



**CITY COMMISSION MEETING
AGENDA FOR APRIL 8, 2025
5:00 PM
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

*Any member of the public who wishes to make comments to the Board of Commissioners is asked to fill out a Public Comment Sheet and place it in the box located at the end of the Commissioner's desk on the left side of the Commission Chambers. The Mayor will call on you to speak during the **Public Comments** section of the Agenda.*

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PROCLAMATION National Public Telecommunicators Week - B. LAIRD & A. COPELAND

PUBLIC COMMENTS

MAYOR'S REMARKS

Items on the Consent Agenda are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Agenda and considered separately. The City Clerk will read the items recommended for approval.

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for the March 25, 2025, Board of Commissioners Meeting
	B.	Receive & File Documents
	C.	Appointment of Tab Brockman to the Brooks Stadium Commission
	D.	Personnel Actions
	E.	Declaration and sale of surplus property located at 729 South 13th Street - C. GAULT
	F.	Approve the Application and Acceptance of the Kentucky League of Cities 2025 Workers Compensation Safety Grant in the Amount of \$3,000 - S. WILCOX
	II.	<u>MUNICIPAL ORDER(S)</u>
	A.	Approve an Addendum to the Development Agreement with C.I.R.CO for 318 Broadway - C. GAULT
	III.	<u>ORDINANCE(S) - ADOPTION</u>

		A.	Approve an Amendment to Chapter 42 of the Code of Ordinances - S. KYLE & G. CHERRY
	IV.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Amend the FY25 City Budget to Increase Revenues and Expenditures for the Community Development Block Grant Fund by \$200,000 - H. REASONS
	V.	<u>DISCUSSION</u>	
		A.	Budget Discussion - J. PERKINS & A. KYLE
		B.	Southside Revitalization Plan Discussion - C. GAULT
	VI.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
	VII.	<u>EXECUTIVE SESSION</u>	

March 25, 2025

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, March 25, 2025, at 5:00 p.m. in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor George Bray presided. Upon call of the roll by City Clerk, Lindsay Parish, the following the following answered to their names: Commissioners Henderson, Smith, Thomas, Wilson and Mayor Bray (5).

INVOCATION

Commissioner Smith led the Invocation.

PLEDGE OF ALLEGIANCE

The Mayor led the pledge.

NEW EMPLOYEE INTRODUCTION

Greg Guebert introduced new employee, Andrew Shelton, Engineering Technician.

PROCLAMATION

Mayor Bray presented a Proclamation to Donna Reeder and A.J. Garnett of LiveWell Community Health Services proclaiming March 25, 2025, HIV Awareness Day.

PRESENTATION

Communications Manager Pam Spencer offered the following Summary:

Budget Presentation from Paducah-McCracken County 911 Administrative Board

“Jeff Parker, chairman of the Paducah-McCracken County 911 Administrative Board, provided a presentation about the upcoming fiscal year 2026 budget for the Paducah-McCracken County 911 Service which operates as a division of the Paducah Police Department. The expenses for the current fiscal year are approximately \$3.8 million. However, the proposed budget for the upcoming fiscal year which begins July 1 is lower at approximately \$3.34 million, a 12 percent reduction. The difference between the two budgets is due to one-time purchases that occurred during the current fiscal year.

In reviewing revenue sources for the current fiscal year (FY2025), the City contributed \$1.713 million with the County contributing \$1.257 million. The remaining revenue sources include telecommunications taxes, Commercial Mobile Radio Service (CMRS) from the state, and grant funding.

The newly created 911 Parcel Fee revenue source will ease the burden on the City and County general fund accounts for fiscal year 2026. Parker said the 911 Parcel Fee and other expected revenue sources will cover the vast majority of the expenses with the City and County covering a shortfall of approximately \$466,470. The 911 Parcel Fee may be amended in the future to avoid the need to cover shortfalls from the City and County general funds.”

March 25, 2025

PUBLIC COMMENTS

Bill Dunn, McCracken County Property Valuation Administrator made comments about PVA joining the GIS Consortium, and recognized Eric Stuber for his work.

CONSENT AGENDA

Mayor Bray asked if the Board wanted any items on the Consent Agenda removed for separate consideration. No items were removed. Mayor Bray asked the City Clerk to read the items on the Consent Agenda.

I(A)	Approve Minutes for the March 11, 2025, Board of Commissioners meeting.
I(B)	Receive and File Documents: <u>Minute File:</u> 1. Notice of Special Called Meeting of the Paducah Board of Commissioners – March 4, 2025 2. Letter dated February 4, 2025, regarding possible conflict of interest – Carol Gault – condo construction 608, 610 and 612 Broadway <u>Contract File:</u> 1. Contract Modification #1 – Sprinturf, LLC – Paducah Sports Park – MO #3008 2. Contract Modification #1 – A&K Construction – Paducah Sports Park – MO #3009 3. Contract Modification #1 – Musco Sports Lighting, LLC – Paducah Sports Park – MO #3010 4. Memorandum of Understanding – NextOp, Inc. and City of Paducah – MO #3015 5. Contract with HdL – MO #3018 6. Contract Modifications 1-6 – A&K Construction – Tech Building – MO #3019 7. Hotel Metropolitan Co-Stewardship Agreement Contract with UpperTown Heritage Foundation - – MO #3021 <u>Financials:</u> 1. Kemper CPA Group Report – State of Kentucky Exhibit D-1 – Certificate of Independent Public Accountants of Capital investment form. 2. Transit Authority of the City of Paducah – Financial Statement with Auditor’s Report – Year Ended June 30, 2024 3. 2025A – General Obligation Bonds Documents ORD 2024-01-8833
I(C)	Personnel Actions
I(D)	Reappointment of Cindy Ragland, Basis Drossos and Cheryl Sullivan to the Creative and Cultural Council. Said terms shall expire March 24, 2026, and March 24, 2028, respectively.

March 25, 2025

I(E)	A MUNICIPAL ORDER AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF A 2025-2026 KENTUCKY HOUSEHOLD HAZARDOUS WASTE GRANT THROUGH THE KENTUCKY DIVISION OF WASTE MANAGEMENT IN AN AMOUNT OF \$50,251, TO ASSIST IN FUNDING THE CITY/COUNTY ANNUAL SPRING CLEAN-UP DAY, AND AUTHORIZING THE MAYOR TO EXECUTE ALL GRANT DOCUMENTS AND AN INTERLOCAL AGREEMENT WITH McCRACKEN COUNTY FOR SAID GRANT (MO #3025, BK 14)
I(F)	MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A CRUMB RUBBER GRANT IN THE AMOUNT OF \$43,650 THROUGH THE KENTUCKY DEPARTMENT OF WASTE MANAGEMENT FOR POUR IN PLACE RUBBER SURFACING AT KEILER PARK, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME. (MO #3026, BK 14)
I(G)	A MUNICIPAL ORDER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO THE MCCRACKEN COUNTY PVA IN THE AMOUNT OF \$49,941.86 FOR THE GIS CONSORTIUM'S PORTION OF THE AERIAL IMAGERY OF McCRACKEN COUNTY, (MO #3027, BK 14)

Commissioner Henderson offered Motion, seconded by Commissioner Smith, that the items on the consent agenda be adopted as presented.

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Thomas, Wilson and Mayor Bray (5).

MUNICIPAL ORDERS

ADOPT 2025-2026 CITY COMMISSION PRIORITIES

Commissioner Smith offered Motion, seconded by Commissioner Henderson, that the Board of Commissioners adopt a Municipal Order entitled: "A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY, ADOPTING THE CITY COMMISSION PRIORITIES FOR THE CALENDAR YEARS 2025 AND 2026."

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Thomas, Wilson and Mayor Bray (5). **(MO #3028, BK 14)**

AUTHORIZE JOINT LETTER OF SUPPORT WITH McCRACKEN COUNTY FISCAL COURT – GPED APPLICATION FOR GRANT FUNDING FOR NEW SPEC BUILDING

Commissioner Thomas offered Motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt a Municipal Order entitled: "A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO ISSUE A JOINT LETTER WITH THE MCCRACKEN COUNTY JUDGE

March 25, 2025

EXECUTIVE IN SUPPORT OF A GRANT APPLICATION FOR THE CONSTRUCTION OF A SPECULATIVE BUILDING BY GREATER PADUCAH ECONOMIC DEVELOPMENT AND EXPRESSING THE CITY'S INTENT TO PROVIDE FUNDING FOR THE PROJECT, SUBJECT TO FUTURE COMMISSION APPROVAL.”

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Thomas, Wilson and Mayor Bray (5).
(MO #3029, BK 14)

ORDINANCE INTRODUCTION

AMEND CHAPTER 43 OF THE CODE OR ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

Commissioner Wilson offered Motion, seconded by Commissioner Thomas, that the Board of Commissioners introduce an Ordinance entitled: “AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.” This Ordinance is summarized as follows: This ordinance amendment updates procedures associated with code enforcement and nuisances in the City of Paducah in order to conform to amendments to the relevant statutes and regulations since Chapter 42 was last updated. Language is added to limit extensions provided to property owners to bring property up to Code and to permit Code Officials to request that violations be heard by the Code Enforcement Board. This ordinance amendment also updates filing and fees consistent with increased costs associated with administration and filing. This ordinance is amended to add a codified mechanism for the procurement of administrative search warrants which will enable code enforcement officials to enter upon and to conduct inspections of private premises within the City in order to ensure compliance with minimum fire, housing, and sanitation standards, while ensuring oversight of a detached magistrate, by requiring a sworn affidavit and application setting forth the basis therefore, the grounds for issuance, contents of the warrant, and execution thereof. Provisions are added to define “enclosed building,” in reference to vehicles and appliances, and to declare return of a junked vehicle or appliance following abatement or removal pursuant to ordinance to be a violation. The ordinance amendment adds a provision declaring illegal, dilapidated, or obsolete signs to be nuisances. The amendment adds language permitting the Battalion Chief to act in place of the Deputy Chief in charge of the Fire Prevention Division in event of the Deputy Chief’s absence. Finally, this amendment updates provisions related to residential rental occupancy permits, requiring annual inspection of rental premises, removing provisions for temporary permits, clarifying appeal rights as may be applicable under the KRS Chapter 227 or 815 KAR 10:060, and providing that a landlord’s failure to cooperate in rental inspections shall be cause for suspension, revocation or denial of rental occupancy permits.

ORDINANCE ADOPTION

AMEND ORDINANCE NO. 2023-06-8781 – CHAPTER 26 “CEMETERIES” OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.

Commissioner Henderson offered Motion, seconded by Commissioner Smith, that the Board of Commissioners adopt an Ordinance entitled: “AN ORDINANCE AMENDING CHAPTER 26, “CEMETERIES”, ARTICLES I AND II OF THE CODE OF ORDINANCES OF THE CITY OF

March 25, 2025

PADUCAH, KENTUCKY.” This Ordinance is summarized as follows: This Ordinance amends Chapter 26, “Cemeteries” of the Code of Ordinances, to modify language related to maintenance and hours of operation, including dates that are not available for services.

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Thomas, Wilson and Mayor Bray (5).
(ORD 2025-03-8840; BK 37)

DISCUSSIONS

Communications Manager Pam Spencer offered the following summary:

Police Department Deflection Program Update

“Paducah Police Chief Brian Laird provided an update on the Department’s Deflection Team which has been in place since last summer. The Deflection Team, which includes Deflection Specialist Allison Blackwell and Deflection Officer Matthew Wentworth, work to reduce police contacts with people who may have mental health or substance abuse crises by working with these individuals by building relationships and connecting them with community stakeholders who promote recovery and mental health stability. This work provides needed assistance to the individuals with the goal of deflecting away from incarceration. Seventy-five percent of Blackwell’s salary is funded by opioid abatement settlement funds.

In reviewing the statistics from 2024, more than 33,000 people had contact with emergency services in Paducah with 28 of those people having more than 30 contacts during the year. The top ten people who reached out to emergency services in 2024 averaged 59 contacts.

To determine who may benefit from the assistance of the Deflection Team, the Team reviews individuals who have a high volume of police interactions and a drug history. They also receive referrals from officers and through community outreach. Once someone has been identified, the Deflection Team works to build a relationship by checking-in daily, helping the person satisfy their basic needs, and linking them with resources through partnerships with approximately three dozen organizations.

The Team currently has more than 50 clients. In the last quarter of 2024, the Team made more than 226 contacts and visited the Community Kitchen 90 times. Since the beginning of the program, there has been a 20 percent decrease in client contacts with police and emergency services. The Deflection Team’s assistance is helping the clients find coping mechanisms and support without calling for police and emergency assistance.

Chief Laird outlined a few barriers to the deflection program’s success. Some clients don’t want mental health or medical services. Plus, appointment scheduling can be a challenge. Laird also mentioned that most clients need housing or identification. As the Deflection Team looks forward, they want to work to establish a rapid connection to medication and treatment, a streetside connection, with a goal of providing services in less than 48 hours. Chief Laird would like to increase the team by adding another Deflection Specialist.”

March 25, 2025

Budget Discussion – Investment Fund

“As the Fiscal Year 2026 budget is being developed, budget topics will be discussed at various Commission Meetings. The new fiscal year begins July 1. At this meeting, Finance Director Jonathan Perkins provided an overview of the Investment Fund.

Each year, the city sets aside 25 percent of the annual payroll tax received into a separate fund called the Investment Fund. For the current fiscal year (FY 2025), the Investment Fund expenditures are divided into the following categories:

- Debt service (15 percent)
- Ongoing agency commitments (15 percent) – GPED, Barkley Regional Airport, Grant-in-Aid, Sprocket, Community Scholarship Foundation, etc.
- Recurring capital (32 percent) – paving of roadways, maintenance and improvements of city facilities, demolitions, etc.
- Other ongoing initiatives (16 percent) – Southside Development, Downtown Programs, etc.
- One-time projects (22 percent)

The revenue projection for the upcoming fiscal year is \$6.97 million. However, there is an expected increase in debt service payments.”

EXECUTIVE SESSION

Commissioner Smith offered motion, seconded by Commissioner Henderson, that the Board of Commissioners go into closed session for discussion of matters pertaining to the following topic:

- Future sale or acquisition of a specific parcel(s) of real estate, as permitted by KRS 61.810(1)(b)

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Thomas, Wilson, and Mayor Bray (5).

RECONVENE

Commissioner Henderson offered motion, seconded by Commissioner Thomas, that the Paducah Board of Commissioners reconvene in open session.

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Wilson, Thomas, and Mayor Bray (5),

ADJOURN

Commissioner Wilson offered Motion, seconded by Commissioner Thomas, that the meeting be adjourned.

March 25, 2025

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Thomas, Wilson and Mayor Bray (5),

TIME ADJOURNED: 7:13 p.m.

ADOPTED: April 8, 2025

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

April 8, 2025

RECEIVE AND FILE DOCUMENTS:

Deed File:

Commissioner's Deed – 1801 Guthrie Avenue, 737 Goebel Avenue and 720 Joe Bryan Drive
(Full Gospel Tabernacle location) - MO #3016

Contract File:

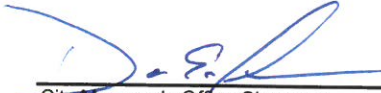
1. Memorandum of Understanding – Trails End Development, LLC – ORD 2025-03-8837
2. Release Agreement – Evrard Company, Inc. – Dog Park – MO #2833

Financials:

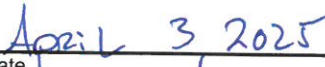
1. Barkley Regional Airport Authority Financial Statements for the years ended June 30, 2024 and 2023

CITY OF PADUCAH
April 8, 2025

Upon the recommendation of the City Manager's Office, the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.



City Manager's Office Signature



Date

CITY OF PADUCAH
PERSONNEL ACTIONS
April 8, 2025

NEW HIRES - FULL-TIME (F/T)						
<u>FINANCE</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>	
Davis, Allison M.	Revenue Technician I	\$22.00/hr	NCS	Non-Ex	April 23, 2025	
PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS (FULL-TIME)						
<u>PARKS & RECREATION</u>	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>	
Morsching, Taylor A.	Assistant Director of Recreation \$41.06/hr	Assistant Director of Recreation \$42.09/hr	NCS	Ex	November 14, 2024	
Shelton, Gregory	Parks Maintenance Supervisor \$30.50/hr	Parks Maintenance Supervisor \$31.42/hr	NCS	Ex	January 23, 2025	
Shelton, Gregory	Parks Maintenance Supervisor \$31.42/hr	Assistant Director of Parks \$40.82/hr	NCS	Ex	April 3, 2025	
<u>POLICE</u>						
Cubley, Michael A.	Records Manager \$28.85/hr	Records Manager \$29.57/hr	NCS	Ex	March 20, 2025	
TERMINATIONS - FULL-TIME (F/T)						
<u>PUBLIC WORKS</u>	<u>POSITION</u>	<u>REASON</u>			<u>EFFECTIVE DATE</u>	
Elrod, Logan T.	ROW Maintenance	Resignation			March 28, 2025	

Agenda Action Form

Paducah City Commission

Meeting Date: April 8, 2025

Short Title: Declaration and sale of surplus property located at 729 South 13th Street - **C. GAULT**

Category: Municipal Order

Staff Work
By: Nancy Upchurch
Presentation
By: Carol Gault

Background Information: Shellia Kirkendoll (Teddy Bear Development) submitted a request to purchase the property for \$1 to construct an energy-efficient, 3-bedroom 2-bath home on the vacant lot. Landscaping will be provided upon completion of the home. The value of the proposed investment is \$180,262.50. Additionally, she submitted an application for the Southside Home Funds on behalf of a potential buyer to be allocated to this project. Once complete, she will market the home and the potential buyer may be eligible to benefit from the Southside Home Grant funds, provided they meet the qualifications. If this project turns out as expected Ms. Kirkendoll wants to build additional homes in the project area.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Southside Revitalization and Addressing the Housing Shortage in the City of Paducah

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: It is recommended that the Commission determine that the property is surplus and accept the request of the Shellia Kirkendoll and transfer the vacant lot for \$1, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal to substantially complete the project within one year.

Attachments:

1. MO - prop sale– 729 South 13th Street
2. SOA2024-0008 Staff Report 729 South 13th Street

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 729 SOUTH 13TH STREET, PADUCAH, KENTUCKY TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF SHELLIA KIRKENDOLL OF TEDDY BEAR DEVELOPMENT IN THE AMOUNT OF ONE DOLLAR (\$1) AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, pursuant to KRS 82.083 a written determination has been made that the City does not have any use at this time or in the future for properties located at 729 South 13th Street, Paducah, Kentucky, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on several occasions, the last being in May 2022, and no bids were received; and

WHEREAS, KRS 82.083(5) states that “if a city received no bids for real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City;” and

WHEREAS, Shellia Kirkendoll of Teddy Bear Development submitted a request to purchase the property for \$1 to construct an energy-efficient 3-bedroom, 2-bath home on the vacant lot with a total proposed investment of \$180,262.50; and

WHEREAS, the City desires to accept the proposal for sale to Shellia Kirkendoll of Teddy Bear Development, in the total amount of One Dollar (\$1), with the understanding that the property shall revert back to the City if the owner fails to comply with the submitted proposal to substantially complete the project within one year.

NOW THEREFORE, BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Board of Commissioners hereby declares the property located at 729 South 13th Street, Paducah, Kentucky to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby accepts the bid of Shellia Kirkendoll of Teddy Bear Development in the amount of One Dollar (\$1) for the purchase of real property located at 729 South 13th Street, Paducah, Kentucky, subject to the fact that the property shall revert back to the City if the owner fails to comply with the submitted proposal to substantially complete the project within one year.

SECTION 2. The Mayor is hereby authorized to execute a deed and any necessary documents relating to same to complete the sale of the real property approved in Section 1 above.

SECTION 3. This Order shall be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 8, 2025
Recorded by Lindsay Parish, City Clerk, April 8, 2025
\\mo\prop sale- 729 South 13th Street



STAFF REPORT PADUCAH CITY COMMISSION

APPLICATION INFORMATION

ADDRESS	729 South 13 th Street
CASE NO.	SOA2024-0015
OWNER	City of Paducah
APPLICANT	Teddy Bear Estates/Shellia Kirkendoll
AGENT	---
REQUEST	Sale of Asset
HEARING DATE	April 8, 2025

GENERAL SITE INFORMATION

CURRENT ZONING	R-4
CURRENT LAND USE	Vacant
COMPREHENSIVE PLAN	Neighborhood Conservation
CURRENT IMPROVEMENTS	None
FLOODPLAIN	No
PUBLIC UTILITIES	Power, gas, water
PUBLIC SERVICES	Paducah Fire, Paducah Police

SURROUNDING AREA INFORMATION

	SURROUNDING ZONING	SURROUNDING LAND USE
NORTH	R-3	Single Family
SOUTH	R-3	Vacant Lot
EAST	R-3	Vacant Lot
WEST	M-1	Vacant Lot

GENERAL INFORMATION

The disposition of surplus or excess property is governed by City Code Section 2-668; which references KRS 82.083.

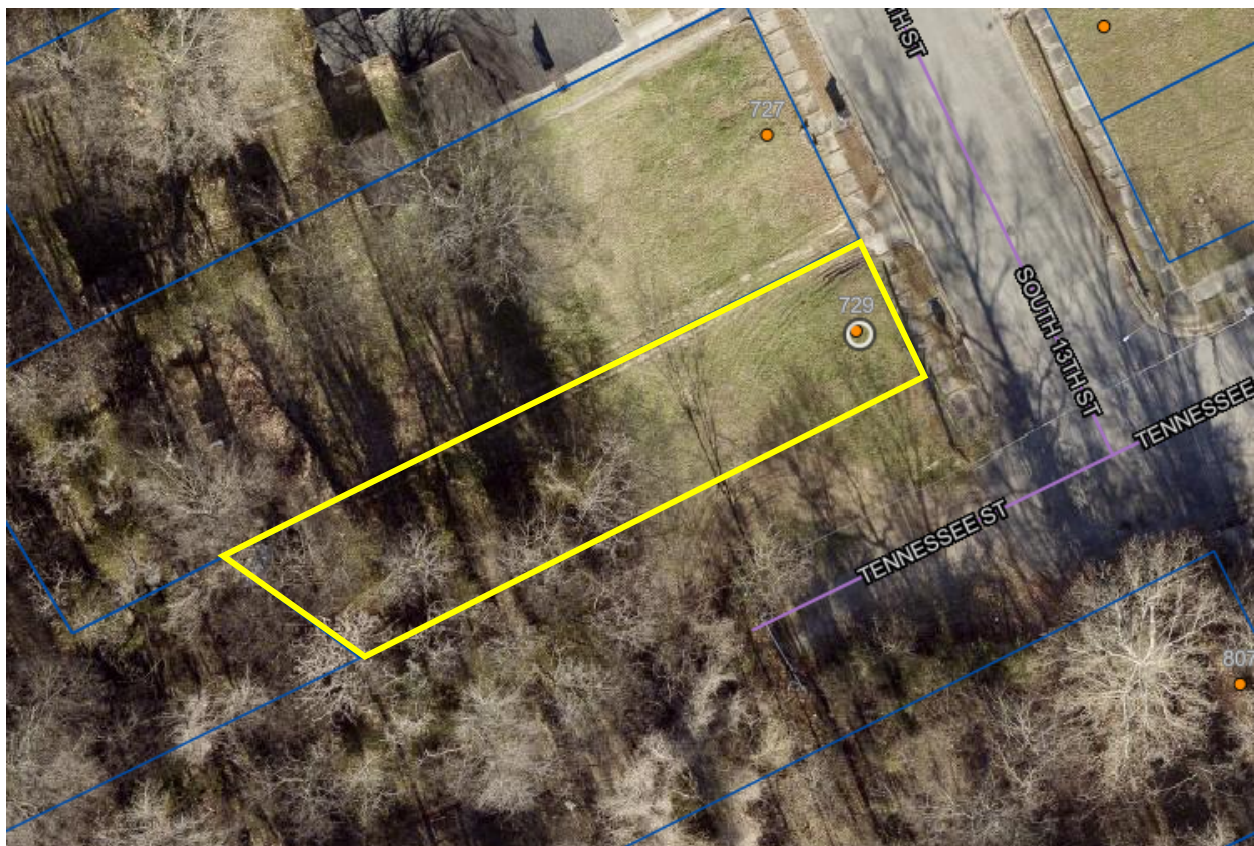
ACQUISITION OF THE PROPERTY

The City of Paducah acquired this property in March 2021. The structure on the lot was demolished. The intended use for the property was to market to a developer that would construct a home on the lot.

This property has been advertised several times, the last time being in May, 2022. There has never been a complete bid submitted on this property. KRS 82.083(5) states "If a city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made."

DESCRIPTION OF THE PROPERTY: 729 S 13th Street

The lot is located on the corner of South 13th and Tennessee Street. Approximate measurements of the lot is 35' X 159' X 39' X 141'



DISPOSITION OF THE PROPERTY

Typically, it is in the best interest of the City to transfer ownership of underutilized parcels to a responsible citizen, thereby placing the property back on the tax rolls and

STAFF REPORT

eliminating the maintenance and liability costs. Property disposal method: Accept the sole offer and transfer as recommended by Planning Staff.

BID INFORMATION

BID # 1	Teddy Bear Estates/Shellia Kirkendoll	Bid Amount: \$1
	Ms. Kirkendoll submitted a request to purchase the property for \$1 to construct an energy-efficient, 3-bedroom 2-bath home on the vacant lot. Landscaping will be provided upon completion of the home. The value of the proposed investment is \$180,262.50. Additionally, she submitted an application for the Southside Home Funds on behalf of a potential buyer to be allocated to this project. Once complete, she will market the home and the potential buyer may be eligible to benefit from the Southside Home Grant funds, provided they meet the qualifications. If this project turns out as expected Ms. Kirkendoll wants to build additional homes in the project area.	

STAFF RECOMMENDATION

It is recommended that the Commission determine that the property is surplus and accept the request of the Shellia Kirkendoll and transfer the vacant lot for \$1, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal to substantially complete the project within one year.

Agenda Action Form

Paducah City Commission

Meeting Date: April 8, 2025

Short Title: Approve the Application and Acceptance of the Kentucky League of Cities 2025 Workers Compensation Safety Grant in the Amount of \$3,000 - **S. WILCOX**

Category: Municipal Order

Staff Work By: Stefanie
Wilcox, Hope Reasons
Presentation By: Stefanie
Wilcox

Background Information: The Workers' Compensation Safety Grant is a 50/50 matching grant for approved purchases. Members with workers' compensation premiums before taxes of \$35,000 and above are eligible for up to \$3,000 grant reimbursements. This is a reimbursement grant. The Human Resources Department is requesting \$3,000 toward the reimbursement of personal protective equipment for the Fire Department. The 50/50 match requirement will be fulfilled by the prior purchase of the protective equipment.

Does this Agenda Action Item align with a Commission Priority? No
If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve the application and acceptance of the KLC Safety Grant and authorize the Mayor to sign all documentation related to same.

Attachments:

1. MO - app & award - klc safety grant 2025 - fire dept.

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A 2025 KENTUCKY LEAGUE OF CITIES WORKERS COMPENSATION SAFETY GRANT IN THE AMOUNT OF \$3,000 TOWARD REIMBURSEMENT FOR PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT, ACCEPTING ANY GRANT FUNDS AWARDED BY KLCIS, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an application to obtain a 2025 Matching Insurance Services Safety Grant in the amount of \$3,000 from the Kentucky League of Cities. The grant will be used for reimbursement of personal protective equipment for the Fire Department.

SECTION 2. That the City of Paducah hereby authorizes the acceptance of any and all grant funds awarded by the Kentucky League of Cities Insurance Services Safety Grant and authorizes the Mayor to execute the Grant Agreement and all related documents.

SECTION 3. The 50/50 matching requirement will be fulfilled by prior purchase of the protective equipment.

SECTION 4. This order will be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 8, 2025
Recorded by Lindsay Parish, City Clerk, April 8, 2025
\\mo\grants\app & award - klc safety grant 2025 – fire dept.

Agenda Action Form

Paducah City Commission

Meeting Date: April 8, 2025

Short Title: Approve an Addendum to the Development Agreement with C.I.R.CO for 318 Broadway - C. GAULT

Category: Municipal Order

Staff Work
By: Carol Gault
Presentation
By: Carol Gault

Background Information: The developer has met the conditions of the agreement for the transfer of the property. The next step is to transfer the property upon execution of the agreement addendum. Plans have been approved by the Planning Director. The developer has obtained the necessary permits from the Fire Prevention Division of the Fire Department for the proposed work. The work will begin in May with a projected completion within 15 months.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: Downtown/Economic Development

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval of the addendum to the Development Agreement with C.I.R.Co for 318 Broadway

Attachments:

1. MO Addendum to Development Agreement – C.I.R.CO 318 Broadway – Kresge Site
2. ADDENDUM TO DEVELOPMENT AGREEMENT FOR 318 BROADWAY - CIRCO LLC (00258286x9D931) (002).DOCX addendum

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APROVING AN ADDENDUM TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PADUCAH, KENTUCKY, C.I.R.CO PROPERTIES, LLC, AND 314 CONDOMINIUMS ASSOCIATION CORPORATION FOR THE PROPERTY LOCATED AT 324 BROADWAY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, on June 11, 2024, the Board of Commissioners approved a Development Agreement with C.I.R.Co., LLC, by Municipal Order 2907, declaring the property located at 324 Broadway (formerly known as 318 Broadway), Paducah, Kentucky, to be surplus property and authorizing the transfer of said property, contingent upon the Developer receiving the necessary permits from the City of Paducah; and

WHEREAS, in order to comply with the requirements of the Kentucky Building Code, certain modifications and additions to the terms of the Development Agreement are required, to which the original parties and the Association have agreed; and

WHEREAS, the City now wishes to enter into an addendum to the Development Agreement.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. Recitals. That the City of Paducah authorizes and directs the Mayor to execute an Addendum to the Development Agreement with C.I.R.CO, LLC in substantially the form attached hereto and made a part hereof as Exhibit “A” together with such other agreements, instruments or certifications which may be necessary to accomplish the transaction contemplated by the Addendum not inconsistent with this Municipal Order and not substantially adverse to the City as may be approved by the Mayor.

SECTION 2. Effective Date. This Order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

ADDENDUM TO DEVELOPMENT AGREEMENT

This Addendum is made and entered into on the ____ day of _____, 2025 by and between the CITY OF PADUCAH, KENTUCKY (the “City” or “City of Paducah”), C.I.R.CO PROPERTIES, LLC, a Kentucky limited liability company (the “Developer”), and 314 CONDOMINIUMS ASSOCIATION CORP., a Kentucky corporation (the “Association”).

WHEREAS, the City and the Developer entered into a Development Agreement dated June 12, 2024 regarding development of a certain tract of vacant real estate located at 324 Broadway Street (the “Property”); and

WHEREAS, in order to comply with the requirements of the Kentucky Building Code, certain modifications and additions to the terms of the Development Agreement are required, to which the original parties and the Association have agreed; and

WHEREAS, the parties desire to formalize those modifications herein;

NOW THEREFORE, in consideration of the foregoing premises, and for other valuable consideration, the legal adequacy and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

1. **Subdivision.** The parties acknowledge that the Property must be subdivided in order to implement Developer’s design plans while also satisfying the requirements of the Kentucky Building Code. The parties agree that the Property will be subdivided into two (2) tracts, as shown on the plat of survey attached hereto as Exhibit 1, and further described as follows:

A. A 15-foot tract adjacent to the building located at 314 Broadway Street, Paducah, Kentucky shall be conveyed from the City to 314 Condominiums Association Corp. The parties acknowledge that the Association is the current owner of 314 Broadway Street, Paducah, Kentucky, which property is being developed in conjunction with the Property subject to the Development Agreement. Conveyance of this tract shall be subject to the reversion provisions in paragraph 2 below.

B. A 25-foot tract consisting of the remaining portion of the Property (as originally described in the Development Agreement and Exhibit A thereto) shall be conveyed to the Developer in accordance with paragraph C(1) of the Development Agreement and shall be subject to the reversion provision found in Paragraph C(3) of the Development Agreement.

2. **Reversion.** If the Developer defaults on the Development Agreement or this Addendum, including failure to initiate construction within thirty (30) days of transfer of the property to the Association, the City may resume possession and ownership of the 15-foot tract. The City may exercise this right of reversion by providing notice to the Association and Developer and, upon receipt of such notice, the deed shall be forfeited and the 15-foot tract shall revert to the City for no consideration. In such event, all of the monetary investments and improvements made to such property shall be forfeited without any compensation or right to compensation whatsoever. If the City elects to exercise its rights under this section, the

Association shall promptly take all reasonable steps to cause the transfer and conveyance of the property back to the City, at no out-of-pocket cost to the City, such that as nearly as practicable the City is restored with marketable fee title to the property free and clear of any mortgages, liens, encumbrances, and adverse interests.

3. **Term/Termination.** Developer agrees to satisfy its obligations under paragraph C(1) of the Development Agreement no later than May 31, 2025. The City reserves the right to terminate the Development Agreement and this Addendum if Developer has not satisfied its requirements under paragraph C(1) of the Development Agreement by May 31, 2025.

Developer further agrees to commence work on the Development within thirty (30) days of transfer of the Property and to complete the Development within fifteen (15) months of commencing work. Failure to do so shall constitute a default of the terms of the Development Agreement and this Addendum, and, in such event, the City reserves the right to terminate this Agreement and to exercise its rights of reversion with respect to the Property.

4. **Binding Agreement/Authority.** The Developer and the Association agree to be bound by the terms of the Development Agreement and this Addendum, and represent that they have all necessary authority to enter into the Development Agreement and this Addendum.

5. **Ratification.** The parties acknowledge that, except as stated herein, all other terms of the Development Agreement shall remain in full force and effect.

WITNESS the signatures of the parties on the date first above written.

DEVELOPER:

CITY:

CL.R.CO PROPERTIES, LLC

CITY OF PADUCAH, KENTUCKY

By _____
Andrew Hardin, Member

By _____
George Bray, Mayor

By _____
Blake Calhoun, Member

Date: _____

Date: _____

314 CONDOMINIUMS ASSOCIATION
CORP.

By _____
Blake Calhoun, President

By _____
Jared Morgan, Vice President

Date: _____

Agenda Action Form

Paducah City Commission

Meeting Date: April 8, 2025

Short Title: Approve an Amendment to Chapter 42 of the Code of Ordinances - **S. KYLE & G. CHERRY**

Category: Ordinance

Staff Work By: Greg Cherry, April
Tinsman, Steve Kyle
Presentation By: Greg Cherry, Steve
Kyle

Background Information: This ordinance is being updated due to passage of time and to conform amendments in applicable state laws and regulations, increased costs associated with administration and filing fees. There area also changes that are resulting from the growth and development that have occurred in the City since this ordinance was originally enacted specifically in Article III. All of the updates being recommended will allow for the utilization of administrative search warrants, to improve upon the residential rental occupancy inspection program, and to ensure the City's enforcement codes are up to date with applicable state laws.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: Rental Property Occupancy Permitting

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve changes as recommended.

Attachments:

1. ORDINANCE - Amending CHAPTER 42

ORDINANCE NO. 2025-_____

**AN ORDINANCE AMENDING CHAPTER 42
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, Chapter 42 of the Paducah Code of Ordinances was enacted to protect landowners' right to enjoyment of their property consistent with state law and City ordinances, and to provide a mechanism to ensure such use does not infringe on the rights of adjacent landowners, including through inspection, enforcement, and abatement procedures;

WHEREAS, Chapter 42 is in need of amendment due to passage of time, increased costs associated with administration and filing, and to conform to amendments in applicable state laws and regulations;

WHEREAS, the health and safety of the citizens of the City of Paducah is dependent upon enforcement of minimum fire, housing and sanitation standards and the only effective means of enforcing such codes is by consistent enforcement and routine systemized inspections of all physical structures;

WHEREAS, Courts have held that the decision to enter and inspect will not be the product of the unreviewed discretion of the enforcement officer in the field and a codified mechanism for the procurement of administrative search warrants will enable code enforcement officials to enter upon to conduct inspections of private premises within the City to ensure compliance with minimum fire, housing, and sanitation standards, with oversight of a detached magistrate;; and

WHEREAS, due to growth and development in the City of Paducah, the residential rental landscape has changed since Article III of Chapter 42 was implemented related to residential rental occupancy permits and is now in need of updates; and

WHEREAS, Chapter 42 of the Paducah Code of Ordinances must be amended to allow for the utilization of administrative search warrants, to improve upon the residential rental occupancy inspections program, and to ensure the City's enforcement codes are up to date with applicable state laws.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky, hereby amends Chapter 42 of the Paducah Code of Ordinances by amending the following sections:

Sec. 42-34. – General powers.

[...]

- (c) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding all code violations, but shall not have the authority to conduct hearings and make determinations regarding violations of article IV, Noise, of this chapter or violations of buildings and buildings regulations in chapter 18.
- (d) The Code Enforcement Board shall have the authority to conduct hearings and make determinations regarding appeals from the decision of the Deputy Chief/~~Fire Marshal~~ of the Fire Prevention Division **or Battalion Chief** as to a rental occupancy permit set

forth in section 42-41.5, except that the Code Enforcement Board shall not have authority over decisions of the State Fire Marshal with respect to appeals filed in the State Fire Marshal's Office pursuant to 815 KAR 10:060 or KRS 227.380(2).

[...]

Sec. 42-37. – Abstention due to 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 ~~abstain~~ ~~disqualify such member's self~~ from voting on the matter in which such member has an interest, ~~and shall not be counted for purposes of establishing a quorum.~~ Abstentions shall have no effect on establishing a quorum for purposes of voting and shall only be considered as a "no vote" on the matter.

[...]

Sec. 42-39. – Powers of the Code Enforcement Board.

The Code Enforcement Board shall have the following powers and duties over all matters contained in this article:

[...]

(4) To take testimony under oath. The Chairman and/or City staff members shall have the authority to administer oaths for the purpose of taking testimony.

[...]

(8) To provide extensions to property owners during which remedial work to bring the property into compliance with the International Property Maintenance Code may be performed in lieu of fines, not to exceed extensions of ninety (90) days, absent extraordinary cause calling for additional time, as determined by vote of the Code Enforcement Board. Such extensions shall not be granted for violations related to nuisances listed in Sec. 42-50, including but not limited to high grass, weeds, rubbish, or junk motor vehicles and appliances as defined in Section 42-48.

~~(9)~~(8) To conduct hearings to consider appeals from the determination of the Deputy Chief/Fire Marshal of the Fire Prevention Division as to the suspension, revocation, or denial of a rental occupancy permit in accordance with section 42-41.5.

~~(9) To conduct hearings to determine if a property owner has allowed a property to become condemned and incur violations by demolition by neglect.~~

(10) To set a regular monthly meeting date and call special meetings as needed.

[...]

Sec. 42-40. – Enforcement hearing.

[...]

(8) Notwithstanding the provisions of paragraph (7) of this section, when, in the opinion of a Code Enforcement Officer, a hearing is necessary or advisable to

address continuing violations, the Code Enforcement Officer may request a hearing before the Code Enforcement Board. Notice of the hearing shall be issued to the offender in accordance with the provisions of this section.

Sec. 42-41. – Enforcement hearing; notice; final order.

[...]

- (b) Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the offender of the date, time, and place of the hearing. The notice may be given by standard U.S. mail; 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.**

[...]

- (e) The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. ~~In making its determination, the~~ **The** Code Enforcement Board shall **determine, based on the evidence presented, including photographs and testimony, whether a violation was committed. When the Board determines that no violation was committed, an order dismissing the citation shall be entered. When the Board determines that a violation has been committed, the board may issue an order upholding the citation and may order the offender to do one of the following:** ~~use an arbitrary and capricious standard and shall uphold the citation unless the issuance of the citation was clearly erroneous. The Code Enforcement Board shall uphold the citation if pictorial or photographic evidence supporting the citation is provided by the Code Enforcement Officer. If no pictorial or photographic evidence is provided and the board determines that no violation was committed, an order dismissing the citation shall be entered. If pictorial or photographic evidence is provided or if no such evidence is provided and the board still determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both. The Code Enforcement Board may determine that the violations and the real property owner should be referred to the County Attorney or Commonwealth Attorney for criminal prosecution.~~

(1) Pay a civil fine in an amount up to the maximum authorized by ordinance;
or

(2) Remedy a continuing violation within a specified time not to exceed ninety (90) days to avoid the imposition of a fine as authorized in Sec. 42-43. Such extensions shall not be granted for violations related to nuisances listed in Sec. 42-50, including but not limited to high grass, weeds, rubbish, or junk motor vehicles and appliances as defined in Section 42-48.

- (f) Every final order or findings of fact of the Code Enforcement Board shall be reduced to writing which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order or findings of fact is issued, the order shall be delivered **forwarded**

within seven (7) days of entry in accordance with the procedures for service and notice set forth herein.

- (g) The City or the Code Enforcement Officer, ~~at the Code Enforcement Officer's discretion,~~ may remedy the violation to bring the property into compliance with the Code, if the citation is not contested or if a final order upholding the citation is entered by the Code Enforcement Board. In such event, the City shall possess a lien on the property for all costs of abatement, civil fines for violation, including charges and fees associated with filing any such lien, and attorney's fees.
- (h) Nothing in this section shall prohibit the City from taking immediate action ~~in an urgent situation where the existence of a violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible,~~ if necessary, as determined by the Fire Chief, the Deputy Chief of the Fire Prevention Division, Battalion Chief, Fire Marshal, or the City Manager.

Sec. 42-41.5. – Rental occupancy permit appeals.

In the event a landlord wishes to appeal ~~the a~~ determination of ~~by the~~ Deputy Chief of Fire Prevention or Battalion Chief to sustain a decision by a Code Enforcement Officer in suspending, revoking, or denying a rental occupancy permit pursuant to Sec. 42-73(b) ~~as to the suspension, revocation, or denial of a rental occupancy permit,~~ the appeal shall be taken before the Code Enforcement Board in accordance with the following provisions:

- (1) Upon receipt of an appeal from a landlord, the Code Enforcement Board shall schedule a hearing. The Board shall hold hearings once a month. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed by regular first-class mail, 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. Such notice shall be provided no later than seven (7) days prior to the date of the hearing. The Board shall forward a written copy of its ~~render a~~ decision within ~~five (5) working~~ seven (7) days after the hearing.
- (2) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Officer, landlord, and any witnesses to the violation(s) cited by the Code Officer in support of his or her suspension, revocation, or denial of a rental occupancy permit. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. ~~At the hearing, the Code Enforcement Board shall hear all relevant evidence and argument. The Board may admit and give probative effect to evidence which possesses probative value commonly accepted in administrative hearings.~~
- (3) The issue to be determined by the Code Enforcement Board shall be whether the evidence supports the Code Enforcement Officer's determination of noncompliance with Sec. 42-69 such that suspension, revocation, or denial of the rental occupancy permit is or was warranted. ~~is based upon a preponderance of the evidence submitted.~~ The Code Enforcement Board may ~~sustain~~ affirm, reverse, or modify (e.g.,

- suspending rather than revoking a permit),**~~or reverse~~ the action of the Code Enforcement Officer. The final decision of the Board shall be mailed to the landlord.
- (4) A notice to tenants of the final decision of the Code Enforcement Board shall be mailed to each tenant and prominently posted on the building. If applicable, the notice shall indicate the date upon which the tenants must vacate the building and shall clearly indicate which rental dwelling units are affected.
- (5) Any appeal properly taken under this section shall suspend the enforcement of the Code Officer's determination, unless the Code ~~Enforcement~~ Officer's determination finds the landlord's noncompliance to be life threatening, **a distinct fire hazard, or imminent danger.**

[...]

Sec. 42-44. – Lien; fines, charges, abatement costs, fees, penalties, attorney fees and costs.

- (a) The City shall possess a lien on the property owned by the person found by a non-appealable final order, or by a final judgment of the Court, to have committed a violation of the code for all fines assessed for the violation and for all charges, costs, penalties, abatement costs, and fees, including without limitation, attorney's fees and a ~~\$30.00~~**50.00** administration fee, incurred by the City in connection with the enforcement of the code. The lien shall bear interest at the rate of ~~four (4)~~ **eight (8)** percent per annum until paid. 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.

[...]

- (d) In addition to the remedy prescribed in subsection (a) of this section, the ~~person~~ **property owner** found to have **violations of this chapter on his/her property**~~committed the violation~~ shall be personally liable for the amount of all fines assessed for the violation and for all charges, costs, penalties, abatement costs, and fees, including without limitation attorney's fees and a \$30.00 administration fee, incurred by the City in connection with the enforcement of the code. The aforesaid amount shall bear interest at the rate of ~~four~~ **eight (48)** percent per annum until paid. The City may bring a civil action against the responsible owner and shall have the same remedies as provided for the recovery of a debt.

Sec. 42-45. – Lienholder notification system and liens.

The City shall obtain and maintain priority over previously filed liens, in accordance with the following provisions:

[...]

- (4) Once every ten (10) days, the City ~~may~~**shall** send electronic mail notification of all final orders entered pursuant to this article since the last date of notification to each party registered. The notification shall provide an electronic link to the City code enforcement database located on the City website. The database shall include the following information regarding each final order:
- a. The name of the person charged with a violation;

- b. The physical address of the premises where the violation occurred;
 - c. The last known mailing address of the owner of the premises where the violation occurred; **if in the exercise of reasonable diligence it is ascertainable;**
 - d. ~~A copy of a specific description of the citation~~ **A copy of the full citation subject to the final order;**
 - e. A copy of the findings of the final order, including penalties; and
 - f. The status of the final order regarding **with regard to** its ability to be appealed pursuant to this article, **except that the City shall provide an update to registrants if an appeal is filed on a final order.**
- (5) ~~Within ten (10) days of the issuance of a final order pursuant to this article~~ **At the same time the electronic notification required by subsection (4) of this section is sent,** the City shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (4) of this section containing an updated link to the code enforcement database on the City ~~website~~ **Web site.**
- (6) The City shall maintain the records created under this section for ten (10) years following their issuance.
- (7) **Except where the violation requires immediate action under Sec. 42-41(h),** A lien holder of record who has registered pursuant to this section may, within forty-five (45) days from the date of issuance of notification:
- a. Correct the violation; if it has not already been abated; or
 - b. Pay all civil fines assessed for the violation, and all charges and fees incurred by the City in connection with enforcement of the article, including abatement costs.
- (8) The lien provided by this article shall not take precedence over previously recorded liens if:
- a. The City failed to comply with the requirements of this article for notification of the final order; or
 - b. A prior lien holder complied with subsection (7) of this section.
- (9) A lien that does not take precedence over previously recorded liens shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for State, County, school board, and City taxes.
- (10) The City may record a lien before the forty-five (45) day period established in this section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, the City shall release the lien in the County clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

- (11) Failure of the City to comply or failure of a lien to take precedence over previously filed liens as provided herein shall not limit or restrict any other remedies the City has against the property of the violator.

Sec. 42-46. – Ordinances enacted for enforcement.

Articles I, II and III of this chapter are enacted for enforcement by the Code Enforcement Board **and/or the Code Officer or Code Official** pursuant to KRS 65.8801 *et seq.* Additional Ordinances or sections of the Code may be enacted or adopted for enforcement herein.

[...]

(3) *Due Process and Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official first shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused or the person having charge or control cannot be located, the code official shall utilize the procedures set forth in subsection (4) of this Section to obtain an Administrative Search Warrant, unless a lawful exception to the requirement for a warrant exists.

(4) *Administrative Search Warrant.*

a. Definition. *Administrative Search Warrant* means a written order of a judge or other officer authorized by statute to issue search warrants that command the search or inspection of any property, place or thing, and the seizure, photographing, copying, or recording of property or physical conditions found. An administrative search warrant authorizes an officer to enter premises to conduct any inspection, sampling, and other functions required or authorized by law to determine compliance with the provisions of an ordinance, code, statute, or other regulation including, but not limited to, those relating to the use, condition, or occupancy of property or structures.

b. Who may apply for warrant.

(1) Whenever any law, statute or regulation in the Commonwealth of Kentucky, including but not limited to the Paducah Code of Ordinances, requires or authorizes an inspection or investigation of any place or thing, the Administrative or Code Officer charged to enforce that law, acting in the course of his or her official duties, may apply for an administrative search warrant. For this purpose, Administrative or Code Officer includes a Building Inspector, Code Enforcement Officer, Fire Chief, Deputy Chief, Battalion Chief, Fire Marshal, their deputies,

Professional Engineer, Health Inspector, or other duly authorized representatives, as the case may be.

- (2) Before filing an application for an administrative search warrant, the administrative officer shall consult with legal counsel as to its legality in both form and substance.

c. Contents of application. The application shall:

- (1) Be supported by an affidavit sufficient under Section 10 of the Kentucky Constitution and be sworn to before an officer authorized to administer oaths as provided in the Kentucky Rules of Criminal Procedure or other applicable law;

- (2) State the applicant's status in applying for the warrant, the ordinance or regulation requiring or authorizing the inspection or investigation, and the nature, scope and purpose of the inspection to be performed;

- (3) Describe the property or places to be entered, searched, inspected, or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

- (4) State:

- (i) The basis upon which sufficient cause exists to search or inspect for violations of the ordinance or regulation specified; and

- (ii) One of the following:

- A. That, for the purpose of making an inspection, access to the property has been sought from and refused by the regulated party; or
- B. That, after making a reasonable effort, the applicant has been unable to locate the regulated party; or
- C. That the facts or circumstances reasonably show that the purposes of the inspection or investigation might be frustrated if entry were sought without first procuring a warrant.

d. Grounds for issuance.

- (1) An administrative search warrant may issue upon a showing that probable cause for the inspection, investigation, or seizure exists and that the other requirements for granting the warrant are satisfied. Probable cause may be shown by:

- (i) Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection and that those standards are satisfied with respect to the location;

- (ii) A reasonable administrative inspection program exists regarding the condition of the property and that the proposed inspection comes within that program;
 - (iii) A health, public protection or safety ordinance, regulation, statute, standard or order and that specific evidence of a condition or nonconformity exists with respect to the particular location; or
 - (iv) An investigation is reasonably believed to be necessary in order to determine or verify the condition of the location based on a tip, complaint, or the condition of an adjacent space, dwelling or property.
- (2) A copy of the administrative search warrant and supporting affidavit shall be retained by the issuing officer and filed by such officer with the clerk of the court and administrative body to which the warrant is returnable.

e. Contents of Warrant.

(1) The warrant:

- (i) May direct its execution and return by the administrative officer charged to enforce the ordinance or regulation specified in the application;
- (ii) Shall specify the property, place, structure, premises, vehicle, or records to be searched, inspected, entered upon, or seized in sufficient detail and particularity that the officer executing the search warrant can readily ascertain it;
- (iii) May contain direction as to the time and manner of its execution; and
- (iv) Shall command the return to the appropriate court or administrative body of any evidence of ordinance violations found, or of any property seized pursuant thereto, or a description of such property seized or condition(s) abated, to be dealt with according to law.

f. Execution and return.

- (1) Unless otherwise prescribed in the warrant, the officer executing an administrative search warrant shall make return thereof to the appropriate court within a reasonable time of its execution. The return shall show the date and hour of service.
- (2) Except as provided in the following sentence, in executing a search warrant the person authorized to execute it shall, before entry, make a

reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show him or her the warrant or a copy thereof upon request. If at the time of execution of a search warrant, the premises is unoccupied or not in possession of any person, the personnel authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in the preceding sentence, but may promptly enter the designated location at the time reasonably believed to be unoccupied after orally announcing their credentials and authority to execute the warrant.

(3) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken (if the person is present) an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place. The return shall be accompanied by any photographs, copies, or other recordings made, and by any property seized, along with a copy of the itemized receipt of such property acquired by this section. This subsection shall not apply to junk motor vehicles removed by contractors pursuant to Sec. 42-48 of this Chapter.

(4) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and may request that a peace officer assist in the execution of the warrant.

(5) *Savings Clause.* [...]

(6) *Conflicts.* [...]

(7) *Collection of costs incurred by city.* [...]

[...]

Sec. 42-47. – Litter.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which any admission fee is charged for the

~~purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this statute, or under any ordinance of this city; or~~

- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person **or entity** so engaged as advertiser or distributor.

[...]

Sec. 42-48. – Vehicles and appliances.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

[...]

Enclosed building means a building enclosed on all sides, including a roof and floor, and constructed of materials permissible for the zone in which it is situated as dictated by Chapter 126 of the Paducah Code of Ordinances.

[...]

- (b) *Declaration of nuisance; exceptions.*

- (1) The presence of any junked vehicle or appliance on public property or on any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City shall be deemed a public nuisance, and shall further be considered rubbish or refuse, and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any vehicle or appliance on the real property of another or to suffer, permit or allow a junked vehicle or appliance to be parked, left or maintained on one's own real property, **or otherwise to return a junked vehicle or appliance to property after such junked vehicle or appliance was removed or abated pursuant to this Section,** provided that this provision shall not apply with regard to:

[...]

- (3) *Classic or collector vehicles.* A junk motor vehicle which is owned by a collector of antique, vintage, historic, classic, or muscle and special interest vehicles, which is in the process of restoration, and which is recognized by national vehicle organizations

such as the Vintage Motor Car Club of America or SEMA. Such vehicles, when located in the public view prior to or during the restoration process, shall, upon request by a Code Enforcement Officer, be moved to an enclosed building, storage, or work area not readily visible by to the general public.

[...]

Sec. 42-49. – Solid Waste.

[...]

(d) Location of containers; collection.

[...]

(3) Residential collection.

[...]

~~h. The City shall collect green waste once a week in accordance with a schedule prepared by the City Manager or designee. Said green waste will be collected on the same day as residential waste. Collection will be at the household's designated point of pickup.~~

[...]

Sec. 42-50. – Other nuisances.

(a) *Certain conditions declared nuisance.* It shall be unlawful for the owner, occupant or person having control or management of any land within the City to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

[...]

(7) **Illegal, dilapidated, or obsolete signs. It shall be unlawful for the owner, occupant, or person having control or management of any land within the City to permit to exist on such property a sign, the condition of which is deemed dilapidated, unsafe, in a condition of disrepair, abandoned, or otherwise illegal as defined in Sec. 126-76.**

(8) Imminent danger. [...]

[...]

Sec. 42-52. – Illicit discharges.

(a) *Purpose and scope.* [...]

(b) *Definitions.* [...]

(c) *General provisions.* [...]

(d) *Prohibitions of discharges and declaration of nuisance; exceptions.* [...]

(e) *Rules and regulations.* [...]

(f) ~~(e)~~ *Inspection, monitoring, and remediation.* [...]

~~(g)~~ ~~(f)~~ *Section supplemental to other regulations. [...]*

Sec. 42-60. – Petition for reduction, waiver, and release.

- (a) After an order from the Code Enforcement Board has become final and not appealable, a petition may be initiated by a property owner for a conditional waiver of fines levied by the Fire Chief, ~~or~~ the Deputy Chief in charge of the Fire Prevention Division, **or Battalion Chief** as long as abatement is to be started and completed ~~in a reasonable time~~ **within thirty (30) days**. ~~If, in the determination of the Deputy Chief/Fire Marshal of the Fire Prevention Division, abatement has not been started and progressing in a reasonable time, the waiver will be revoked and the fines reinstated.~~ **Any petition for conditional waiver of fines shall be presented to the Fire Chief, Deputy Chief in charge of Fire Prevention, or Battalion Chief in their absence, no later than seven (7) days following a final order under Sec. 42-40 (6)-(7) or Sec. 42-41. A petition requesting the reduction or waiver of civil fines already determined to be final and the release of liens securing those fines shall be left to the discretion of the Fire Chief, Deputy Chief in charge of Fire Prevention Division, or Battalion Chief for conditional waivers.**
- (b) A petition may also be initiated to facilitate a real estate sales transaction by the filing of a petition with the **Deputy Chief in charge of Fire Prevention** ~~Code Enforcement Board~~ for the reduction or waiver of citations, fines, charges, or fees levied by the Code Enforcement Board. Only the civil fines levied pursuant to section ~~20-32~~ **42-43** may be petitioned to be reduced or waived. No other costs, charges, administrative fees or attorney's fees can be petitioned for reduction or waiver.
- (c) ~~(b)~~ A petition **initiated to facilitate a real estate transaction** shall **be submitted to the Deputy Chief in charge of Fire Prevention, or in his/her absence, the Battalion Chief, and shall** contain the following information: ~~at a minimum.~~
- (1) The name, address, and contact information of the petitioner and/or the petitioner's legal representative;
 - (2) A specific request for the conditional waiver of fines or a specific request for the waiver of citations, fines, charges, or fees requested and/or any liens to be released relating to a real estate transaction;
 - (3) A statement setting forth the reasons why the Fire Chief, ~~or~~ Deputy Chief in charge of the Fire Prevention Division, or the **Battalion Chief** ~~Code Enforcement Board~~ should consider an appeal and waiver;
 - (4) A computation of all monies owed to the City pertaining to the real property in question, including, but not specifically limited to, back taxes, actual costs, liens of any and all types, charges, assessments, administrative fees, etc. and a check accompanying the payment of all monies owed to the City except for the amounts to be reduced or waived shall be tendered with the petition; **and**
 - (5) The name **and contact information** of the person **or entity** ~~that shall be purchasing the real property in question.~~
- (6) The name of the real estate agent(s) or broker(s) facilitating the sale of the real property in question.**
- ~~(c) The petition all accompanying materials shall be presented to the Fire Chief or the Deputy Fire Chief in charge of the Fire Prevention Division and/or Code Enforcement~~

Board at their next regularly scheduled meeting. No special or called meeting of the Code Enforcement Board is specifically required by this article.

- (c) Denial of a petition to facilitate a real estate transaction may be appealed to the Code Enforcement Board within seven (7) days of denial. Appeal of denial of the petition initiated to facilitate a real estate sales transaction shall be presented to the Code Enforcement Board at their next regularly scheduled meeting following a final Order under Sec. 42-41. No special or called meeting of the Code Enforcement Board is specifically required by this article. (d) The Code Enforcement Board shall consider each petition presented and render a determination as to whether or not the petition shall be granted or denied. The Code Enforcement Board shall conduct its hearings on petitions to facilitate real estate transactions and on appeal from a final denial by the Fire Chief, Deputy Chief in charge of Fire Prevention Division, or the Battalion Chief in the same manner as outlined by section 42-40.

- (f) ~~A petition requesting the reduction or waiver of civil fines already determined to be final and the release of liens securing those fines shall be left to the sole discretion of the Fire Chief or the Deputy Fire Chief in charge of the Fire Prevention Division for conditional waivers and/or the Code Enforcement Board if denied by the Fire Chief or the Deputy Fire Chief in charge of Fire Prevention.~~

- (g) ~~The Code Enforcement Board shall conduct its hearing in regard to any petition in the same manner as outlined by section 42-40.~~

ARTICLE III. – RESIDENTIAL RENTAL OCCUPANCY PERMITS

Sec. 42-61. – Purpose and intent.

- (a) The purpose of this article is to protect the public health, safety and general welfare of the people of the City in occupied dwellings by recognizing that the offering for rental of dwelling units is a business and by classifying and regulating such business, the effect of which shall promote the following:
- (1) ~~To protect the character and stability of residential areas;~~
 - (2) ~~To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying dwellings;~~
 - (3) ~~To enforce minimum standards for the maintenance of existing residential buildings, and to thus prevent slums and blight;~~
 - (4) ~~To preserve the value of land and buildings throughout the City;~~
 - (5) ~~To protect the public from increased criminal activity which tends to occur in residential areas which are unstable due to dwellings which are blighted or substandard.~~
- (b) It is not the intention of the City to interfere with contractual relationships between tenant and landlord. The City does not intend to intervene as an advocate for either part, or act as arbiter, nor be receptive to unsubstantiated complaints from tenants or landlords which are not specifically and clearly related to the provisions of this article.

Sec. 42-62. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory living quarters mean living quarters within an accessory building, which may not have kitchen facilities.

Bed and Breakfast means a residential dwelling unit in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation. A tourist home is included in the meaning of “Bed and Breakfast.”

Building means any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels. The term “building” includes the term “structure.”

Code means the ordinances of the City that relate to the fitness for habitation construction, property maintenance, nuisances, occupancy, zoning, and use of any rental residential dwelling unit. This specifically includes the provisions of this chapter, and chapters 18, 5054, and 126.

Code Official or *Code Officer* means and includes the Chief Building Inspector, Deputy Building Inspector, Code Enforcement Officers, Fire Marshal, Fire Inspector, and Police Officers, **as they are empowered to act in their various capacities, including but not limited to the authority granted to them under KRS 227.200 et. seq., KRS 65.8801 et. seq., 815 KAR 7:070, et. seq., and 815 KAR 10:060 et. seq. Where authority is granted under KRS 227, 815 KAR 7, or 815 KAR 10, Code Official or Code officer shall mean fire code officials.**

[...]

Dwelling, multiple, means a building, or a portion thereof, used for occupancy by three (3) or more families living independently of each other and used for rental residential occupancy **for rental occupancy lasting thirty (30) days or more.**

Dwelling, one (1) family, means a building used for residential occupancy by one (1) family.

Dwelling, rental, means a building, or portion thereof, used primarily for rental residential occupancy **for periods of thirty (30) days or more**, including one (1) family and multiple dwellings, **but and shall** not include ~~ing~~ hotels or motels.

Dwelling, two (2) family, means a building or portion thereof, used for occupancy by two (2) or more families living independently of each other, and at least one (1) of which is used for rental residential occupancy.

Dwelling unit means a **residential** dwelling, or portion of a dwelling, used by one (1) family for cooking, living, and sleeping purposes.

[...]

Hotel or motel means a building, or portion thereof, or group of buildings in which lodging is customarily provided and offered to the public **typically for occupancy for not more**

than thirty (30) days at a time for compensation, and which is open to transient guests on a daily basis, in contradistinction to a lodging house.

[...]

Nuisance means a tenant's use of a rental dwelling unit, including the building and the premises relating thereto, which gives offense to or endangers the life, ~~or health,~~ **safety, or welfare** of others. The term "nuisance" includes such uses as defined under State law as nuisances.

[...]

Tenant means ~~a tenant, includes~~ a person under a rental agreement to occupy a dwelling unit for the purpose of residential occupancy. ~~The term "tenant" includes a person occupying a residential property for a period of thirty (30) days or more, by making rent or lease payments, or other similar agreements where the tenant does not have an equitable interest in the real property.~~

[...]

~~*Tourist home* means a building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation. A bed and breakfast establishment is included in the meaning of the term "tourist home."~~

Sec. 42-63. – Enforcement.

The Fire Prevention Division shall be responsible for the administration and enforcement of the provisions of this section. **Enforcement pursuant to this section shall not be interpreted to override or negate the rights of tenants or property owners with respect to inspections authorized or required by KRS 227.200 et seq., 815 KAR 7:070, et seq., or 815 KAR 10.060 et seq. Where applicable, penalties hereunder shall be in addition to, and shall not be instead of, the penalties set forth by KRS 227.200 et seq., 815 KAR 7:070, et seq., or 815 KAR 10.060 et seq.**

Sec. 42-64. – Rental occupancy permit required.

It shall be unlawful for any landlord to rent or lease to another or otherwise allow any person to occupy any rental dwelling unit which is subject to the article unless the landlord has first obtained and continues to hold a valid rental occupancy permit **for that unit**.

Sec. 42-65. – Applicability and exceptions.

- (a) The provisions of this article shall apply to the rental or leasing of rental dwelling units, and rental dwellings which contain such units, including one (1) and two (2) family rental residential dwelling units, ~~multiple dwelling units, accessory living quarters, and lodging houses.~~
- (b) The provisions of this article shall not apply to hotels and motels, **bed and breakfasts**, nursing homes, ~~or~~ assisted care dwelling units, residential care facilities as described by KRS 100.982, ~~H~~**hospitals**, ~~and~~**or** ~~S~~**sanitariums**.

Sec. 42-66. – Application for rental occupancy permits.

[...]

- (b) To determine compliance with this article and this Code, every applicant shall authorize an inspection of the premises annually.

[...]

Sec. 42-67. — Temporary permit.

- ~~(a) The Fire Prevention Division shall issue a temporary permit to the landlord of a rental dwelling unit who has submitted an application and paid the fee required by this article. A temporary permit shall authorize the occupancy of rental dwelling units in actual existence on the effective date of Ord. No. 2016-12-8463, pending issuance of a rental occupancy permit. Dwelling units constructed or converted to rental usage after the effective date shall not be eligible for a temporary permit, and shall not be occupied for human habitation prior to the issuance of the required rental occupancy permit.~~
- ~~(b) A temporary permit indicates only that the landlord has submitted an application for a rental occupancy permit. A temporary permit is not a determination that the rental dwelling or the rental dwelling unit complies with the standards required by this article.~~
- ~~(c) The temporary permit shall be valid until a rental occupancy permit has been issued or the application for such permit is denied and the stay period for any appeal of such determination is exhausted.~~

Sec. 42-68. – Issuance of permit.

- (a) Following the filing of an application, a City's Code Official shall cause an inspection to be made of the rental dwelling unit and rental dwelling identified in the application. The inspection shall be made within three (3) business days following the date upon which the application is filed, ~~excepting, however, that in the event the landlord has been issued a temporary permit under this article, such inspection shall be made within a reasonable period of time taking into consideration the availability of Code Officials to make such inspection.~~

[...]

Sec. 42-69. – Standards for issuance of permit.

The standards for the issuance and continuance of a rental occupancy permit shall be as follows:

- (1) The rental dwelling, and the rental dwelling units located therein, and the grounds and the accessories, buildings, and structures relating thereto, are in substantial compliance with the Code and all other applicable laws, statutes, and regulations **including, but not limited to the International Property Maintenance Code 2012 Edition, all fire codes, electrical codes, plumbing codes, and building codes**, and are not otherwise substandard, hazardous, or unfit. In multifamily units, to promote efficiency, the Code Official ~~may~~shall inspect **as few or as many** ~~the minimum~~ units **as he or she deems necessary in consideration of the totality of the circumstances including time constraints and historical compliance by the landlord** to assess the overall condition of the premises.

- (2) The landlord has been issued an occupation business license and has paid all fees and taxes as required under chapter 106.
- (3) The landlord has paid all city ad valorem taxes which are due and payable against the real property upon which the building and rental dwelling units are located.
- (4) The landlord has paid all fees as required under this article.
- (5) The landlord has paid all city property maintenance liens on the property for which a permit is applied.

Sec. 42-70. – Determination of noncompliance.

- (a) If a Code Official determines that any dwelling unit, or any part of the premises relating thereto, fails to comply with section 42-69(1) or that the landlord has failed to comply with section 42-69(2) through (5), a written notice of the violation or violations shall be given to the landlord. The notice shall direct that the landlord shall have a period of ~~ten~~seven (407) days to remedy the violation. The offender may be allowed a reasonable extension of time to remedy the violation, at the discretion of the Code Official. ~~submit to the Code Official a plan consistent with the Code and other applicable ordinances which outlines the landlord's remedy of the violations and the time period that such remedy shall be effectuated. The notice shall further state that in the event the landlord fails to submit a plan within said period of time, the landlord shall effectuate the remedy within a specified period of time as reasonably determined by the Code Official. The period of time to effectuate a remedy hereunder shall not at any time exceed the period of time as determined by the Code Official. A reinspection shall take place after said period of time to determine compliance.~~

- (b) If the fire Code Official determines the dwelling unit, or any part of rental premises fails to comply with section 42-69(1) due to structural or distinct fire hazards as described in 815 KAR 10:060 or especially liable or likely to result in fire loss as described in KRS 227.380, the written notice of the violation or violations shall further state that the provisions of this Section shall not override an owner's rights to appeal violations, as applicable, under 815 KAR 10:060 Section 6 or KRS 227.380(2).

- (c) If the fire Code Official determines that the defects create an imminent hazard to the health or safety of occupants or the public, the Code Official shall immediately suspend the applicable temporary permit or a any previously issued rental occupancy permit and order the premises be vacated, providing any occupants reasonable time to vacate, as is determined in the discretion of the Code Official.

- (d) Any time period accorded by the fire Code Official above shall not be extended by the sale or transfer of any interest in the rental dwelling unless specifically authorized by the Code Official.

Sec. 42-71. – Denial; suspension.

In the event the landlord's failure to comply continues following ~~the~~any period accorded the landlord for compliance, the Code Official shall mail the landlord a notice of a denial of a rental occupancy permit or suspension of a previously issued rental occupancy permit.

~~A denial of a rental occupancy permit shall automatically suspend the temporary permit.~~
The notice shall state:

- (1) That the Code Official has determined that the landlord has failed to comply with the standards as set forth in section 42-69.
- (2) The specific reason or reasons why the standards have not been satisfied, including copies of applicable inspection reports **and listing each code, statute, or regulation of which the property are in violation.**
- (3) That the denial or suspension of the permit will become effective unless the landlord appeals the determination within ~~ten~~**five** (10**5**) days after receipt of the notice in the manner provided in section 42-73.
- (4) That after denial or suspension, the rental dwelling unit or units must be vacated, and shall not be reoccupied until a rental occupancy permit is issued or is reinstated after approval by the Code Official.
- (5) The notice shall describe how an appeal may be filed under section 42-73.
- (6) The Code Official shall also cause a notice to tenants to be prominently posted on the rental dwelling. The notice shall state that the rental occupancy permit for the rental dwelling unit or units has been denied or suspended, whichever is applicable, and that the action will become final on a specific date unless the landlord appeals. The notice shall further state that tenants will be required to vacate the rental dwelling unit when the action becomes final.

Sec. 42-72. – Revocation of permit; criminal acts or nuisance.

- (a) Any landlord of a rental dwelling unit who knowingly leases or continues to lease a rental dwelling unit to any tenant who commits or allow others to commit any criminal act in violation of the State's criminal statutes relating to the illegal sale **or distribution** of controlled substances or to prostitution or to acts of violence to the person of another which causes physical injury or the imminent threat thereof, or who otherwise creates or allows others to create a nuisance on the leased premises, in violation of the provisions of subsection (b) of this section shall be subject to a revocation of the landlord's rental occupancy permits as provided herein.
- (b) The landlord shall abate such activity in the manner as hereinafter provided:
 - (1) In the event that the Code Official receives ~~reasonable~~**substantiated** evidence of ~~a such an~~ **criminal** act or activity **as described in (a) above,** or of a nuisance ~~taking place~~ on the leased premises of a tenant, the Code Official shall send to the landlord written notice which shall set forth the ~~substantiated~~ evidence and ~~define~~ **identify that** the criminal act or activity or nuisance **is in violation of this Section, and constitutes cause for revocation of the rental occupancy permit for the leased premises.**
 - (2) In the event that the Code Official sends a second such notice to the landlord regarding such a criminal act or activity or nuisance on the leased premises of the same tenant within one (1) year following the issuance of a previous notice, the notice shall instruct **and require** the landlord to bring eviction proceedings against the tenant with the McCracken District Court or to otherwise provide **in writing** to the Code Official an **acceptable** alternative ~~acceptable to the Code Official~~ which effectively abates the continuance of

further criminal activity or nuisance on the leased premises of such tenant. The landlord shall initiate eviction proceedings or provide an acceptable alternative within ten (10) days following the landlord's receipt of such second notice. In the event the landlord fails to initiate the eviction proceedings or otherwise provide an acceptable written alternative within ten (10) days~~said period of time~~, the Code Official may revoke the landlord's rental occupancy permit if the Code Official determines that the revocation is necessary to protect or preserve the health, safety and welfare of a resident or residents of the rental dwelling unit or neighborhood. Upon revocation of any rental occupancy permit, no application of a subsequent rental occupancy permit shall be accepted by the Code Official for such ~~property~~ premises within six (6) months of the date of revocation.

- (3) Any eviction proceeding brought by the landlord shall be timely and diligently prosecuted by the landlord in good faith~~a bonafide manner~~.
- (4) ~~Substantiated~~Reasonable evidence shall constitute such evidence as would be probative in establishing probable cause that such criminal act has been committed or that a nuisance exists on the leased premises. ~~Substantiated~~ Reasonable evidence may include evidence of a lawful arrest, indictment, or conviction.

- (c) In the event of revocation, the Code Official shall provide a notice of revocation to the landlord and tenant in the manner as provided in section 42-71.

Sec. 42-73. – Appeals Procedure.

- (a) Any landlord wishing to appeal the determination of a suspension, revocation, or denial shall file a written notice of appeal with the Fire Prevention Division~~Code Enforcement Board~~ within five (5) days after receipt of the notice of the suspension, revocation, or denial.
- ~~(b)~~ The initial ~~An~~ appeal shall initially be ~~taken before~~heard by the Deputy Chief/Fire Marshal of the Fire Prevention Division or in his/her absence, the Battalion Chief. ~~The Deputy Chief/Fire Marshal of the Fire Prevention Division~~ or Battalion Chief shall sustain the decision of the Code Official unless the Deputy Chief/Fire Marshal or Battalion Chief determines that the provisions of this article have been complied with and that all of the violations have been corrected. The Deputy Chief/Fire Marshal of the Fire Prevention Division or Battalion Chief shall make a written determination and provide notice of same to the landlord within ten (10) days of making his/her determination.
- (c) ~~(b)~~ In the event the Deputy Chief/Fire Marshal of the Fire Prevention Division or Battalion Chief sustains the decision of the Code Official, thereby of suspending, revoking, or denying a rental permit,~~suspension, revocation, or denial~~, the landlord shall have the further right of appeal and may file~~as hereinafter provided~~. Any landlord wishing to further appeal the determination of suspension, revocation, or denial shall file a second written notice of appeal with the Code Enforcement Board within five (5) days after of the landlord's receipt of the Deputy Chief/Fire Marshal of the Fire Prevention Division's written determination or Battalion Chief's written

determination. Thereafter, the appeal process Appeal before the Code Enforcement Board shall follow sections 42-41, 42-41.5, 42-42, et seq.

(d) In the event the landlord/property owner files an appeal pursuant to 815 KAR 10:060, or KRS 227.380(27) related to the same subject matter as the suspension, revocation, or denial, any appeal filed pursuant to this Section shall be held in abeyance pending final determination or Order by the State Fire Marshal.

Sec. 42-76. – Inspections.

- (a) Inspections of rental dwelling units shall be conducted by Code Officials and shall take place as follows:
 - (1) Upon application for a rental occupancy permit.
 - (2) Upon receipt of a complaint by a tenant or owner of a neighboring property that the rental dwelling unit or rental dwelling is substandard, hazardous or unfit for habitation, **and** if in the ~~reasonable~~ discretion of the Code Official, probable cause exists **to believe** that the complaint is founded in fact and an inspection warranted.
 - (3) Upon the **probable cause** determination of a Code Official ~~that probable cause exists that any~~ **the** rental dwelling unit or rental dwelling is in noncompliance with subsection 42-69(1).
 - (4) Every **one (1)** ~~two (2)~~ year period.
- (b) The Code Official shall adopt a policy of inspecting all rental dwellings which are required to be permitted under this article. The policy shall contain objectives for the systemic inspection of all rental dwellings and priorities for the use of searee inspection resources. The guidelines shall **promote an efficient inspection program** ~~be based upon the following factors; and any other factors deemed by the City to promote an efficient inspection program.~~
 - (1) Geographic distribution an concentration of rental dwellings;
 - (2) Rental dwellings with delinquent property taxes;
 - (3) Landlords with properties identified by the Fire Prevention Division as having an excessive number of housing code violations, or a history of noncompliance; or slow compliance, with correction orders;
 - (4) Landlords with properties identified by the Fire Prevention Division as having a history of demolitions being ordered by the City;
 - ~~(5) Landlords with properties identified by the Fire Prevention Division as having a history of demolitions being ordered by the City, and demolished by the City;~~
 - ~~(5) (6)~~ Rental dwellings for which no occupation business license or occupancy permit has been applied; and
 - (6) (7)** Rental dwelling with **reports** ~~an excessive number~~ of police calls for illegal drug offenses, prostitution, violent crimes, or disorderly conduct, **as reported to the Code Official by the Paducah Police Department.**

Absent exigent or emergency circumstances, whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Code Official has reasonable cause to believe that there exists in any rental dwelling or rental dwelling unit which is required to be permitted by this article, any condition or violation which makes such dwelling or unit unsafe, dangerous or hazardous, the Code Official may enter such dwelling or unit at all reasonable times to inspect the same or to perform

any duty imposed by this article, provided that if such dwelling unit be unoccupied, the Code Official shall first provide notice and request entry from the landlord; and if such dwelling or unit is occupied, the Code Official shall provide notice and request entry from both the landlord and tenant. If possible, the Code Official shall first attempt to make arrangements with the landlord and tenant as to the occurrence of the inspection at least twenty-four (24) hours prior to the inspection. If such entry is refused, the Code Official shall have recourse to every remedy provided by law to secure entry. **The landlord or property owner's refusal to cooperate and permit inspection following notice shall be cause for suspension, revocation, or denial of a rental occupancy permit as set forth under Sec. 42-71.**

Sec. 42-77. – Fees.

There shall be a fee of ~~\$25.00~~**100.00** for issuance of a rental occupancy permit and the initial inspection related thereto and a fee of ~~\$25.00~~**50.00** for the renewal of a rental occupancy permit and the inspection related thereto. There shall also be a fee of ~~\$25.00~~**50.00** per inspection for any further follow-up inspection related thereto. These fees shall be paid to the Fire Prevention Division.

Sec. 42-80. – New Construction.

The requirement for a rental occupancy permit and inspection fee shall not apply to any building for which a certificate of occupancy has been issued by the City until ~~five~~**one** (~~5~~**1**) years-after the issuance of such Certificate of Occupancy.

SECTION 2. This Ordinance shall be read on two separate days and become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

City Clerk

Introduced by the Board of Commissioners, _____, 2025

Adopted by the Board of Commissioners, _____, 2025

Recorded by the City Clerk, _____, 2025

Published by *The Paducah Sun*, _____, 2025

4875-4325-2903 v.3

Agenda Action Form

Paducah City Commission

Meeting Date: April 8, 2025

Short Title: Amend the FY25 City Budget to Increase Revenues and Expenditures for the Community Development Block Grant Fund by \$200,000 - **H. REASONS**

Category: Ordinance

Staff Work
By: Hope
Reasons
Presentation
By: Hope
Reasons

Background Information: The City of Paducah applied for and received a Community Development Block Grant in the amount of \$200,000 on behalf of Four Rivers Centerpoint Recovery Center to assist with inpatient substance abuse treatment. The Commission authorized Municipal Order 3024 on March 11, 2025 to accept the grant award. The Grant Agreement between the Commonwealth of Kentucky and City of Paducah requires:

- Evidence of a budget ordinance/amendment indicating inclusion of CDBG funds into the City's budget.

This ordinance will satisfy the Grant Agreement requirement for the budget amendment.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: Mental Health

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve an ordinance to amend the FY25 City of Paducah budget to increase revenue and expenses for the CDBG fund by \$200,000.

Attachments:

1. ORD - budget amend FY2025 – Four Rivers Recovery Center

ORDINANCE NO. 2024-____ - _____

AN ORDINANCE AMENDING ORDINANCE NO. 2024-06-8815, ENTITLED, “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2024, THROUGH JUNE 30, 2025, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT”

WHEREAS, the City of Paducah applied for and received a Community Development Block Grant in the amount of \$200,000 on behalf of Four Rivers Recovery Center to assist with residential alcohol and drug treatment services. The Commission authorized Municipal Order No. 3024 on March 11, 2025, to accept the grant award; and

WHEREAS, the Grant Agreement between the Commonwealth of Kentucky and City of Paducah requires evidence of a budget ordinance/amendment indicating inclusion of CDBG-CV funds into the City's budget; and

WHEREAS, the City Commission now wishes to amend the FY2025 budget to satisfy the requirement of the Commonwealth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the annual budget for the fiscal year beginning July 1, 2024, and ending June 30, 2025, as adopted by Ordinance No. 2024-06-8815, be amended by the following re-appropriations:

- Increase revenues and expenditures for the CDBG Fund by \$200,000.

SECTION 2. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, April 8, 2025

Adopted by the Board of Commissioners, _____

Recorded Lindsay Parish, City Clerk, _____

Published by *The Paducah Sun*, _____

\\ord\finance\budget amend FY2025 – Four Rivers Recovery Center