Sponsors:	Commissioner Wendell Stewart
	Commissioner Mason Barnes
Second Reading:	April 9, 2018
Publication Date:	April 19, 2018

ORDINANCE NO. 2018 - 005

ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY ESTABLISHING A HISTORIC OVERLAY, CREATING A HISTORIC PRESERVATION COMMITTEE, ESTABLISHING CERTAIN BUILDING CRITERION, AND PROVIDING AN APPEALS PROCESS AND PENALTIES FOR VIOLATIONS

WHEREAS, the Board of Commissioners of the City of Franklin, Kentucky recognizes the importance of preserving the history of certain areas of the community; and,

WHEREAS, the Board of Commissioners deems it in the public interest to take further steps to protect the City's historic areas and buildings from demolition and inappropriate alterations and to encourage the rehabilitation of buildings and appropriate new construction on land within the historic areas of the City; and

WHEREAS, the Board of Commissioners desires to help owners continue to use their historic buildings;

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky as follows:

There shall be a new Chapter 161 in the Franklin City Code as follows:

CHAPTER 161: HISTORIC PRESERVATION

§ 161.01 PURPOSE.

The purpose of the historic district overlay (HDO) is to provide a mechanism for the preservation of sites, structures, and districts of historical, archaeological, or architectural significance together with their appurtenances and environmental settings. The HDO is meant to enhance, not substitute for the underlying zoning classification. This article imposes additional requirements for the structures in these areas, and imposes additional requirements during the construction, alteration, reconstruction, moving and demolition of sites and structures located within the HDO. These requirements are in addition to those of the existing conventional underlying zoning district, which controls land use to the extent not in conflict with this chapter. To the extent of a conflict, this chapter controls.

§ 161.02 GOALS.

The HDO is intended to advance the following goals:

(1) Safeguard the heritage of the city by preserving sites, structures, or districts which reflect elements of the city's cultural, social, economic, political, architectural, or archaeological history;

(2) Stabilize and improve property values of such sites, structures, or districts;

(3) Foster civic beauty and pride in the accomplishments of the past;

(4) Strengthen the economy of the city;

(5) Preserve and enhance quality of life;

(6) Promote the preservation and appreciation of the sites, structures, and districts for the education and welfare of the residents of the city;

(7) Develop an awareness among property owners of the value of preserving, protecting, and restoring areas of historical, archaeological or architectural significance; and,

(8) Enable the city to identify and officially designate sites, structures and districts of historical, archaeological or architectural importance to the city in order to make such sites, structures and districts eligible for specific benefits that may be available from various local, state or federal programs.

§ 161.03 DEFINITIONS.

(1) Alteration: Any construction, replacement, demolition or change to the exterior, of a building or structure that is visible to the public that may affect the historic, archeological, or architectural significance of a designated site or structure.

(2) Appurtenances and environmental settings: All that space of grounds and structures thereon, which surrounds a designated site or structure and to which it relates physically or visually. Appurtenances and environmental settings shall include, but not be limited to walkways and driveways (paved or unpaved), trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, public spaces and rocks.

(3) Certificate of appropriateness (COA): A document approving or disapproving a proposal to make an alteration in the appearance of a property located within a designated HDO, which must first be obtained from the Historic Preservation Committee ("HPC") before any alteration may be undertaken.

(4) Cultural resource survey: A process, which defines a proposed HDO boundary and identifies all structures as contributing or non-contributing. "Contributing" are those, which are predominant styles of the area and built during the era when the bulk of the structures in the HDO were constructed. "Non-contributing" are those, which have been severely altered and/or were built at a later date and do not therefore contribute to the historic architectural fabric of the area. The survey also includes an overview of the history and development, detailing the significance of the area history and architecture. It contains photographs and a brief description of each structure.

(5) *Demolition:* Any act that destroys in whole or in part a landmark, building or structure in a historic district.

(6) *Exterior features:* Exterior features include the architectural style, design, and general arrangement of the exterior, the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs, and similar items found on, or related to the features of an historic site or the exterior features of a historic resource within a historic district.

(7) *Historic district overlay work permit:* A permit approved by the Historic Preservation Committee and issued by the building inspector authorizing work on any property located within the HDO.

(8) *Legal owner:* A titled owner of record in the Simpson County Clerk's Office.

(9) *New construction:* Any addition to an existing building or structure or the construction of a new building or structure.

(10) *Ordinary maintenance and repairs:* Any work, the purpose of which is to correct deterioration or to prevent deterioration of an historic property. The work shall restore the property to its appearance prior to deterioration. The work shall involve the use of the same building materials that are as close as possible to the original. Work that changes the appearance of the exterior shall be considered an alteration.

(11) *Preservation plan:* A set of design guidelines created by the residents and property owners of an HDO used to determine the appropriateness of alterations in the decision-making process by the HPC.

(12) *Reconstruction:* The process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

(13) *Restoration:* The process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that point.

(14) *Standards for rehabilitation:* Shall mean the Secretary of Interior's standards for rehabilitation as follows:

(i) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(ii) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(iii) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(iv) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(v) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(vi) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration required replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(vii) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(viii) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(ix) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

(x) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

As stated above in the definition, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic building will be needed in order to provide for an efficient contemporary use; however, these repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. For example, certain treatments—if improperly applied—may cause or accelerate physical deterioration of the historic building. This can include using improper repointing or exterior masonry cleaning techniques, or introducing insulation that damages historic fabric. In almost all of these situations, use of these materials and treatments will result in a project that does not meet the standards. Similarly, exterior additions that duplicate the form, material and detailing of the structure to the extent that they compromise the historic character of the structure will fail to meet the standards.

15. Structure: Anything constructed or erected, the use of the ground, including (but without limiting the generality of the foregoing) barns; smokestacks; advertising signs; billboards;

backstops for tennis courts; bridges; fences; pergolas; gazebos; radio and television antennae, solar collectors and microwave antennae, including the supporting towers; roads; ruins; or remnants (including foundations); swimming pools or walkways.

§ 161.04 HISTORIC PRESERVATION COMMITTEE (HPC).

The HPC membership shall consist of six (6) members appointed by the City of Franklin, Kentucky Board of Commissioners. Of the six (6) members, one (1) member shall be appointed from the members of the Board of Commissioners of the City of Franklin, and one (1) member shall be appointed from the membership of the Board of Directors of Franklin-Simpson Renaissance, Inc. Initial appointments shall be as follows: two (2) appointments for a one-year term; two (2) appointments for two-year terms and two (2) appointments for three-year terms. All subsequent appointments to full terms shall be for three-year terms. Members may serve an unlimited number of consecutive or non-consecutive terms. When a vacancy occurs during a term of office, it shall be filled within (60) days, to fill the unexpired portion of the term. At least three (3) members must possess some expertise in the area of architecture, engineering, land use planning, archaeology, historic preservation or some related field. No member of the board shall vote on any matter that may affect the property, income or business interest of that member.

§ 161.05 DUTIES AND POWERS OF THE HPC.

The duties and powers of the HPC shall be as follows:

(1) Shall elect members each year to serve as chair, vice chair and secretary. The chair shall preside at meetings and be the spokesperson for the HPC. In the absence of the chair, the vice chair perform the duties of the chair. The secretary shall be responsible for the minutes of the HPC

(2) Shall adopt rules for the organization, conduct meetings and hold regular and special meetings as deemed necessary and appropriate. All meetings shall comply with KRS 61.800, et seq. (Open Meetings Statute). Written agendas shall be prepared for all meetings and made available for public inspection. A simple majority of the HPC shall be required to conduct business.

(3) Shall act upon all applications for certificate of appropriateness as required by this article;

(4) Shall maintain and update an inventory of historic preservation properties for Franklin;

(5) Shall review all petitions for designation as an historic site, structure or district and submit recommendations to the Franklin Board of Commissioners;

(6) Shall review any application for a zoning text or map amendment, conditional use, variance, site plan or subdivision approval, and any legislation or other proposals affecting properties which are located within a designated historic site, structure or district or which have

preservation easements, including preparation and amendment of master plans, and make recommendations thereon to the appropriate authorities;

(7) Shall have the right to accept and use gifts and services, which are given to the City of Franklin specifically for use by the HPC for the exercise of its functions.

(8) Shall adopt rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, repair, moving and demolition of property in the HDO, which are consistent with the Secretary of the Interior's Standards for Rehabilitation. Guidelines may include design characteristics intended to meet the needs of particular types of sites, structures, and districts, and may identify categories of changes that do not require review by the HPC because they are minimal in nature and do not affect historic, archeological or architectural significance. These design guidelines shall be used in the HPC's review of applications for a certificate of appropriateness.

(9) May, at the request of an applicant, receive information concerning the location and configuration of interior features in connection with an application for a certificate of appropriateness, which information may be used by the applicant in connection with explaining the applicant's request for the certificate of appropriateness. The HPC may receive this information for use in evaluation of the overall application.

(10) May institute an action for injunctive relief or require routine maintenance of a site or structure within the HDO, to require compliance with the provisions of this article or any permit issued hereunder, and to prohibit a violation of the provisions of this article.

(11) May acquire easements in connection with individual sites or structures, or with sites or structures located in or adjacent to a HDO area. Such easements may grant to the HPC, the residents of the HDO area, and the general public the right to ensure that any site or any structure and surrounding property upon which the easement is applied is protected in perpetuity from changes which would affect its historic, archeological or architectural significance.

(12) Annual report: The HPC shall report at least annually to the Franklin Board of Commissioners.

§ 161.06 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES.

(1) Initiation of Nominations: The Franklin Board of Commissioners shall initiate all nominations within the city for inclusion on the National Register of Historic Places. The commission and the HPC shall both submit a recommendation on each proposed nomination. Within (60) days of the receipt of a nomination from a private citizen or the initiation of a nomination by the city, both commission and HPC shall conduct a public hearing on the proposed nomination. Regardless of whether they agree or not both recommendations shall be forwarded to

the owner of the property and the Kentucky Heritage Council. If the HPC and the commission both recommend that the property not be nominated, the Kentucky Heritage Council shall inform the property owner, the Kentucky Historic Preservation Review Board and the State Historic Preservation Officer (SHPO), and the property shall not be nominated unless an appeal is filed with the SHPO.

(2) Review of Nominations: If either or both the commission and the HPC agree that the property should be nominated for inclusion on the National Register of Historic Places, the nomination shall receive a preliminary review by the Kentucky Historic Preservation Review Board, who shall make a recommendation to the SHPO, who shall then decide whether or not to forward the nomination to the United States Secretary of the Interior, in whom is vested final authority to certify the inclusion of the property on the National Register. The commission, the HPC or the owner of the property may appeal the final decision of the SHPO.

§ 161.07 DESIGNATION OF THE HISTORIC DISTRICT OVERLAY (HDO) FOR HISTORIC SITES, STRUCTURES AND DISTRICTS AND CERTAIN PROVISIONS RELATED TO THE DOWNTOWN HISTORIC DISTRICT.

(1) The Board of Commissioners may designate boundaries for sites, structures, or districts of historic, archaeological, or architectural significance consistent with adopted criteria for such designation.

(i) The Downtown Historic District shall be considered the area bounded as follows:

See map attached as Exhibit A and incorporated herein by reference.

(ii) Historic District Overlay Design Guidelines are hereby approved and adopted by reference in their entirety and made a part of the public records of the City of Franklin and a copy of said regulations shall be placed and kept on file in the office of the City Clerk where they may be inspected by any person for any reason during the hours such office is open.

(iii) With regard to the structures located in the Downtown Historic District and regardless of any other ordinance to the contrary including, but not limited to applicable zoning ordinances, the first floor of a structure located within the area of the defined Downtown Historic District shall serve as commercial property only and, further, shall only be used for those commercial purposes permitted in a B-1 zone. No one shall be allowed to occupy the first floor store front portion of the structure as a residence. A rear entrance residence may be allowed if that portion of the structure was designed as residential prior to the passage of this chapter, and if approved in writing by the HPC.

(2) Criteria for designation. In considering any property for designation as a historic site/structure/district, the HPC shall consider the property as an eligible designation when it meets one or more of the following criteria listed under either subsection (i) or (ii):

(i) *Historic, archaeological, and cultural significance:*

a. The property has significant character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation;

b. The property is the site of an historic event;

c. The property is identified with a person or group of persons who have historical significance or who have influenced society; or

d. The property exemplifies the cultural, economic, social, political or historic heritage of the city.

(ii) *Architectural and design significance:*

a. The property embodies the distinctive characteristics of a type, period or method of construction or architecture;

b. The property represents the work of a master craftsman, architect, or builder;

c. The property possesses significant artistic value;

d. The property represents a significant and distinguishable entity whose components may lack individual distinction;

e. The property represents an established and familiar visual feature of the neighborhood, community or city due to its singular physical characteristics, landscape or historical event; or

f. The property is a rare example of a particular period, style, material or construction technique.

(3) Procedure for designation of a HDO.

(i) Petitions for designation as a historic site or structure shall be initiated by the legal owners of the site or structure. Petitions for designation of an HDO shall be initiated by a majority of the owners of the properties comprising the proposed district. Petition for designation of an historic site, structure or HDO may also be made within the downtown commercial district or central business district by the Board of Commissioners with input from the public.

(ii) Petitions for designation shall be filed with, and on forms provided by the city manager, which will refer the petition to the HPC.

(iii) All petitions shall include the following:

a. A detailed cultural resource survey of the HDO;

b. A detailed preservation plan for the HDO;

(iv) The HPC will refer the petition to other appropriate agencies for comment. In addition, the planning staff will review the facts and relevant information concerning a petition and render a report thereon.

(v) Upon receipt of the recommendations of the planning staff, the HPC shall schedule a public hearing on the petition, which must be held within forty-five (45) days of the receipt of those recommendations. All hearings shall be held in accordance with KRS 82.660.

(vi) Upon finding that a proposed designation meets the intent of this article, and that such designation is in the public interest of the citizens of the City of Franklin, the HPC may recommend to the Board of Commissioners the designation of an historic site/structure/district and, if such a designation is made, the change in the HDO to be posted on the official city zoning map.

(vii) After concluding a hearing on a petition, the Board of Commissioners shall issue their decision. If the decision of the Board of Commissioners is to make such designation, the City Attorney shall prepare an ordinance to affect that result and the Planning and Zoning Administrator shall cause a change in the map upon the adoption of the ordinance.

§ 161.08 AMENDMENT OR RESCISSION OF HISTORIC DISTRICT OVERLAY DESIGNATION.

Amendments to or rescission of any HDO or applicable guidelines shall be conducted in the same manner required for the original designation and or guidelines.

§ 161.09 WORK WITHIN THE HISTORIC DISTRICT OVERLAY.

(1) Certificate of Appropriateness (COA): A certificate of appropriateness shall be required prior to the construction, alteration, reconstruction, repair, moving or demolition of any property in the HDO that would involve exterior changes, which would affect the historic, archaeological or architectural significance of such property. The person or entity proposing to make such change shall file with the HPC an application for permission to undertake the requested work and receive approval for the requested work from the HPC. A certificate of appropriateness is valid for one (1) year after is issued but may be extended by the HPC. All authorized work must

commence and required building permits must be issued within that time. A certificate of appropriateness is required even when the proposed work does not require a building permit.

(2) Activities which require a certificate of appropriateness include, but are not limited to:

(i) Repair or replacement of roofs, gutters, siding, masonry, external doors and windows, trim, lights and other appurtenant fixtures, with different materials or different design;

(ii) Removal or relocation of a building, structure or object, or a portion thereof, including outbuildings;

(iii) New construction or any enlargement, modification, or alteration of the exterior of an existing building, structure or object, which requires a building permit;

(iv) Removal, replacement, or enclosure of porches;

(v) Basic alteration of materials, including installation of siding, shingles, or masonry facing;

(vi) Removal or topping of healthy trees which are significant because of their substantial age or size, relationship to a historic structure or event, recognition as an important species, or identification as having unusual or unique character or form, or which have been identified in a survey or inventory of historic structures;

(vii) Installation or removal of fencing or fence walls;

(viii) Installation or removal of shutters;

(ix) New paving, modification of paving materials or removal of paving;

(x) Removal, installation, modification or alteration of exterior architectural features;

(xi) Exterior sandblasting, water blasting, other abrasive cleaning or chemical cleaning; and

(xii) First-time painting or permanent removal of paint.

(3) All applications for a certificate of appropriateness shall be referred to and considered by the HPC, which shall accept or reject the application within forty-five (45) days from the date that the completed application was filed with the HPC unless an extension of this

forty-five-day period is agreed upon mutually by the applicant and the HPC or unless the application has been withdrawn. No permit for any such construction or change may be granted until the HPC has acted thereon. An application, which is identical to the rejected application, shall not be resubmitted within a period of one (1) year after the rejection.

(4) Activities, which do not require a certificate of appropriateness are the following:

(i) "Routine Maintenance" as defined;

(ii) Tree trimming or ground vegetation control activities in the vicinity of electric and telephone wires when such work is necessary to the public safety and maintenance of service reliability and is performed by or for a utility according to American National Standards Institute A300 standards or other tree trimming and vegetation control standards set by agreement between the utility and a state or local governmental agency; or

(iii) Performance of emergency work on overhead or underground public utility facilities, so long as the area in which such work is performed is returned to substantially the same conditions before performance of the work.

(5) If after having first attempted to obtain a certificate of appropriateness, the property owner can show that modification or denial of his proposal will cause undue hardship, the property owner may apply for a variance from the Board of Commissioners. The burden of proof is on the property owner to prove that the failure to approve a certificate of appropriateness will result in undue hardship or preclude any reasonable use of the property.

(6) Stop work order. In the event work is being performed without the required certificate of appropriateness or not in accordance with the certificate of appropriateness, the HPC shall direct the building official to issue a stop work order. All work shall cease on the property and no additional work shall be undertaken until authorized by the HPC.

(7) Emergency conditions. In any case where the building official determines that there are emergency conditions dangerous to life, health and property affecting a property in an HDO, he may order the remedying of these conditions without the approval of the HPC. Whenever possible the building official shall consult with the chair of the HPC about the action proposed.

(8) Criteria for review of a certificate of appropriateness. All applications for a certificate of appropriateness shall be reviewed by the HPC in accordance with the guidelines and criteria adopted pursuant to this article. Interior features of a structure shall not be considered by the HPC unless requested by the applicant. In addition, in reviewing applications filed under the provisions of this Article, the HPC shall give consideration to:

(i) The historic, archaeological or architectural significance of the site or structure and its relationship to the historic, archaeological significance of the surrounding area;

(ii) The relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area;

(iii) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used;

(iv) Any other factors, including aesthetic and environmental factors which the HPC deems pertinent; and,

(v) In cases of an application for work by a public utility company, the need for the work in order to meet public service commission requirements or to meet public needs.

(9) Conformity with the certificate of appropriateness. All work performed pursuant to a certificate of appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the building inspector and the HPC to inspect from time to time any work being performed to assure compliance. In the event work is being performed which is not in accordance with the COA, the HPC shall direct the building inspector to issue a stop work order. All work shall cease on the designated property.

§ 161.10 APPEALS.

Any person aggrieved by any action or decision of the HPC has the right of appeal to the Simpson Circuit Court within (30) days of the action of the committee.

§ 161.11 PENALTIES.

(1) A person who violates any provision of this subchapter shall be subject to civil penalties of $250.00 for the first offense and $500.00 for the second and subsequent offenses. Each day a violation continues after due public notice has been served of the violation shall constitute a separate offense.

(2) The City of Franklin shall possess a lien on the property of such person or entity committing the violation for all fines, penalties, charges, and fees imposed pursuant to this chapter. The lien shall be superior to and have priority over all other subsequent liens on the property, except state, county, school and city taxes.

(3) Civil penalties imposed for violation of this chapter shall be enforced by and through the provisions of Chapter 160 regarding the Code Enforcement Officer and Code Enforcement Board.

If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

March 26, 2018 FIRST READING

April 9, 2018 SECOND READING

At a meeting held on April 9, 2018, on motion made by Commissioner Barnes and seconded by Commissioner Stewart the foregoing ordinance was adopted, after full discussion, by the following vote:

YES	LARRY DIXON
YES	JAMIE POWELL
YES	MASON BARNES
YES	WENDELL STEWART
YES	RONNIE CLARK, MAYOR

APPROVED BY:

Ronnie Clark, Mayor

ATTEST:

Cathy Dillard, City Clerk

EXHIBIT A

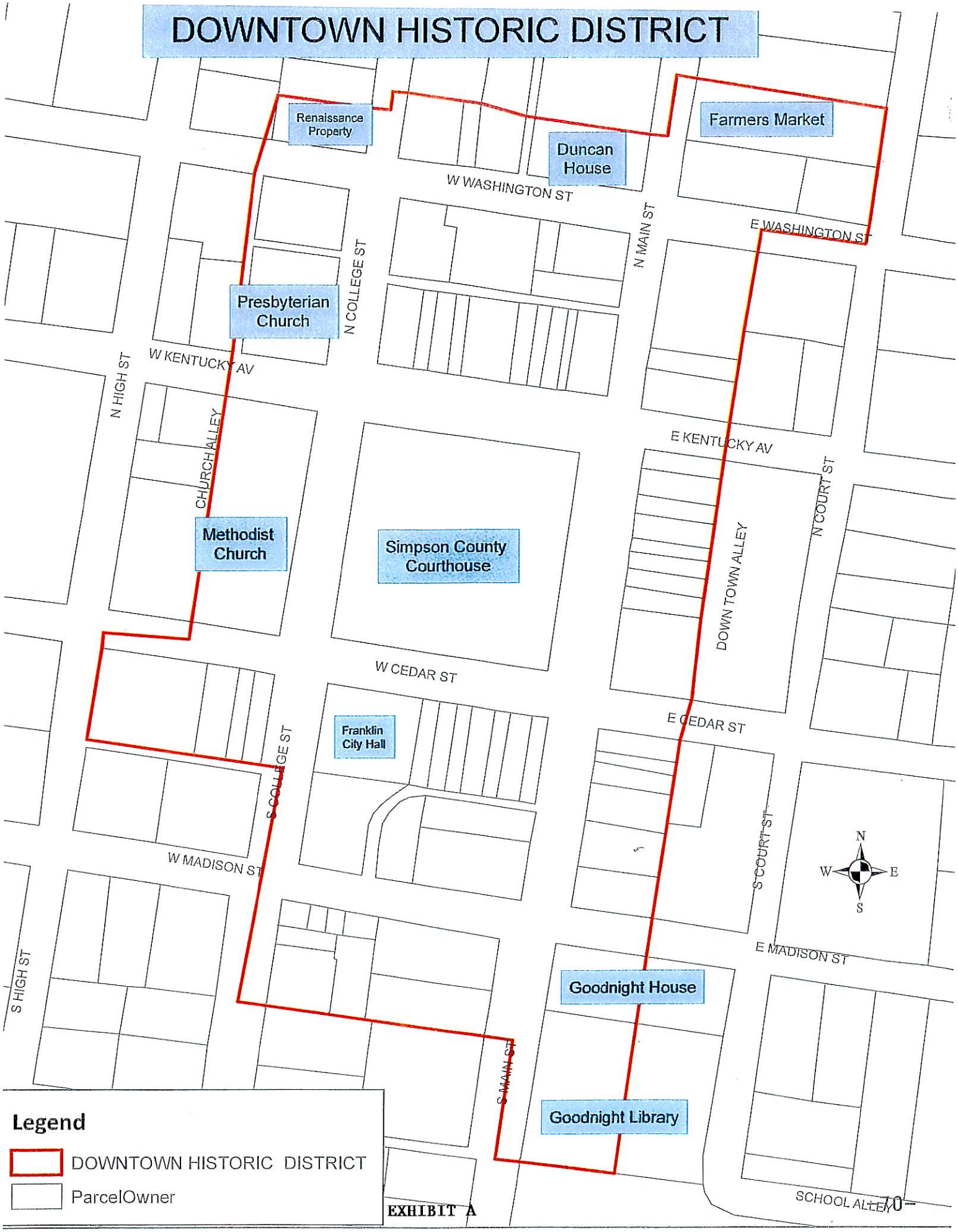

EXHIBIT A

SUMMARY OF ORDINANCE
CITY OF FRANKLIN, KENTUCKY

A summary of an ordinance of the City of Franklin, Kentucky, adopted by the Board of Commissioners on April 9, 2018, which summary is also the title or caption of said ordinance:

ORDINANCE NO. 2018 - 005

ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY ESTABLISHING A HISTORIC OVERLAY, CREATING A HISTORIC PRESERVATION COMMITTEE, ESTABLISHING CERTAIN CRITERION, AND PROVIDING AN APPEALS PROCESS AND PENALTIES FOR VIOLATIONS

The ordinance sets forth its purpose, goals, and specifically sets out definitions for terms used in the ordinance. It also creates and establishes a Historic Preservation Committee which is composed of six regular members, with one member being appointed from the Board of Commissioners of the City of Franklin, and one member appointed from the Board of Directors of Franklin-Simpson Renaissance, Inc. The ordinance sets forth the term of the members, organization of the committee, powers of the committee, and how enforcement procedures shall be conducted. It allows for nominations of properties to be made to the National Register of Historic Places. It designates the area to be known as the Historic District, a map of which is attached hereto as Exhibit A and incorporated herein by reference. It also provides guidelines for buildings to be maintained in the Historic District. It requires a Certificate of Appropriateness to be received from the Historic Preservation Committee prior to any work being maintained on a building located in the Historic District. It further sets forth what type of renovations require a Certificate of Appropriateness. It allows for the Historic Preservation Committee to direct the Building Inspector to issue a Stop Work Order when work is being performed in contradiction to the Certificate of Appropriateness, and sets forth that the building official can require emergency actions/repairs when a building creates an emergency condition. It also provides for appeal procedures and penalties, with both of those sections being set forth in full hereinbelow.

§ 161.10 APPEALS.

Any person aggrieved by any action or decision of the HPC has the right of appeal to the Simpson Circuit Court within (30) days of the action of the committee.

§ 161.11 PENALTIES.

(1) A person who violates any provision of this subchapter shall be subject to civil penalties of $250.00 for the first offense and $500.00 for the second and subsequent offenses. Each day a violation continues after due public notice has been served of the violation shall constitute a separate offense.

(2) The City of Franklin shall possess a lien on the property of such person or entity committing the violation for all fines, penalties, charges, and fees imposed pursuant to this chapter. The lien shall be superior to and have priority over all other subsequent liens on the property, except state, county, school and city taxes.

(3) Civil penalties imposed for violation of this chapter shall be enforced by and through the provisions of Chapter 160 regarding the Code Enforcement Officer and Code Enforcement Board.

The full text of the ordinance is available at City Hall during normal business hours.

CERTIFICATION

I, the undersigned City Clerk of the City of Franklin, Kentucky, hereby certify that the foregoing Summary of Ordinance No. 2018-005 of the City of Franklin, Kentucky was approved by the Board of Commissioners after second reading on April 9, 2018, and was further approved for publication following adoption according to law.

Witness my hand this 9th day of April, 2018.

Cathy Dillard

Cathy Dillard, Clerk
City of Franklin, Kentucky

PREPARATION CERTIFICATE

The undersigned Attorney at Law licensed to practice in Kentucky hereby certifies that the foregoing Summary of Ordinance No. 2018-005 of the City of Franklin, Kentucky, was prepared by the undersigned and constitutes a general summary of certain essential provisions of said ordinance, reference to the full text of which ordinance is hereby made for a complete statement of its provisions and terms.

W. SCOTT CRABTREE
Attorney at Law
212 South College Street
P. O. Box 615
Franklin, Kentucky 42135-0615