

**100.405 Enforcement of binding elements classified as civil offenses -- Exception to powers of classification.**

- (1) The planning commission in counties containing a city of the first class or a consolidated local government may issue remedial orders and impose civil fines as a method of enforcing a binding element when a violation of that binding element has been classified as a civil offense in accordance with this section.
- (2) Subject to the limitations set forth in subsections (1) and (3) of this section, if a local government elects to enforce a binding element as a civil offense, it shall do so by ordinance, which shall provide:
  - (a) That a violation of the binding element is a civil offense; and
  - (b) A maximum civil fine that may be imposed for each violation of a binding element.
- (3) No local government shall classify the violation of a binding element as a civil offense if the violation would also constitute an offense under any provision of the Kentucky Revised Statutes, including specifically and without limitation any provision of the Kentucky Penal Code and any moving motor vehicle offense.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 346, sec. 156, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 10, sec. 3, effective July 15, 1998.