

Given first reading at a meeting of the Goshen City Commission on \_\_\_\_\_, 2013.

Given second reading and adopted at a meeting of the Goshen City Commission on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

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

60327405.1

CITY OF GOSHEN, KENTUCKY  
ORDINANCE # 05, SERIES 2014  
AN ORDINANCE AMENDING SECTIONS OF CHAPTER  
90 OF THE CITY ORDINANCES REGARDING ANIMALS

WHEREAS, the City of Goshen Commission has decided that the Animal Ordinance needs to be corrected and updated to address the issue of cats.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF GOSHEN, KENTUCKY:

Section 1: Section 90.01 Dogs, Subsection (A), (B) and (C) are hereby amended to read:

90.01(A) No Dog or Cat within the city shall be permitted off of the property of the dog's or cat's owner unless the dog or cat is being restrained by the owner through use of a leash.

(B) Except as provided in division (C) below, no dog within the city shall be permitted to be kept any closer to its owner's front property line than the front corner of the main residential structure on the lot.

(C) The restrictions in division (B) above shall not apply if the dog's owner or member of the owner's household who is capable of restraining the dog is also in the front yard and in the immediate presence of the dog during the time the dog or cat is in the front yard.

Section 2: This ordinance amendment shall take effect after its reading, passage and publication, according to law.

First Reading: May 19, 2014

Second Reading: June 16, 2014

Passed and Approved: June 16, 2014

\_\_\_\_\_  
Mayor

ATTEST:

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

In Favor: \_\_\_\_\_

Opposed: \_\_\_\_\_