

Sec. 17-2. - Numbering property, buildings and fire gates; display of numbers. ^[69]

(a) For purposes of sections 17-2 through 17-4, the following definitions shall apply:

(1) *Address*: A unique identification of a location which may consist of a street number, street direction, street name, street type, and unit, or any part thereof.

(2) *Property number*: An identifying number assigned to a parcel of land.

(3) *Site number*: The street number component, or any part thereof, of an address.

(4) *Building number*: The number or other designation, or any part thereof, assigned to a principal building or structure. Where there is more than one (1) principal building or structure on a property, each principal building or structure will be assigned a building number or other designation in addition to or instead of the site number.

(5) *Principal building or structure*: A structure such as an office building, apartment building, retail structure or other similar structure wherein the primary or major activity on the property takes place. The term as used in this section does not include accessory or incidental structures such as garages, storage sheds or similar structures. The department of public safety shall determine whether, for purposes of this section only, a structure constitutes a principal building or structure.

(6) *Private access easement*: The private right of a land owner to ingress and egress to his property over the adjoining property of another for the purpose of accessing the public right-of-way.

(b) All properties within the urban county shall be assigned an address for the purposes of taxation, public safety and provision of services.

(c) All principal buildings and leasable/salable portions of such buildings which have separate and direct outside entrances shall have the site number and assigned unit number permanently and prominently displayed at the expense of the owners thereof.

(d) *Minimum criteria*. Unless otherwise provided herein, any site number that is required to be posted pursuant to sections 17-2 through 17-4 shall comply with the following minimum criteria or standards of visibility:

(1) It shall be made up of numbers, contrasting in color with the background on which they are affixed, which clearly identify the correct building or structure and which are clearly visible and identifiable at all times during daylight hours to persons in vehicles traveling in both directions of all streets or named easements from which the structure is accessed;

(2) It shall be a minimum of four (4) inches in height, except for industrial or commercial buildings or structures from which such numbers are not readily visible from the street or named easement, which shall be a minimum of ten (10) inches in height, with a minimum stroke of one and three-quarter (1.75) inches, and which shall be affixed above or beside the main entrance of such industrial or commercial building or structure whenever possible;

(3) It shall be at least three (3) feet above ground level; and

(4) It shall be affixed to the structure or displayed not more than four (4) feet from the street or named easement upon which the structure is located and addressed (i.e., on both sides of a single mailbox); however, postings which are not on the structure will only be satisfactory if they clearly indicate the correct structure.

Notwithstanding the above, where more than one (1) principal building or structure is located upon a property and where the site number is clearly displayed at the street entrance to the property, each principal building or structure shall not be required to display the site number so long as each building or structure is clearly identified by a building number or other designation.

(e) The department of public safety shall be the only department of the urban county government authorized to assign or cause to be assigned, delete, or change a property number, site number, unit number, and/or a building number where appropriate so as to ensure no duplication of numbers or street names. The department of public safety shall maintain a street index file containing the official list of valid street names. No other government entity, agency, department or division is authorized to assign site, unit, property or building numbers or street names. All such actions are to be reviewed and approved by the addressing committee, which is comprised of members of the divisions of enhanced 911 and its addressing office, fire and emergency services, police, planning, and GIS; the Fayette County Property Valuation Administrator's Office, and the United States Post Office, as further provided in The Addressing Guide for Lexington-Fayette Urban County Government, which is attached hereto and incorporated herein by reference as additional guidance in numbering and addressing properties, and filed with the urban county council clerk as a part of the public records of this government. In addition, the commissioner of public safety is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of sections 17-2 through 17-4, and which are not otherwise inconsistent with this section.

(f) No private access easement shall be named without the prior approval of the department of public safety. All private access easements that are named with the approval of the department of public safety shall have a regulation street sign placed at each intersection of the named easement and any other named easement or street. The regulation street sign shall be purchased and erected at the expense of the owner of the private access easement unless the street sign is located at the intersection of a private access easement and the public right-of-way.

(Ord. No. 231-89, § 1, 12-7-89; Ord. No. 3-96, § 1, 1-11-96; Ord. No. 329-2002, § 1, 12-5-02; Ord. No. 374-2006, §§ 1, 2, 12-12-06; Ord. No. 8-2010, § 1, 1-14-10)

Sec. 17-2.1. - Addressing.

(a) *Street number.* All addresses must contain a street number. No street number may contain more than four (4) digits or less than two (2) digits. Only whole numbers may be used in addresses. There shall be no non-sequencing of street numbers contained in addresses. Street number ranges shall be based on the Lyman Uniform Street Numbering System. The properties on Main Street, its extensions, and all thoroughfares parallel therewith shall be numbered east and west from Limestone and the properties on Limestone, its extensions, and all thoroughfares parallel therewith shall be numbered north and south from Main Street and shall be so numbered that the even numbers shall be on the south and east sides of the street and the uneven numbers shall be on the north and west sides of the street.

(b) *Street direction.* The directional terms of "north," "south," "east" and "west" shall only be used for addresses along streets crossing Main Street or Limestone as they extend to the Fayette County line. Such directional terms shall only be used as a prefix to the name of the street.

(c) *Street name.* All addresses must contain a street name. Such names may contain a maximum of twenty (20) letters, however, such names shall not contain fewer than two (2) letters. The following are prohibited in street names:

- (1) Punctuation;
- (2) Numerical digits or numerical names;
- (3) Leading single letter phrases or articles;
- (4) Initiating a street name with a directional term;
- (5) Confusing, obscene or irregularly spelled words;
- (6) Duplicate or closely approximate names of existing streets;
- (7) Abbreviations, except for the following which may be abbreviated: (a) Fort shall be abbreviated as "FT"; (b) Mount shall be abbreviated as "MT"; and (c) Saint shall be abbreviated as "ST"; and
- (8) Use of the words "service", "street", "drive", "avenue", or "court".

(d) *Street type.* An address may contain the following street type, abbreviated as stated:

Alley	ALY	Pass	PASS
Avenue	AVE	Path	PATH
Bayou	BYU	Pike	PIKE
Bluff	BLF	Place	PL
Bottom	BTM	Plaza	PLZ
Boulevard	BLVD	Point	PT
Canyon	CYN	Rest	RST
Causeway	CSWY	Road	RD
Circle	CIR	Row	ROW
Court	CT	Service Road	SRD
Cove	CV	Spur	SPUR
Drive	DR	Square	SQ
Flat	FLT	Street	ST
Fork	FRK	Terrace	TER
Gateway	GTWY	Trace	TRCE
Lane	LN	Trail	TRL
Loop	LOOP	Viaduct	VIA
Oval	OVAL	Walk	WALK
Park	PARK	Way	WAY
Parkway	PKWY		

- (1) The term "SRD" is reserved for service road designation and shall only be assigned to streets by the urban county government.
- (2) An address shall not contain a duplication of the type of street within its name (e.g., James Street Street). When an address contains the names of two types of streets, the first type becomes part of the street name and second type must be abbreviated (i.e., Fifth Street CT).
- (3) Streets having the same name, yet designated as different types of streets, are acceptable only when the streets are contiguous and have unique number sequences.
- (4) Structures must have an entrance easement to the street on which their address is assigned.
- (5) Name and number sequence continuation across intersecting roadways shall also result in continuation of the type of street.
- (6) Incomplete yet separate streets shall maintain duplicate names until it is determined that their connection is not applicable. Once the roadways are assessed as unconnectable, the addresses shall be changed to assign unique addresses for all affected segments.

(e) *Unit.* Structures with multiple units shall have each major doorway labeled with a range of numbers or other approved designations when said doorways lead to groups of leasable/salable portions of a building. Unit designations shall be required for addresses of multi-divided structures. Such designations shall be used to distinguish individual suites, units, rooms, or apartments within the same building or structure. No more than five (5) characters may be used in such unit designations. Such designations shall contain only letters or numbers. If abbreviations are used, they must follow the United States Postal Service's Standards for Secondary Address Unit Designators.

(Ord. No. 3-96, § 2, 1-11-96; Ord. No. 73-96, § 1, 5-16-96; Ord. No. 374-2006, § 3, 12-12-06; Ord. No. 8-2010, §§ 2—5, 1-14-10)

Sec. 17-3. - Renumbering.

(a) Whenever, in the opinion of the urban county council, it shall become necessary or advisable to renumber any or all properties and/or sites on a street, the department of public safety shall make a list of all properties and/or sites on such street and designate the numbers for all such properties or sites, and thereupon notify the owners, or occupants, if the owner be a nonresident thereof, to have the designated number properly displayed on such property or site.

(b) Any changes, updates or modifications to a property address will require the submittal of a new, updated or amended plat or such other documentation as is required by the department of public safety or the Fayette County Clerk to give notice of such change, update or modification.

(c) Any property owner requesting a change or modification to a property or site address shall be responsible for the payment of all costs incurred as a result of the change or modification. All such requests shall be submitted in writing to the addressing office of the division of enhanced 911, and shall be reviewable and subject to a determination by the address committee, which determination may by

appealed to the address board as further provided herein.

(Ord. No. 231-89, § 2, 12-7-89; Ord. No. 3-96, § 3, 1-11-96; Ord. No. 73-96, § 2, 5-16-96; Ord. No. 329-2002, § 2, 12-5-02; Ord. No. 8-2010, § 6, 1-14-10)

Sec. 17-4. - Maintenance of number display; defacement; noncompliance, penalties.

(a) The department of public safety is authorized to require the owner of any business or residential structure within the urban county from which the address, or any part thereof, has been removed or damaged to cause the same to be replaced at the expense of the owners thereof. The department of public safety shall also have the power to require the owner of any business or residential structure within the urban county to affix an address and/or building, site and/or property numbers, or any part thereof, as required in sections 17-2 through 17-4. The commissioner of public safety and citation officers authorized by ordinance may issue notices of violations and citations to enforce sections 17-2 through 17-4 and subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance and such citations may be enforced as civil offenses pursuant to the procedure set forth in this section and section 17-4.1

(b) *Violations.* The following shall constitute violations:

(1) The failure of any owner of a business or residential structure to affix an address and/or building, site and/or property numbers, or any part thereof, upon a structure or other device, within ten (10) business days of notification by the department of public safety;

(2) The failure of any owner of a private access easement to erect regulation street signs in accordance with this section within thirty (30) days from the date the department of public safety approves said request;

(3) The maintenance, by any person, of an address and/or a building, site or property number, or any part thereof, in such a way that it is not clearly visible and identifiable at all times during daylight hours, including, but not limited to, the removal of anything that obstructs such visibility;

(4) Defacing, moving, removing, or causing to be moved or removed any address and/or building, site or property number, or any part thereof, affixed upon a structure or other device, or any part thereof, placed by lawful authority;

(5) Naming a private access easement without the prior approval of the department of public safety; or

(6) Placing or causing to be placed any sign bearing a name not approved by the department of public safety upon any private access easement.

(7) Once the appropriate building permit(s) is issued, the owner of the property is required to post the assigned numbers for the site on a temporary sign that is conspicuously posted and visible, until such time as the permanent numbers can be displayed in accordance with the requirements of this section, which is to be done prior to any final inspection for occupancy.

(c) *Criminal penalty.* Every person failing to perform the duties required of him by or to comply with the provisions of sections 17-2 through 17-4, or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance, shall for every offense be fined not less than fifty dollars (\$50.00) nor more

than five hundred dollars (\$500.00), and each day's continuance of any such violation shall be a separate offense.

(d) *Alternative civil enforcement.* As an alternative remedy to the criminal penalties contained in this section, any person who violates any provision of sections 17-2 through 17-4, or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance, may be assessed civil fines of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), pursuant to the civil fine guidelines in section 17-4.1. For the purposes of civil enforcement, "person" means an individual, corporation, partnership, association, or any other legal entity, and "owner" means any person, agent, operator, firm, or corporation or other legal entity having a legal or equitable interest in the property where the violation occurs.

(e) Nothing contained in sections 17-2 through 17-4.8 of the code shall prohibit the urban county government from taking any action permitted by law to remedy a violation of its ordinances when there is reason to believe that the existence of the violation presents 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.

(Ord. No. 231-89, § 3, 12-7-89; Ord. No. 3-96, § 4, 1-11-96; Ord. No. 329-2002, § 3, 12-5-02; Ord. No. 374-2006, § 4, 12-12-06; Ord. No. 8-2010, § 7, 1-14-10)

Sec. 17-4.1. - Notice of violation; fines.

(a) *Notice of violation.* Prior to issuing the initial civil citation for any violation, the director, enhanced 911 or his representative, who shall be referred to hereinafter as the "code enforcement officer", shall first issue a written notice of violation. The notice of violation shall provide the following:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the notice of violation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code of ordinances or zoning ordinance violated;
- (6) The name of the code enforcement officer issuing the notice of violation;
- (7) The period of time within which the violation must be corrected in order to avoid the issuance of a citation; and
- (8) A statement to the effect that the failure to abate or correct the violation may result in the issuance of a citation and civil fine in the amounts set forth in this section.

(b) The provisions of chapter 2B of the code shall apply to the issuance of all civil citations and the administrative hearing process.

(c) Notices of violation and citations shall be served upon the person in violation, which in most instances shall be the owner of the property where the violation(s) exists. The following methods of

service are deemed to be sufficient: any method of personal service recognized under Kentucky law and/or the Kentucky Rules of Civil Procedures; mailing the notice or citation, via regular U.S. mail to the last known address of that person as it appears on the current tax assessment roll; delivery of the notice or citation by certified mail, return receipt requested; or in the event that the address of the person in violation cannot readily be ascertained from the tax rolls in the exercise of reasonable diligence, publication in a newspaper of general circulation for two (2) consecutive days upon the code enforcement officer making an affidavit to that effect. If notice is made by publication, a copy of such notice shall also be posted in a conspicuous place on the premises affected by the notice. All costs incurred in serving a person are recoverable. Any person may designate, in writing on a form provided by and filed with the division of enhanced 911, the name and address to where any notice or citations can be provided, and service to said name and address shall be sufficient. However, such designation does not shift or change the responsibility for compliance with the provisions of sections 17-2 to 17-4 to the designee, instead of the designating person.

(d) Civil fines assessed for violations of sections 17-2 through 17-4 shall be based on the number of citations issued within a twelve-month period as follows:

(1) The civil fine imposed upon the issuance of the first citation within any twelve-month period shall be a maximum of one hundred dollars (\$100.00) but shall be fifty dollars (\$50.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code;

(2) The civil fine imposed upon the issuance of the second citation within any twelve-month period shall be a maximum of two hundred dollars (\$200.00) but shall be one hundred dollars (\$100.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code;

(3) The civil fine imposed upon the issuance of the third citation within any twelve-month period shall be a maximum of three hundred dollars (\$300.00) but shall be one hundred fifty dollars (\$150.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code; and

(4) The civil fine imposed upon issuance of the fourth or more citation of the same nature within any twelve-month period shall be a maximum of five hundred dollars (\$500.00) but shall be two hundred fifty dollars (\$250.00) if the person pays the civil fine within seven (7) days of the date of the issuance of the citation, or corrects or abates the violation prior to the issuance of another citation for the same offense and does not appeal the citation in accordance with chapter 2B of the code;

(Ord. No. 374-2006, § 5, 12-12-06; Ord. No. 77-2011, § 22, 6-23-11)

Sec. 17-4.2. - Address enforcement administrative hearing board.

A hearing board is hereby created pursuant to KRS 65.8801 through 65.8839, to be known and referred to as the address enforcement administrative hearing board or address hearing board, to hear matters regarding enforcement of ordinances by the department of public safety through its division of

enhanced 911, as specified in code sections 17-2 through 17-4. The board shall be composed of three (3) members. Two (2) alternate members may serve on the board in the absence of regular members. The board shall operate under and be subject to the provisions of chapter 2B of the Code.

(Ord. No. 374-2006, § 6, 12-12-06; Ord. No. 77-2011, § 23, 6-23-11)

Sec. 17-4.3. - Meetings.

The board shall meet on a designated day of each calendar month, as established by the board, if written applications for appeal have been filed or other business is pending before the board, or at such other times as deemed necessary by the board. The board secretary shall give seven (7) days' public notice of board meetings. The board shall not hear a request for an appeal until the required public notice has been given.

(Ord. No. 374-2006, § 8, 12-12-06; Ord. No. 77-2011, § 25, 6-23-11)

Editor's note— Ord. No. 77-2011, § 24, adopted June 23, 2011, deleted § 17-4.3 which pertained to powers of address board and derived from Ord. No. 374-2006, § 7, adopted Dec. 12, 2006; and Ord. No. 8-2010, § 8, adopted Jan. 14, 2010. Ord. No. 77-2011, § 25, renumbered § 17-4.4 as § 17-4.3 to read as set out herein.

Secs. 17-4.4—17-4.7. - Reserved.

Editor's note— Ord. No. 77-2011, § 26, adopted June 23, 2011, deleted §§ 17-4.5—17-4.7, which pertained to right to appeal, notice of hearing; hearing; and appeal, respectively, and derived from Ord. No. 374-2006, §§ 9—11, adopted Dec. 12, 2006; and Ord. No. 8-2010, § 9, adopted Jan. 14, 2010.

Sec. 17-4.8. - Lien(s).

(a) The urban county government shall possess a lien on property owned by the person found by a final, non-appealable order of the address hearing board or by a final judgment of a court of competent jurisdiction to have committed a violation of an ordinance for all fines or civil fines assessed for the violation and for all charges and fees incurred by the government in connection with enforcement of sections 17-2 through 17-4 of the code or subsection 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance, including but not limited to an administrative fee of seventy-five dollars (\$75.00) and the costs of service, publication, and recording. The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid. The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes and may be enforced by civil proceedings.

(b) In addition to the remedy prescribed in the foregoing section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees, and costs incurred by the urban county government in connection with enforcement. The urban county government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(c) *Release of liens.* The mayor is authorized and directed to execute a release of the lien:

- (1) Upon payment in full of all civil fines, charges and fees evidenced by the lien, together with applicable interest,
- (2) Upon conclusion of court proceedings resulting in the sale of the property regardless of whether any part of the liens, charges and fees were paid from the proceeds of the sale, or
- (3) Upon a determination made in conjunction with the commissioner of law and the director of enhanced 911 that the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.

The lien release shall be recorded in the office of the county clerk.

(d) *Unenforceable liens*: The commissioner of law is hereby authorized to make the determination that liens shall not be filed if the cost of collection of the lien would be greater than the lien itself, or when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.

(Ord. No. 374-2006, § 12, 12-12-06)