

**ORDINANCE NO. 2004-09****AN ORDINANCE RELATED TO THE PROHIBITION OF THE  
ISSUANCE OF PERMITS/APPROVALS FOR THE NEW  
CONSTRUCTION OR DEVELOPMENT WHILE APPLICANT  
IS IN VIOLATION OF ENFORCEMENT ORDER OR  
CERTIFICATE OF OCCUPANCY REQUIREMENTS**

**WHEREAS**, the Scott Fiscal Court has encountered frequent violations of both Building Code and Development Regulations. Builders or developers in violation of applicable regulations and enforcement orders may apply for permits or approvals for new construction or development without first remedying existing violations. There are builders and developers who have violations at multiple locations. The purpose of this Ordinance is to limit potential for violations at multiple sites. This Ordinance shall require builders and developers to remedy violations that are the subject of enforcement orders on a given site before receiving additional permits or approvals for additional sites.

**NOW, THEREFORE, BE IT ORDAINED BY THE SCOTT FISCAL COURT**, as follows:

**1 . Definitions for the Purpose Of This Ordinance:**

Permits/approvals: Permits/approvals include building permits, approvals of preliminary or final development plans, approvals of preliminary or final subdivision plats, approvals of construction plans and any other permit or approvals that would otherwise authorize the applicant to begin construction at a new location or intensify construction at a current location. Approval/permits include those given by Building Inspection and Planning and Zoning.

Current construction or development: Building construction or project development currently underway pursuant to building permit, preliminary or final development plans or preliminary or final subdivision plats.

Enforcement Order: All orders or notices authorized by law, including, but not limited to, Kentucky Building Code, Georgetown-Scott County Zoning Ordinance and Subdivision Regulations.

Violation of Enforcement Order: The violation of an enforcement order occurs when: a builder or developer is served with formal written notice of violations; that notice contains the specified violations which are to be corrected; that notice states a specific deadline before which the corrections or other specified actions are to be completed; and the

builder or developer served by the notice fails to comply with the notice within the time allotted.

**2. Issuance Of New Permits/Approvals:** No new permits/approvals shall be issued to a builder or developer.

A. That is in violation of an enforcement order at the time application is made for the permits/approvals; or


B. That currently has a house into which an occupant has been permitted to move without first qualifying for and receiving a certificate of occupancy.

**3. Application Of 82 Prohibition:** The prohibition of new permits/approvals provided in 82 above, is applicable to applicants, whether individual, partnership or corporation having substantial identification with the builder or developer who has failed to comply with an enforcement order. By way of example, a builder who does business in more than one corporate or other business name may not receive new permits/approvals in one business name while in violations of an enforcement order under another business name. A principal co-owner, partner, member, or shareholder in a business, which is in violation of an enforcement order, may not obtain new permits/approvals under a different business name. A builder, which has a co-owner, partner, member or shareholder with a minority interest who is in violation of an enforcement order, may obtain new permits/approvals.

**4. Severability:** In the event any provisions of this Ordinance is found by court of competent jurisdiction to be contrary to law, that finding shall have no effect on the remaining provisions, which shall be enforced to the extent practicable without reference to the offending provision.

The foregoing Ordinance was read for the first time on 9-10-04,  
read for the second time, adopted and approved, at its regular meeting  
9-23-04.

APPROVED:

  
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GEORGE LUSBY  
SCOTT JUDGE EXECUTIVE

ATTEST:

  
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MARTHA NECLERIO  
FISCAL COURT CLERK  
sfordinanceconstructionpermits