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§ 10.01 SHORT TITLES.

(A) (1) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Houston Acres Code, for which designation codified ordinances or code may be substituted.

(2) Code, title, chapter and section headings do not constitute any part of the law as contained in the code.

(KRS 446.140)

(B) (1) All references to codes, titles, chapters and sections are to those components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.”

(2) Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 DEFINITIONS.

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTION. Includes all proceedings in any court of this state.
(KRS 446.010(1))

AND. May be read ***OR***, and ***OR*** may be read ***AND***, if the sense requires it.

ANIMAL. Includes every warm-blooded living creature except a human being.
(KRS 446.010(2))

CATTLE. Includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex.
(KRS 446.010(7))

CITY, MUNICIPAL CORPORATION or MUNICIPALITY. When used in this code shall denote the City of Houston Acres irrespective of its population or legal classification.

COMMISSION. The City Commission.
(KRS 83A.010(3))

COMPANY. May extend and be applied to any corporation, company, person, partnership, joint stock company or association.
(KRS 446.010(8))

CORPORATION. May extend and be applied to any corporation, company, partnership, joint stock company or association.
(KRS 446.010(9))

COUNTY. Jefferson County, Kentucky.

CRUELTY. As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering or death is caused or permitted.
(KRS 446.010(11))

DIRECTORS. When applied to corporations, includes managers or trustees.
(KRS 446.010(12))

DOMESTIC. When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state.
(KRS 446.010(13))

DOMESTIC ANIMAL. Any animal converted to domestic habitat.
(KRS 446.010(14))

EXECUTIVE AUTHORITY. The City Commission.
(KRS 83A.010(6))

FEDERAL. Refers to the United States.
(KRS 446.010(16))

FOREIGN. When applied to a corporation, partnership, business trust, or limited liability company, includes all those incorporated or formed by authority of any other state.
(KRS 446.010(17))

KEEPER or PROPRIETOR. Includes all persons, whether acting by themselves or as a servant, agent, or employee.

KRS. Kentucky Revised Statutes.

LAND or REAL ESTATE. Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest.
(KRS 446.010(22))

LEGISLATIVE BODY. The City Commission.
(KRS 91A.010(8))

LEGISLATIVE BODY MEMBER. A City Commissioner.
(KRS 83A.010(8))

MAY. The act referred to is permissive.
(KRS 446.010(24))

MONTH. Calendar month.
(KRS 446.010(25))

MUNICIPALITY. The City of Houston Acres, Kentucky.

OATH. Includes affirmation in all cases in which an affirmation may be substituted for an **OATH**.
(KRS 446.010(26))

ORDINANCE. Refers to the ordinances or the text of the code of ordinances of this city.
(1983 Code, § 130.3 § 1(a))

PEACE OFFICER. Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, police officers and other persons with similar authority to make arrests.
(KRS 446.010(29))

PERSON. May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies and limited liability companies.
(KRS 446.010(31))

PERSONAL PROPERTY. Includes all property except real.

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates and interests.

PUBLIC AUTHORITY. Includes boards of education; the municipal, county, state or federal government, its officers or an agency thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance or any other place for the sale of merchandise, public accommodation or amusement.

REAL PROPERTY. Includes lands, tenements and hereditaments.

REGULAR ELECTION. The election in even-numbered years at which members of Congress are elected, and the election in odd-numbered years at which state officers are elected.
(KRS 446.010(34))

SHALL. The act referred to is mandatory.
(KRS 446.010(36))

SIDEWALK. That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

STATE. The Commonwealth of Kentucky.

STREET. Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the city.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

SWORN. Includes affirmed in all cases in which an affirmation may be substituted for an oath.
(KRS 446.010(40))

TENANT or **OCCUPANT.** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

VACANCY IN OFFICE. Exists when there is an unexpired part of a term of office without a lawful incumbent therein, when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, city or district, or otherwise.
(KRS 446.010(43))

VIOLATE. Includes failure to comply with.
(KRS 446.010(44))

YEAR. Calendar year.
(KRS 446.010(46))

§ 10.03 RULES OF CONSTRUCTION.

(A) *Singular includes plural.* A word importing the singular number only may extend and be applied to several persons or things, as well as to 1 person or thing, and a word importing the plural number only may extend and be applied to 1 person or thing as well as to several persons or things.
(KRS 446.020(1))

(B) *Masculine includes feminine.* A word importing the masculine gender only may extend and be applied to females as well as males.

(KRS 446.020(2))

(C) *Liberal construction.* All sections of this code shall be liberally construed with a view to promote their objects and carry out the intent of City Commission.

(KRS 446.080(1))

(D) *Retroactivity.* No ordinance shall be construed to be retroactive, unless expressly so declared.

(KRS 446.080(3))

(E) *Technical terms.* All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases, and others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to that meaning.

(KRS 446.080(4))

(F) *General term after specifics.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(1983 Code, § 130.3 § 2(c))

§ 10.04 COMPUTATION OF TIME.

(A) In computing any period of time prescribed or allowed by order of court, or by any applicable ordinance or regulation, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, a legal holiday or a day on which the public office in which a document is required to be filed is actually and legally closed, in which event the period runs until the end of the next day which is not 1 of the days just mentioned. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(B) When an ordinance, regulation or order of court requires an act to be done either a certain time before an event or a certain time before the day on which an event occurs, the day of the event shall be excluded in computing the time. If the day thereby computed on which or by which the act is required

to be done falls on a Saturday, Sunday, legal holiday or a day on which the public office in which the act is required to be completed is actually and legally closed, the act may be done on the next day which is none of the days just mentioned.

(C) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month and that day is Sunday, the proceeding shall take place or the act shall be done on the next day that is not a legal holiday.

(KRS 446.030)

(D) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, reasonable time or notice shall mean the time only as may be necessary for the prompt performance of the duty or compliance with the notice.

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

(A) Words giving authority to 3 or more public officers or other persons shall be construed as giving the authority to a majority of the officers or other persons.

(KRS 446.050)

(B) When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include those acts when done by an authorized agent.

§ 10.06 WRITINGS AND SIGNATURES.

(A) When this code requires any writing to be signed by a party thereto, it shall not be deemed to be signed unless the signature is subscribed at the end or close of the writing.

(B) Every writing contemplated by this code shall be in the English language.

(KRS 446.060)

§ 10.07 SEVERABILITY.

It shall be considered that it is the intent of City Commission in enacting any ordinance, that if any part of the ordinance be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected

with and dependent upon the unconstitutional part that it is apparent that City Commission would not have enacted the remaining parts without the unconstitutional part; or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of City Commission.

(KRS 446.090)

§ 10.08 REVIVOR.

(A) A repealed ordinance without a delayed effective date is revived when the ordinance that repealed it is repealed by another ordinance enacted at the same meeting of City Commission.

(B) A repealed ordinance with a delayed effective date is revived by the enactment of a repealer of the ordinance that repealed it at the same or any subsequent meeting of City Commission as long as it takes effect prior to the effective date of the original repealer.

(C) An amended ordinance without a delayed effective date remains unchanged with respect to an amendment which is repealed at the same meeting of City Commission which enacted the amendment.

(D) An amended ordinance with a delayed effective date remains unchanged with respect to that amendment if the ordinance making the amendment is repealed at the same or at a subsequent meeting of City Commission, as long as the repealing ordinance takes effect prior to the effective date of the original amendment.

(E) No other action of City Commission repealing a repealer or an amendment shall have the effect of reviving the original language of the repealer or amendment, as the case may be.

(KRS 446.100)

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

(A) No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance nor as to any act done, or penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform, so far as practicable, to the laws in force at the time of the proceedings.

(B) If any penalty, forfeiture or punishment is mitigated by any provision of the new ordinance, the provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

§ 10.11 ORDINANCES REPEALED.

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.12 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature, and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.13 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the City Commission, or a certain city officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving the purpose effected prior to the codification and not inconsistent thereto shall remain in effect and are saved.

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

(A) (1) Any chapter, section or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein.

(2) Any chapter, section or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of the subsequent ordinances until the City Commission shall adopt a new code of ordinances.

(B) The method of amendment set forth in § 30.57 should be used by the city to amend, add or repeal a chapter, section or division of this code of ordinances.

§ 10.15 CONFLICTING PROVISIONS.

(A) If the provisions of different codes, chapters or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail.

(B) If the conflicting provisions bear the same passage date, the conflict shall be so construed as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.16 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the city exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.17 ERRORS AND OMISSIONS.

(A) If a manifest error be discovered, consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intention, the spelling shall be corrected, and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section.

Example:

(Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example:

(KRS 83A.090)

(C) If a KRS cite is set forth as a statutory reference following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see KRS 61.870 et seq.

§ 10.19 APPLICABILITY.

All provisions of the ordinances of the code are limited in application to the territorial boundaries of the municipal corporation.

(1983 Code, § 130.3 § 1(b))

§ 10.99 GENERAL PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation, and the offender shall be fined not more than \$250 for each offense.

(B) Any person who violates any ordinances of this city shall be responsible for all costs and attorney fees by this city to enforce these ordinances.

(Ord. passed 8-16-1995)

TITLE III: ADMINISTRATION

Chapter

- 30. BODY OF GOVERNMENT**
- 31. OFFICIALS**
- 32. CITY ORGANIZATIONS**
- 33. PUBLIC SAFETY**
- 34. FINANCES, TAXATION, FUNDS**
- 35. PURCHASING POLICIES**
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- 37. PERSONNEL**
- 38. PUBLIC RECORDS**

CHAPTER 30: BODY OF GOVERNMENT

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COMMISSION FORM OF GOVERNMENT**§ 30.01 COMMISSION; COMPOSITION.**

All legislative, executive and administrative authority of the city is vested in and exercised by the Commission, composed of the Mayor and 4 Commissioners. The Commission shall enforce the commission plan, ordinances and orders of the city and all applicable statutes.
(1983 Code, § 120.1 § 1)

§ 30.02 DUTIES REGARDING INTERLOCAL ACTIVITIES.

The Commission shall maintain liaison with related units of local government respecting interlocal contracting and joint activities.
(1983 Code, § 120.1 § 2)

§ 30.03 DUTIES REGARDING GOVERNMENT.

The Commission shall supervise all departments of city government and the conduct of all city officers and employees under its jurisdiction, and may require each department to make reports to it as it finds necessary. The Commission shall report to the public on the condition and needs of the city government at least annually.
(1983 Code, § 120.1 § 3)

LEGISLATIVE BODY**§ 30.15 MEETINGS; REGULAR.**

The City Commission shall hold regular monthly meetings at 7:45 p.m. on the third Wednesday of each month at the McMahn Fire Department Hall on Taylorsville Road.
(1983 Code, § 130.1 § 1)

§ 30.16 MEETINGS; SPECIAL.

Special meetings and public hearings may be called at any time by the Mayor or any 3 members of the Commission, upon written notice delivered at least 24 hours prior to the time for the meeting.
(1983 Code, § 130.1 § 2)

§ 30.17 OPEN RECORDS.

All records of the city shall be open to the public in accordance with the regulations approved by the Commission. A copy of the regulations and application form shall be kept by the City Clerk and made available to the public upon request.

(1983 Code, § 130.2)

Statutory reference:

Open records, see KRS Ch. 446

RULES OF PROCEDURE

§ 30.30 QUORUM.

Unless otherwise provided by statute, a majority of the Commission constitutes a quorum and a vote of a majority of a quorum is sufficient to take action.

(KRS 83A.060(6))

PERMANENT RECORDS

§ 30.40 MAINTENANCE AND SAFEKEEPING BY CLERK.

(A) The City Clerk is responsible for the maintenance and safekeeping of the permanent records of the city, including ordinances and municipal orders.

(B) The City Clerk shall sign the official record of each meeting.

(1983 Code, § 130.4 § 1)

§ 30.41 ORDINANCE NUMBERING SYSTEM.

All ordinances adopted by the city shall be numbered in accordance with the Kentucky Ordinance Code topical numbering system.

(A) The city budget, appropriations of money and tax levies shall be maintained and indexed by fiscal year.

(B) All ordinances shall be kept in an ordinance book in the order adopted.

(C) The text of each general ordinance shall be kept in a loose-leaf binder with tabbed dividers arranged and numbered according to the Kentucky Ordinance Code (KOC) topical numbering system with an alphabetical index.

(D) Each month every ordinance or amendment adopted during the month shall be assigned a KOC number, listed by topic and date of passage and publication and placed in the appropriate place in the binder.

(E) Once a year all additions or amendments shall be incorporated in the text of the code and in the alphabetical index.

(F) At least once every 5 years, the text of the code shall be examined for consistency with state law and with other provisions and revised to eliminate redundant, obsolete, inconsistent and invalid provisions.

(1983 Code, § 130.4 § 2)

ORDINANCES; CONSTRUCTION, REQUIREMENTS**§ 30.55 ONE SUBJECT; TITLE.**

Each ordinance shall embrace only 1 subject and shall have a title that clearly states the subject.
(KRS 83A.060(1))

§ 30.56 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause, styled: *Be it ordained by the City of Houston Acres, Kentucky.*

(KRS 83A.060(2))

§ 30.57 FORM OF AMENDMENT.

No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any words being added by a single solid line drawn underneath them, and any words being deleted by a single broken line drawn through them.

(KRS 83A.060(3))

§ 30.58 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

(A) Except as provided in division (B) of this section, no ordinance shall be enacted until it has been read on 2 separate days. The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.

(KRS 83A.060(4))

(B) (1) In an emergency, upon the affirmative vote of 2/3 of the membership, the Commission may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance.

(2) Publication requirements of § 30.60 shall be complied with within 10 days of the enactment of the emergency ordinance.

(KRS 83A.060(4), (7))

§ 30.59 ADOPTION OF STANDARD CODES BY REFERENCE.

The Commission may adopt the provisions of any local, statewide or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.

(KRS 83A.060(5))

§ 30.60 PUBLICATION REQUIREMENTS.

(A) Except as provided in § 30.58(B), no ordinance shall be effective until published pursuant to KRS Chapter 424.

(B) (1) Ordinances may be published in full or in summary as designated by the Commission.

(2) If the Commission elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

(a) The title of the ordinance;

(b) A brief narrative setting forth the main points of the ordinance in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance; and

(c) The full text of each section that imposes taxes or fees.

(C) Ordinances that include descriptions of real property may include a sketch, drawing or map, including common landmarks such as streets or roads in lieu of metes and bounds descriptions.
(KRS 83A.060(9))

§ 30.61 ADDITIONAL REQUIREMENTS FOR ADOPTION MAY BE ESTABLISHED BY CITY.

The city may, by ordinance, specify additional requirements for adoption of ordinances in greater detail than contained herein, but the city may not lessen or reduce the substantial requirements of this chapter or any statute relating to adoption of ordinances.
(KRS 83A.060(10))

§ 30.62 PROVED BY CITY CLERK; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City Clerk; and when the ordinances are placed in this code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of the ordinances.
(KRS 83A.060(14))

CHAPTER 31: OFFICIALS

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General

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- 31.002 Removal from office

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GENERAL**§ 31.001 OATH.**

Each officer of the city shall, before entering upon the discharge of duties of his or her office, take the following oath:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of this Commonwealth, and the Constitution of the United States, and be faithful and true to the Commonwealth of Kentucky, so long as I continue to be a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____, according to law; and I do further solemnly swear (or affirm) that, since the adoption of the present Constitution, I, being a citizen of this United States, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending, so help me God,” as established by § 228 of the Kentucky Constitution.

§ 31.002 REMOVAL FROM OFFICE.

(A) *Elected officers.* Any elected officer, in case of misconduct, inability or willful neglect in the performance of the duties of his or her office, may be removed from office by a unanimous vote of the members of the Commission exclusive of any member to be removed, who shall not vote in the deliberation of his or her removal.

(1) No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, has the right to appeal to the Circuit Court of the county and the appeal shall be on the record.

(2) No officer so removed is eligible to fill the office vacated before the expiration of the term to which originally elected.

(B) *Nonelected officers.* Nonelected city officers may be removed by the Commission at will, unless otherwise provided by state law or ordinance.

Statutory references:

Removal of elected officers, see KRS 83A.040(9)

Removal of nonelected officers, see KRS 83A.080(3)

MAYOR

§ 31.015 DUTIES.

(A) The Mayor shall preside at all meetings of the Commission and may vote in all proceedings.

(B) The Mayor shall co-sign all warrants or checks drawn on the city treasury and all bonds, notes, contracts and written obligations or documents of the city authorized by the Commission.

(C) The Mayor shall appoint all members of committees, commissions and other agencies requiring representation of the city unless otherwise provided by statute or municipal order.

(D) The Mayor shall have all additional powers as set out in KRS 838.140.
(1983 Code, § 140.1 § 1)

§ 31.016 COMPENSATION.

The compensation for the office of Mayor shall be \$30 for each regular monthly meeting of the City Commission and may be hereafter changed as prescribed by statute.
(1983 Code, § 140.1 § 2)

COMMISSIONERS

§ 31.030 COMPENSATION.

Effective January 1, 1999, each Commissioner shall be paid \$30 per month for service and \$20 per month for attending, payable monthly, as compensation for serving as Commissioner of the city.
(Ord. passed 11-18-1998)

CITY CLERK**§ 31.045 OFFICE CREATED; APPOINTMENT.**

(A) There is created the office of City Clerk.

(B) The Mayor with the approval of the City Commission shall appoint the City Clerk, who shall hold office for 2 years coinciding with the term of the Commissioners, subject to removal by the City Commission at any time without cause.

(1983 Code, § 140.2 § 1)

§ 31.046 DUTIES.

The City Clerk shall have the following duties:

(A) Keep a true and complete record of all proceedings of the Commission, and other records as the Commission may direct;

(B) Maintain a code or composite index of ordinances in accordance with statutory requirements;

(C) Keep and index all public records of the city, including all grants, contracts, titles to property owned by the city and special ordinances; and shall make copies of any documents, records and papers of the city as may be required by any person, and charge, collect and pay into the city treasury that fee as will pay for the cost of the copies;

(D) Keep the seal of the city and affix it when required by law, and attest all public instruments and all official acts of the Commission; and

(E) Administer any oath taken by a city officer or employee, if other statutory requirements are met.
(1983 Code, § 140.2 § 2)

§ 31.047 OATH.

The City Clerk shall take the oath required by the Kentucky Constitution before entering upon any duties of the office.

(1983 Code, § 140.2 § 3)

Cross-reference:

Text of oath, see § 31.001

§ 31.048 BOND REQUIRED.

The City Clerk shall, before entering upon the duties of the office, execute a bond to the city in the penal sum of \$ 3,000, conditioned for the faithful performance of the duties thereof. The bond shall be approved by the Commission and filed with the Mayor.
(1983 Code, § 140.2 § 4)

§ 31.049 COMPENSATION.

The compensation for the office of City Clerk shall be \$30 for each regular monthly meeting of the City Commission and may be hereafter changed as prescribed by statute.
(1983 Code, § 140.2 § 5)

TREASURER

§ 31.060 OFFICE CREATED; APPOINTMENT.

(A) There is hereby created the office of City Treasurer.

(B) The Mayor with the approval of the City Commission shall appoint the City Treasurer who shall hold office for 2 years, coinciding with the term of the Commissioners, subject to removal by the City Commission at any time without cause.
(1983 Code, § 140.3 § 1)

§ 31.061 DUTIES.

(A) The City Treasurer shall keep all city funds coming into that office, give duplicate receipts for all funds and pay out city funds only on warrants signed by the City Treasurer and countersigned by the Mayor.

(B) (1) The City Treasurer shall make quarterly settlements with the City Clerk; and upon approval by the Commission, each settlement shall be included in the minutes of the Commission meeting;

(2) The City Treasurer shall make monthly reports to the Commission and Mayor showing the state of finances of the city and the amounts received and spent during the month, which reports shall be filed. He or she shall also make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the city and the transactions during the preceding year.
(1983 Code, § 140.3 § 2)

§ 31.062 OATH.

The City Treasurer shall take the oath required by the Kentucky Constitution before entering upon any duties of the office.

(1983 Code, § 140.3 § 3)

Cross-reference:

Text of oath, see § 31.001

§ 31.063 BOND REQUIRED.

The City Treasurer shall, before entering upon the duties of office, execute a bond to the city in the penal sum of \$3,000, conditioned for the faithful performance of the duties thereof. The bond shall be approved by the Commission and filed with the Mayor.

(1983 Code, § 140.3 § 4)

§ 31.064 COMPENSATION.

The compensation for the office of City Treasurer shall be \$0 per month and may be hereafter changed as prescribed by statute.

(1983 Code, § 140.3 § 5)

CHAPTER 32: CITY ORGANIZATIONS

Section

Departments

32.01 Classification of functions; administration

DEPARTMENTS

§ 32.01 CLASSIFICATION OF FUNCTIONS; ADMINISTRATION.

All administrative and service functions of the city shall be classified by department and each member of the City Commission shall have superintendence over 1 of the departments as determined by the City Commission at its first regular meeting in each year.

(1983 Code, § 210.1 § 1)

CHAPTER 33: PUBLIC SAFETY

Section

Law Enforcement

- 33.01 Chief administrative officer
- 33.02 Terms of office
- 33.03 Concealed weapons

LAW ENFORCEMENT

§ 33.01 CHIEF ADMINISTRATIVE OFFICER.

The Commissioner of Safety shall be the chief enforcement officer of the city. All departmental personnel shall be appointed in accordance with the personnel rules or administrative code of the city. (1983 Code, § 320.2 § 2)

§ 33.02 TERMS OF OFFICE.

The term of office of all members, if more than 1, of the Police Department shall commence on the date of publication of the municipal order creating their appointment and shall expire on the anniversary date of that appointment 12 months later; provided, however, that all such appointments shall be subject to removal from office by a municipal order of the City Commission. (1983 Code, § 320.2 § 4)

§ 33.03 CONCEALED WEAPONS.

(A) All members, whether regular members or part-time members of the Police Department of the city, and/or whether regular or part-time members of the law enforcement body of the city, may carry concealed deadly weapons on or about their person and/or persons at all times within the boundaries of the Commonwealth of Kentucky, as provided by statute.

(B) This section shall apply only to those weapons as are usually or customarily carried by members of the law enforcement body of the city in performing their law enforcement duties for the city, whether the law enforcement body is the Chief of Police or regular police officers of the city.
(1983 Code, § 320.2)

CHAPTER 34: FINANCES, TAXATION, FUNDS

Section

Budget Procedures

- 34.01 Duties of Finance Commissioner
- 34.02 Budget proposal

Taxes

- 34.15 Ad valorem tax

Delinquent taxes

- 34.30 Interest and penalty
- 34.31 Publication of delinquent taxes
- 34.32 Execution of deeds
- 34.33 Recording fee
- 34.34 City may purchase
- 34.35 Annual interest
- 34.36 Subject to redemption
- 34.37 Limitation

Improvements

- 34.45 Definitions
- 34.46 Financing of improvements
- 34.47 Apportionment of cost
- 34.48 Comprehensive report required
- 34.49 Public hearing required
- 34.50 Adoption of ordinance; notice to affected owners
- 34.51 Affected owner may contest
- 34.52 When city may proceed; assessment constitutes lien
- 34.53 Effect of additional property or change in financing

BUDGET PROCEDURES**§ 34.01 DUTIES OF FINANCE COMMISSIONER.**

The Finance Commissioner shall collect information on the cost of city government operations for the fiscal year within 90 days prior to the public use hearing.

(A) The Finance Commissioner, in his or her discretion, may confer with any city employees and examine any city records; and

(B) The Finance Commissioner shall obtain an estimate of the revenue anticipated and the cost of the operations for the next fiscal year.

(1983 Code, § 220.1 § 1)

§ 34.02 BUDGET PROPOSAL.

The Finance Commissioner shall prepare a budget proposal for the next fiscal year in the following form and detail:

(A) The ad valorem tax rate shall be stated in cents per \$100 of assessed valuation; and

(B) The amount of revenue anticipated from each of the following sources shall be stated in total dollars:

- (1) Taxes and special assessments;
- (2) Licenses and permits;
- (3) Fines, forfeits and other penalties;
- (4) Rental and interest income;
- (5) Charges for current services;
- (6) Sales and compensation for loss of fixed assets;
- (7) Federal grants and receipts from other agencies;
- (8) Bond proceeds; and

(9) Transfers from other funds.

(1983 Code, § 220.1 § 3)

TAXES

§ 34.15 AD VALOREM TAX.

(A) An ad valorem tax is hereby imposed upon all lands, improvements and personal property, tangible or intangible, held or owned by any person, corporation or association in any name, or as agent and subject to taxation under the laws of Kentucky.

(B) All ad valorem property taxes shall be paid to the City Treasurer.

(C) The City Commission shall set the levy for the ad valorem tax not later than January 1 of each year.

(1983 Code, § 220.2)

DELINQUENT TAXES

§ 34.30 INTEREST AND PENALTY.

(A) Any time after a tax bill is delinquent and, when in the opinion of the Commission a sufficient number are delinquent, the City Clerk or the City Attorney (as the Commission may direct) shall cause a list of the delinquent taxes to be compiled.

(B) Interest shall be computed at 18% per annum and penalty at 15% of the amount due and both added to each tax bill.

(1983 Code, § 220.3 § 1)

§ 34.31 PUBLICATION OF DELINQUENT TAXES.

(A) The delinquent tax bill may then be published by posting a copy of this subchapter for 10 days in 3 public places in the city announcing the delinquent taxes for sale and setting the time and place for the sale.

(Am. Ord. passed 10-16-1991)

(B) The sale of each bill shall be for the amount of tax, interest, penalty, advertising and a fee of \$1 for the City Treasurer for holding the sale.

(1983 Code, § 220.3 § 2)

§ 34.32 EXECUTION OF DEEDS.

Within 20 days after the sale, the City Treasurer shall, with the Mayor, execute deeds to the purchaser of the tax bills. The deed shall show clearly the amount of taxes, the year due, interest, penalty and costs, and a brief description of the property sufficient to identify it.
(1983 Code, § 220.3 § 3)

§ 34.33 RECORDING FEE.

The County Court Clerk's fee for recording the deed shall be added as part of the cost, but the purchaser shall receive credit for same and it shall be the duty of the purchaser to record his or her deed.
(1983 Code, § 220.3 § 4)

§ 34.34 CITY MAY PURCHASE.

The City may purchase delinquent taxes and make a deed to itself for the property if there is no other buyer for the full amount.
(1983 Code, § 220.3 § 5)

§ 34.35 ANNUAL INTEREST.

Tax deeds shall bear interest at 18% per annum.
(1983 Code, § 220.3 § 6)

§ 34.36 SUBJECT TO REDEMPTION.

Property sold for taxes shall be subject to redemption within the time and in the manner provided for the redemption of state and county taxes.
(1983 Code, § 220.3 § 7)

§ 34.37 LIMITATION.

(A) Nothing herein shall be construed as waiving the city's right to foreclose its tax lien by legal action.
(1983 Code, § 220.3 § 8)

(B) Collection costs including attorney fees incurred by the city shall be added as costs.
(Am. Ord. passed 10-16-1991)

IMPROVEMENTS**§ 34.45 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSESSED VALUE BASIS. The apportionment of cost of an improvement according to the ratio the assessed value of individual parcels of property bears to the total assessed value of all the properties.

BENEFITS RECEIVED BASIS. The apportionment of cost of an improvement according to equitable determination by the Commission of the special benefit received by property from the improvement, including assessed value basis, front foot basis and square foot basis, or any combination thereof, and may include consideration of assessed value of land only, graduation for different classes of property based on nature and extent of special benefits received, and other factors affecting benefits received.

COST. All costs related to an improvement, including planning, design, property or easement acquisition and construction costs, fiscal and legal fees, financing costs and publication expenses.

FAIR BASIS. Assessed value basis, front foot basis, square foot basis or benefits received basis.

FRONT FOOT BASIS. The apportionment of cost of an improvement according to the ratio the front footage on the improvement of individual parcels of property bears to the front footage of all the properties.

IMPROVEMENT. Construction of any facility for public use or services or any addition thereto, which is of special benefit to specific properties in the area served by the facility.

PROPERTY. Any real property benefitted by an improvement.

SPECIAL ASSESSMENT or ASSESSMENT. A special charge fixed on property to finance an improvement in whole or in part.

SQUARE FOOT BASIS. The apportionment of cost of an improvement according to the ratio the square footage of individual parcels of property bears to the square footage of all the property.
(KRS 91A.210)

§ 34.46 FINANCING OF IMPROVEMENTS.

(A) The city may not finance any improvement in whole or in part through special assessments except as provided in this subchapter and in any applicable statutes.
(KRS 91A.200)

(B) Cost of an improvement shall be apportioned equitably on a fair basis.

(C) The city may provide for lump sum or installment payment of assessments, or for bond or other long-term financing, and for any improvement may afford property owners the option as to method of payment or financing.
(KRS 91A.220(2)(3))

Statutory reference:

Improvements; alternate methods, see KRS Chapter 107

§ 34.47 APPORTIONMENT OF COST.

The cost of any improvement shall be apportioned on a benefits received basis with respect to any property owned by the state, a local unit of government, or any educational, religious, or charitable organization. The Commission may assess the property in the same manner as for privately owned property, or it may pay the costs so apportioned out of general revenues.
(KRS 91A.230)

§ 34.48 COMPREHENSIVE REPORT REQUIRED.

Before undertaking any improvements pursuant to this subchapter, the city shall prepare a comprehensive report setting out:

(A) The nature of the improvement;

(B) The scope and the extent of the improvement, including the boundaries or other description of the area to be assessed;

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

(E) If financing of assessments is provided, the proposed method, including the proposed years to maturity of any bonds to be issued in connection with the improvement; and

(F) Other information as may further explain material aspects of the improvement, assessments or financing.

(KRS 91A.240)

§ 34.49 PUBLIC HEARING REQUIRED.

(A) After preparation of the report required by § 34.48, the city shall hold at least 1 public hearing on the proposed improvement at which all interested persons shall be heard.

(B) Notice of the hearing shall be published pursuant to KRS Chapter 424 and mailed to each affected property owner by certified mail, return receipt requested, and shall include:

(1) The nature of the improvement;

(2) Description of area of the improvement;

(3) Statement that the city proposes to finance the improvement in whole or in part by special assessment of property and the method to be used;

(4) Time and place the report may be examined; and

(5) Time and place of the hearing.

(KRS 91A.250)

§ 34.50 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

(A) Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in § 34.48 and a description of all properties.

(B) Promptly upon passage the city shall publish the ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.

(KRS 91A.260)

§ 34.51 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 34.50, any affected property owner may file an action in the Circuit Court of the county, contesting the undertaking of the project by special assessment, the inclusion of his or her property in the improvement, or the amount of his or her assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

(B) The city may proceed with the improvement with respect to any properties whose owners have not filed or joined in an action as provided in this section or who have contested only the amounts of their assessments, and the provisions of the resolution shall be final and binding with respect to the property owners except as to contested amounts of assessments.

(C) After the lapse of time as herein provided, all actions by owners of properties are forever barred.

(KRS 91A.270)

§ 34.52 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 34.51, or after favorable final judgment in the action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

(B) The amount of any outstanding assessment or installments thereof on any property, and accrued interest and other charges, constitutes a lien on the property to secure payment to the bondholders or any other source of financing of the improvement.

(1) The lien takes precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except a lien for state and county taxes, general municipal taxes, and prior improvement taxes and is not defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners.

(2) No error in the proceedings of the Commission shall exempt any benefitted property from the lien for the improvement assessment, from payment thereof or from the penalties or interest thereon, as herein provided.

(KRS 91A.280)

§ 34.53 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or refinancing thereof, except that §§ 34.48 through 34.52 apply if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without this compliance, if all property owners of the improvement consent.

(KRS 91A.290)

CHAPTER 35: PURCHASING POLICIES

Section

- 35.01 Approval and signature required
- 35.02 Compliance with budget
- 35.03 Small purchase procedures
- 35.04 Competitive bids
- 35.05 Waiver

§ 35.01 APPROVAL AND SIGNATURE REQUIRED.

Every contract of the city shall be approved by the Commission and signed by the Mayor.
(1983 Code, § 240.1 § 1)

§ 35.02 COMPLIANCE WITH BUDGET.

No contract or purchase shall be made which is at variance with the annual budget as amended.
(1983 Code, § 240.1 § 2)

§ 35.03 SMALL PURCHASE PROCEDURES.

Small purchase procedures may be used for all items which are reasonably expected to aggregate less than \$5,000 for the fiscal year. These items shall be determined in writing by the Commission at the beginning of the fiscal year.
(1983 Code, § 240.1 § 3)

§ 35.04 COMPETITIVE BIDS.

All contracts which exceed \$5,000 in the aggregate shall be awarded to the lowest bidder through competitive sealed bidding; provided, the lowest evaluated bid may be accepted if the basis for evaluation is stated in the specifications.
(1983 Code, § 240.1 § 4)

§ 35.05 WAIVER.

Competitive sealed bidding may be waived on recommendation of the Finance Commissioner that an emergency exists which will cause public harm by the delay required by competitive bidding.
(1983 Code, § 240.1 § 5)

CHAPTER 36: CODE OF ETHICS

Section

General

- 36.01 Title
- 36.02 Findings
- 36.03 Purpose and authority
- 36.04 Definitions

Standards of Conduct

- 36.15 Conflicts of interest in general
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- 36.17 Receipt of gifts
- 36.18 Use of city property, equipment and personnel
- 36.19 Representation of interests before city government
- 36.20 Misuse of confidential information
- 36.21 Post-employment restriction
- 36.22 Honoraria
- 36.23 Nepotism prohibited

Financial Disclosure

- 36.35 Statement of financial interests; who must file
- 36.36 When to file; amended statements
- 36.37 Form of statement
- 36.38 Control and maintenance of statements
- 36.39 Contents of statement
- 36.40 Noncompliance with filing requirement

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- 36.50 Board of Ethics created
- 36.51 Alternate members
- 36.52 Facilities and staff
- 36.53 Powers and duties
- 36.54 Filing and investigation of complaints

- 36.55 Notice of hearings
- 36.56 Hearing procedure
- 36.57 Appeals
- 36.58 Limitation of actions
- 36.59 Advisory opinions
- 36.60 Reprisals against persons disclosing violations prohibited

- 36.99 Penalty

GENERAL

§ 36.01 TITLE.

This chapter shall be known and may be cited as the City of Houston Acres code of ethics.
(Ord. 2 § 1, passed - -)

§ 36.02 FINDINGS.

The legislative body of the city finds and declares that:

(A) Public office and employment with the city are public trusts.

(B) The vitality and stability of the government of this city depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceives a conflict between the private interests and public duties of a city officer or employee, that confidence is imperiled.

(C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

(Ord. 2 § 2, passed - -)

§ 36.03 PURPOSE AND AUTHORITY.

(A) It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application and enforceable, and to provide the officers and employees of the city with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(B) It is the further purpose of this chapter to meet the requirements of KRS 65.003, as enacted by the 1994 Kentucky General Assembly.

(C) This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.238.

(Ord. 2 § 3, passed - -)

§ 36.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF ETHICS. The City Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's code of ethics.

BUSINESS. Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation or any legal entity through which business is conducted for profit.

CANDIDATE. Any individual who seeks nomination or election to a city office. An individual is a **CANDIDATE** when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, is nominated for office by a political party or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State.

CITY. The City of Houston Acres, Kentucky.

CITY AGENCY. Any board, commission, authority, nonstock corporation or other entity created, either individually or jointly, by this city.

EMPLOYEE.

(1) Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city.

(2) The term shall not include any contractor or subcontractor or any of their employees.

FAMILY MEMBER. A spouse, parent, child, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandparent or grandchild.

IMMEDIATE FAMILY MEMBER. A spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee or the officer's or employee's spouse as a dependent for tax purposes.

OFFICER. Any person, whether full-time or part-time, and whether paid or unpaid, who is 1 of the following:

- (1) The Mayor;
- (2) A legislative body member;
- (3) The City Clerk;
- (4) The City Manager;
- (5) The City Administrator;
- (6) Any person who occupies a nonelected office created under KRS 83A.080; or

(7) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

(Ord. 2 § 4, passed - -)

STANDARDS OF CONDUCT

§ 36.15 CONFLICTS OF INTEREST IN GENERAL.

Every officer and employee of the city and every city agency shall comply with the following standards of conduct.

(A) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.

(B) No officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself, herself or others.

(C) No officer or employee shall intentionally take or refrain from taking any discretionary action, agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city in order to obtain a financial benefit for any of the following:

- (1) The officer or employee;
- (2) A family member;
- (3) An outside employer;
- (4) Any business in which the officer or employee, or any family member has a financial interest; or
- (5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business, as defined in divisions (C)(4) and (C)(5) of this section, as a member of any business occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession or other group.

(E) (1) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body.

(2) The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(Ord. 2 § 5, passed - -)

§ 36.16 CONFLICTS OF INTEREST IN CONTRACTS.

(A) No officer or employee of the city or any city agency shall directly or through others undertake, execute, hold or enjoy, in whole or in part, any contract made, entered into, awarded or granted by the city or a city agency, except as follows:

(1) (a) The prohibition in division (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to a city agency office, or before an employee was hired by the city or a city agency.

(b) However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office or is hired as an employee, then the prohibition in division (A) of this section shall apply to the renewal of the contract.

(2) (a) The prohibition in division (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract or managing contract performance after the contract is awarded.

(b) If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in division (3) below are satisfied.

(3) The prohibition in division (A) of this section shall not apply in any case where the following requirements are satisfied:

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency;

(b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;

(c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, limited supply or other specific reasons; and/or

(d) The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(B) A violation of this section shall be grounds for removal from office or employment with the city, in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

(Ord. 2 § 6, passed - -) Penalty, see § 36.99

§ 36.17 RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than \$100, whether in the form of money, service, loan, travel, entertainment, hospitality, thing of promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.

(Ord. 2 § 7, passed - -)

§ 36.18 USE OF CITY PROPERTY, EQUIPMENT AND PERSONNEL.

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person unless:

(A) The use is specifically authorized by a stated city policy;

(B) The use is available to the general public, and then only to the extent and upon the terms that the use is available to the general public.

(Ord. 2 § 8, passed - -)

§ 36.19 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

(A) No officer or employee of the city or any agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency.

(B) Nothing in this section shall prohibit an employee from representing another employee where the representation is within the context of official labor union or similar representational responsibilities.

(C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to or accepted by the officer, whether directly or indirectly, in return for the inquiry.
(Ord. 2 § 9, passed - -)

§ 36.20 MISUSE OF CONFIDENTIAL INFORMATION.

(A) No officer or employee of the city or any city agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business.

(B) Information shall be deemed confidential if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.870 to 61.884, at the time of its use or disclosure.
(Ord. 2 § 10, passed - -)

§ 36.21 POST-EMPLOYMENT RESTRICTION.

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of 1 year after the termination of the officer's or employee's service with the city or city agency.
(Ord. 2 § 11, passed - -)

§ 36.22 HONORARIA.

(A) No officer or employee of the city or a city agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of appearance, speech or article, unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency, and not primarily for the benefit of the officer or employee or any other person.
(Ord. 2 § 12, passed - -)

§ 36.23 NEPOTISM PROHIBITED.

(A) No officer or employee of the city or a city agency shall advocate, recommend or cause the following for a family member with regard to an office or position of employment with the city or a city agency:

- (1) Employment;
- (2) Appointment;
- (3) Promotion;
- (4) Transfer; or
- (5) Advancement.

(B) No officer or employee of the city or a city agency shall supervise or manage the work of a family member.

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to December 21, 1995.

(E) The prohibition of this section shall not apply in any case where the following requirements are satisfied:

(1) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency;

(2) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;

(3) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, limited supply or other specific reasons; and

(4) The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(Ord. 2 § 19, passed - -)

FINANCIAL DISCLOSURE

§ 36.35 STATEMENT OF FINANCIAL INTERESTS; WHO MUST FILE.

The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the Board of Ethics:

(A) Elected city officials; and

(B) Nonelected officers and employees of the city or any city agency who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than \$1,000.

(Ord. 2 § 13, passed - -)

§ 36.36 WHEN TO FILE; AMENDED STATEMENTS.

(A) (1) The initial statement of financial interests required by this section shall be filed with the Board of Ethics or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 6:00 p.m. January 31, 1995.

(2) All subsequent statements of financial interest shall be filed no later than 6:00 p.m. on January 31 of each year.

(B) The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than 30 days after becoming aware of the material change, file an amended statement with the Board.

(Ord. 2 § 14, passed - -)

§ 36.37 FORM OF STATEMENT.

(A) The statement of financial interests shall be filed on a form prescribed by the Board of Ethics or the administrative official designated by the Board of Ethics. The Board or the designated administrative official shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than January 1 of each year.

(B) The failure of the Board or the designated administrative official to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement. (Ord. 2 § 15, passed - -)

§ 36.38 CONTROL AND MAINTENANCE OF STATEMENTS.

(A) (1) The Board of Ethics shall be the official custodian of the statements of financial interests.

(2) The statements of financial interests shall be maintained by the Board of Ethics or the administrative official as public documents, available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Board or the designated administrative official for a period of 5 years after filing, provided that upon the expiration of 3 years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person. (Ord. 2 § 16, passed - -)

§ 36.39 CONTENTS OF STATEMENT.

(A) The statement of financial interests shall include the following information for the preceding calendar year:

(1) The name, home phone number, home address and employer; or if self-employed, business name of the filer; and

(2) The title of the filer's office, or position of employment.

(B) In any complaint alleging financial misconduct of the filer with regard to the city, the filer shall disclose any specific dollar amounts of income from the city and any specific dollar amounts of income relevant to the complaint. (Ord. 2 § 17, passed - -)

§ 36.40 NONCOMPLIANCE WITH FILING REQUIREMENT.

(A) The Board of Ethics or the designated administrative official shall notify by certified mail each person required to file a statement of financial interest who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board.

(B) The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation. (Ord. 2 § 18, passed - -) Penalty, see § 36.99

ENFORCEMENT**§ 36.50 BOARD OF ETHICS CREATED.**

(A) There is hereby created a Board of Ethics which shall have the authorities, duties and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(B) (1) The Board of Ethics shall consist of 3 members who shall be appointed by the Mayor subject to the approval of the City Council. No member of the Board of Ethics shall hold any elected or appointed office whether paid or unpaid, or any position appointed with the city or any city agency.

(2) (a) The Board of Ethics shall be appointed within 60 days of the effective date of this chapter;

(b) No member of the Board of Ethics shall hold any elective or appointed office, whether paid or unpaid, or any position of employment with the city or city agency; and

(c) The member shall serve for a term of 3 years.

(3) (a) The member of the Board of Ethics shall have been a resident of the city for at least 1 year prior to the date of the appointment and shall reside in the city throughout the term of office;

(b) The member of the Board of Ethics shall be chosen by virtue of his or her known and consistent reputation for integrity and his or her knowledge of local government affairs; and

(c) The member may be reappointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by the Mayor subject to the approval of the City Council or City Commission for misconduct, inability or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the Mayor and City Commission.

(D) Vacancies on the Board of Ethics shall be filled within 60 days by the executive authority, subject to the approval of the City Commission. All vacancies shall be filled for the remainder of the unexpired term.

(E) The Member of the Board of Ethics shall serve without compensation, unless otherwise approved by the City Commission, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of duties.

(F) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the member.

(G) The member of the Board who has a conflict of interest with respect to any matter to be considered shall disclose the nature of the conflict and shall disqualify himself or herself.

(H) Minutes shall be kept for all proceedings of the Board of Ethics.
(Ord. 2 § 20, passed - -)

§ 36.51 ALTERNATE MEMBERS.

The executive authority of the city, with the approval of the legislative body (if different than the executive authority) may appoint an alternate member of the Board of Ethics who may be called upon to serve when the regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of 1 year. Alternate members shall meet all qualifications and be subject to all of the requirements of this chapter that apply to regular members.
(Ord. 2 § 21, passed - -)

§ 36.52 FACILITIES AND STAFF.

Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business.
(Ord. 2 § 22, passed - -)

§ 36.53 POWERS AND DUTIES.

The Board of Ethics shall have the following powers and duties:

(A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this chapter;

(B) To issue orders in connection with its investigations and hearings requiring persons to submit, in writing and under oath, reports and answers to questions that are relevant to the proceedings, and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths;

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board;

(D) To refer any information concerning violations of this chapter to the executive authority of the city, the city legislative body, the governing body of any city agency, the County Attorney or other appropriate person or body, as necessary;

(E) To render advisory opinions to city and city agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this chapter;

(F) To enforce the provisions of this chapter with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this chapter;

(G) To control and maintain all statements of financial interests that are required to be filed by this chapter, and to ensure that the statements are available for public inspection in accordance with the requirements of this chapter and the Kentucky Open Records Act;

(H) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city; and

(I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter, provided that the rules, regulations and actions are not in conflict with the provisions of this chapter or any state or federal law.

(Ord. 2 § 23, passed - -)

§ 36.54 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the Board of Ethics or the administrative official designated by the Board of Ethics.

(1) All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics.

(2) The Board of Ethics shall acknowledge receipt of a complaint to the complainant within 10 working days from the date of receipt.

(3) The Board shall forward within 10 working days to each officer or employee of the city or city agency who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this chapter.

(B) (1) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint.

(2) The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over to the Commonwealth's Attorney or County Attorney evidence which may be used in criminal proceedings; and

(2) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Board may publicly confirm the existence of the inquiry and, at its discretion, make public any documents which were issued to either party.

(D) (1) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter.

(2) If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city and its taxpayers, or lack of significant impact on public confidence in city government issue, in writing, a confidential reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the executive authority and governing body of the city or city agency; or

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(Ord. 2 § 23, passed - -) Penalty, see § 36.99

§ 36.55 NOTICE OF HEARINGS.

If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within 30 days of the date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing, shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued.

(Ord. 2 § 24, passed - -)

§ 36.56 HEARING PROCEDURE.

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties full range of due process rights required by the nature of the proceedings.

(B) Prior to the commencement of the hearing, the alleged violator or his or her representative shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator or his or her representative of any exculpatory evidence in its possession.

(C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer.

(1) All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence and to be represented by counsel.

(2) All witnesses shall have the right to be represented by counsel.

(D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

(E) All hearings of the Board of Ethics shall be public, unless the member votes to go into executive session in accordance with KRS 61.810.

(F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this chapter has been proven. Within 30 days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

(G) If the Board concludes in its report that no violation of the ordinance has occurred, it shall immediately send a written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.

(H) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is a clear and convincing proof of a violation of this chapter, the Board may:

(1) Issue an order requiring the violator to cease and desist the violation;

(2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body (if different than the executive authority) of the city or city agency which the violator serves;

(3) In writing, recommend to the executive authority and the governing body (if different than the executive authority) that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal, or removal from office;

(4) Issue an order requiring the violator to pay a civil penalty of not more than \$500; and/or

(5) Refer evidence of criminal violations of this chapter or state laws to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.

(Ord. 2 § 25, passed - -)

§ 36.57 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the Circuit Court of the county within 30 days after the date of the final action by the Board of Ethics by filing a petition with the Court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing.

(Ord. 2 § 26, passed - -)

§ 36.58 LIMITATION OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought with 1 year after the violation is discovered.

(Ord. 2 § 27, passed - -)

§ 36.59 ADVISORY OPINIONS.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative or when requested by any officer or employee of the city or a city agency who is covered by this chapter.

(B) (1) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions.

(2) The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.

(C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, being KRS 61.870 through 61.884, to establish criteria under which it will issue a confidential advisory opinion. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(D) The confidentiality of an advisory opinion may be waived either:

(1) In writing by the person who requested the opinion; or

(2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.

(E) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case, if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this chapter for actions taken in reliance on that opinion.

(Ord. 2 § 28, passed - -)

§ 36.60 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

(A) No officer or employee of the city or any city agency shall subject to reprisal, or directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce or discriminate against any person who in good faith reports, discloses, divulges or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this chapter.

(B) This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:

(1) To be false or which he or she discloses with reckless regard to its truth or falsity;

(2) To be exempt from the required disclosure under provisions of the Kentucky Open Records Act, KRS 61.870 through 61.884; and

(3) Confidential under other provisions of law.

(Ord. 2 § 29, passed - -)

§ 36.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any violation of § 36.16 shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section.

(Ord. 2 § 6, passed - -)

(C) (1) Any person who fails or refuses to file the statement, or who fails or refuses to remedy a deficiency in the filing identified in the notice under § 36.40(A) within the time period established in the notice shall be guilty of a civil offence, and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(2) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

(Ord. 2 § 18, passed - -)

CHAPTER 37: PERSONNEL

Section

Equal Employment Opportunity

- 37.01 Statement of policy
- 37.02 Dissemination of policy
- 37.03 Personnel actions
- 37.04 Workforce utilization; goals and timetables
- 37.05 Responsibility for implementation
- 37.06 Evaluation and reports

Indemnification of Elected Officials

- 37.15 Protection from certain tort actions

EQUAL EMPLOYMENT OPPORTUNITY

§ 37.01 STATEMENT OF POLICY.

The affirmative action policy of the city is:

(A) To promote equal employment opportunity;

(B) To prohibit discrimination in employment on account of race, color, religion, national origin, sex, age, HIV-status, or disability; and

(C) To bring about a fair representation and utilization of females and minorities on all levels of city employment.

(1983 Code, § 230.1 § 1)

§ 37.02 DISSEMINATION OF POLICY.

(A) The city will advise all employees and applicants for employment of this policy and will post it in a conspicuous place.

(B) The city will make known to the public that employment opportunities are available on the basis of individual ability and will encourage all persons who are employed by the city to strive for advancement on that basis.

(1983 Code, § 230.1 § 2)

§ 37.03 PERSONNEL ACTIONS.

The city will actively recruit qualified persons among females and minorities on a nondiscriminatory basis for all available job openings at every level; and the city will ensure every employee equal treatment in respect to terms and conditions of employment, job assignments, compensation, access to training and promotions.

(1983 Code, § 230.1 § 3)

§ 37.04 WORKFORCE UTILIZATION; GOALS AND TIMETABLES.

(A) The city will analyze the utilization of females and minorities in its workforce and compare it with the utilization by all employers in the county according to the latest official census.

(B) The goal of the city is to bring about comparable utilization in all categories within the next 5 years.

(1983 Code, § 230.1 § 4)

§ 37.05 RESPONSIBILITY FOR IMPLEMENTATION.

The Administrative Commissioner shall be responsible for implementation of this affirmative action plan, including maintenance of the workforce analysis and job roster and hearing complaints of discrimination by any employees or prospective employees of the city, with a final appeal to the city legislative body.

(1983 Code, § 230.1 § 5)

§ 37.06 EVALUATION AND REPORTS.

The person given responsibility for implementation of this plan shall examine its operation periodically and shall report the progress being made, together with recommendations for improvement in the plan, to the legislative body at least once every year.

(1983 Code, § 230.1 § 6)

INDEMNIFICATION OF ELECTED OFFICIALS**§ 37.15 PROTECTION FROM CERTAIN TORT ACTIONS.**

(A) The city shall provide for the defense of any elected official in any action in tort arising out of an act or omission occurring within the scope of his or her office.

(B) The city shall pay any judgment based thereon or any compromise or settlement of any action in tort except as provided in division (C) of this section.

(C) The city may refuse to pay a judgment or settlement in any action against an elected official:

(1) If the city pays any claim or judgment against any elected official pursuant to division (B) above, it may recover against the elected official the amount of the payment and the cost to defend it, if the elected official failed to act because of fraud, malice or corruption;

(2) The action was outside the apparent scope of his or her duties; or

(3) The elected official willfully refused to assist in the defense of the cause of action in good faith.

(Ord. 250.1, passed 1-15-1986)

CHAPTER 38: PUBLIC RECORDS

Section

General Provisions

38.01 Definitions

Procedures for Requesting Public Records

- 38.15 Initial request with immediate inspection
- 38.16 Referral to proper custodian
- 38.17 Public records not immediately available
- 38.18 Refusal of unreasonable requests
- 38.19 Time limitation; denial of inspection
- 38.20 Concealing or destroying records prohibited
- 38.21 Access to records relating to particular individual
- 38.22 Format of copies
- 38.23 Fees for copies
- 38.24 Misstatement of purpose prohibited
- 38.25 Online access to public records in electronic form
- 38.26 Public records protected from disclosure
- 38.27 Notification of the Attorney General

GENERAL PROVISIONS

§ 38.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The city government of this city.

COMMERCIAL PURPOSE.

(1) The direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent or lease of a service, or any use by which the user expects a profit either through commission, salary or fee.

(2) ***COMMERCIAL PURPOSE*** shall not include:

(a) Publication or related use of a public record by a newspaper or periodical;

(b) Use of a public record by a radio or television station in its news or other informational programs; or

(c) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to the action or the attorneys representing the parties.
(KRS 61.870(4))

CUSTODIAN.

(1) The official custodian or any authorized person having personal custody and control of public records.
(KRS 61.870(6))

(2) The ***CUSTODIAN*** having personal custody of most of the public records of this city is the City Clerk.

MECHANICAL PROCESSING. Any operation or other procedure which is transacted on a machine, and which may include but is not limited to a copier, computer, recorder or tape processor or other automated device.
(KRS 61.870(8))

MEDIA. The physical material in or on which records may be stored or represented, and which may include but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes and cards.
(KRS 61.870(7))

OFFICIAL CUSTODIAN.

(1) The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his or her actual personal custody and control.
(KRS 61.870(5))

(2) The ***OFFICIAL CUSTODIAN*** of this city shall be the Mayor.

PERSON. A human being who makes a request for inspection of public records.

PRESCRIBED FEE or FEE. The fair payment required by the city for making copies of public records and for mailing public records, which shall not exceed the actual cost thereof and shall not include the cost of required staff time.

PUBLIC AGENCY.

- (1) Every state or local government officer;
 - (2) Every state or local government department, division, bureau, board, commission and authority;
 - (3) Every state or local legislative board, commission, committee and officer;
 - (4) Every county and city governing body, council, school district board, special district board and municipal corporation;
 - (5) Every state or local court or judicial agency;
 - (6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution or other legislative act;
 - (7) Any body created by state or local authority in any branch of government;
 - (8) Any body which derives at least 25% of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds;
 - (9) Any entity where the majority of its governing body is appointed by a public agency as defined in this division; by a member or employee of the public agency; or by any combination thereof;
 - (10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency, except for a committee of a hospital medical staff, established, created and controlled by a **PUBLIC AGENCY** as defined in this division; and
 - (11) Any interagency body of 2 or more public agencies where each **PUBLIC AGENCY** is defined in this division.
- (KRS 61.870(1))

PUBLIC RECORDS.

(1) All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software or other documentation, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency.

(2) ***PUBLIC RECORDS*** shall not include any records owned or maintained by or for the public agency discussed in division (8) of ***PUBLIC AGENCY*** as defined herein, that are not related to functions, activities, programs or operations funded by state or local authority.

(KRS 61.870(2))

REQUEST. An oral or written application by any person to inspect public records of the agency.

SOFTWARE.

(1) The program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system.

(2) ***SOFTWARE*** consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.

(KRS 61.870(3))

PROCEDURES FOR REQUESTING PUBLIC RECORDS**§ 38.15 INITIAL REQUEST WITH IMMEDIATE INSPECTION.**

(A) (1) Any person desiring to inspect or copy the public records of this city shall make a request for inspection at the office of the City Clerk during regular office hours, except during legal holidays. The official custodian, or the custodian acting under the authority of the official custodian, may require a request to inspect public records to be in writing, signed by the applicant and with the applicant's name printed legibly on the application.

(2) A written request to inspect public records may be presented by hand delivery, mail or via facsimile, if one is available.

(B) If the custodian determines that a person's request is in compliance with this chapter and the open records law, and the requested public records are immediately available, the custodian shall deliver the records for inspection. A person may inspect public records at the designated office of the city during the regular office hours or, in appropriate cases, by receiving copies of the records through the mail.

(C) If the public records are to be inspected at the offices of the city, suitable facilities shall be made available in the office of the City Clerk or in another office of the city as determined by the official custodian or custodian for the inspection.

(1) No person shall remove original copies of public records from the offices of the city without the written permission of the official custodian of the record. When public records are inspected at the city offices, the person inspecting the records shall have the right to make abstracts and memoranda of the public records and to obtain copies of all written public records.

(2) When copies are requested, the custodian may require advance payment of the prescribed fee.

(D) Upon proper request, the city shall mail copies of the public records to a person whose residence or principal place of business is located outside of the county after the person precisely describes the public records which are readily available and after the person pays in advance the prescribed fee.

Statutory reference:

Right to inspection, limitations, see KRS 61.872(1)through (3)

§ 38.16 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk does not have custody or control of the public record or records requested, the City Clerk shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.

(KRS 61.872(4))

§ 38.17 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time and date for inspection or mailing of the public records, not to exceed 3 days (excepting Saturdays, Sundays and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time and earliest date on which the public record will be available for inspection or duplication.

(KRS 61.872(5))

§ 38.18 REFUSAL OF UNREASONABLE REQUESTS.

If the application places an unreasonable burden in producing public records, or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section must be sustained by clear and convincing evidence.
(KRS 61.872(6))

§ 38.19 TIME LIMITATION; DENIAL OF INSPECTION.

(A) The official custodian, upon any request for records made under this chapter, shall determine within 3 days (excepting Saturdays, Sundays and legal holidays) after the receipt of any request whether to comply with the request, and shall notify in writing the person making the request within the 3-day period of its decision.

(B) Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his or her authority and shall constitute final agency action.
(KRS 61.880)

§ 38.20 CONCEALING OR DESTROYING RECORDS PROHIBITED.

No official of the city shall willfully conceal or destroy any record with the intent to violate the provisions of this chapter or these rules and regulations.

§ 38.21 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or her or in which he or she is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 38.26 of these rules and regulations.
(KRS 61.884)

§ 38.22 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 38.26.

(1) When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate.

(2) If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that the duplication will not damage or alter the original records.

(KRS 61.874(1))

(B) (1) Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format. Nonexempt public records used for noncommercial purposes shall be copied in standard hard copy format where agencies currently maintain records in hard copy format. Agencies are not required to convert hard copy format records to electronic formats.

(2) (a) The minimum standard format in paper form shall be defined as not less than 8½ inches by 11 inches in at least 1 color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and the format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency.

(b) Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.

(KRS 61.874(2))

§ 38.23 FEES FOR COPIES.

(A) *Noncommercial uses.*

(1) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes, which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff required.

(2) If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.
(KRS 61.874(3))

(B) *Commercial uses.*

(1) Unless an enactment of the General Assembly prohibits the disclosure of public records to persons who intend to use them for commercial purposes, if copies of nonexempt public records are requested for commercial purposes, the public agency may establish a reasonable fee.

(2) The public agency from which copies of nonexempt public records are requested for a commercial purpose may require a certified statement from the requestor stating the commercial purpose for which they shall be used, and may require the requestor to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee.

(3) The fee provided for in division (B)(1) of this section may be based on one or both of the following:

(a) Cost to the public agency of media, mechanical processing and staff required to produce a copy of the public record or records; and

(b) Cost to the public agency of the creation, purchase or other acquisition of the public records.

(KRS 61.874(4))

Cross-reference:

Fees for online access to public records, see § 38.25

§ 38.24 MISSTATEMENT OF PURPOSE PROHIBITED.

It shall be unlawful for a person to obtain a copy of any part of a public record for a:

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 38.23(B)(2);

(B) Commercial purpose, if the person uses or knowingly allows the use of the public record for a different commercial purpose; or

(C) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

(KRS 61.874(5)) Penalty, see § 10.99

§ 38.25 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

(A) Online access to public records in electronic form may be provided and made available at the discretion of the public agency. If a party wishes to access public records by electronic means and the public agency agrees to provide online access, a public agency may require that the party enter into a contract, license or other agreement with the agency, and may charge fees for these agreements.

(B) Fees shall not exceed:

(1) The cost of physical connection to the system and reasonable cost of computer time access charges; and

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 38.23(B)(3).

(KRS 61.874(6))

§ 38.26 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

(A) The following public records are excluded from the application of this chapter and these rules and regulations and shall be subject to inspection only upon order of a court of competent jurisdiction, except as provided in KRS 61.878(1) that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;

(2) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records, the disclosure or publication of which is directed by other statute;

(3) (a) Records confidentially disclosed to the agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;

(b) Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

1. In conjunction with an application for or the administration of a loan or a grant;
2. In conjunction with an application for or the administration of assessments, incentives, inducements and tax credits as described in KRS Chapter 154;
3. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person; or
4. For the grant or review of a license to do business.

(c) The exemptions provided for in divisions (A)(3)(a) and (b) above shall not apply to records, the disclosure or publication of which is directed by statute.

(4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A)(3) above;

(5) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to banks, savings and loan associations and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods;

(6) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for a public agency relative to the acquisition of property, until that time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision;

(7) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again;

(8) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations, if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known, or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of this chapter, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. The exemptions provided by this subdivision shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this chapter;

(9) Preliminary drafts, notes or correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;

(10) Preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(11) All public records or information, the disclosure of which is prohibited by federal law or regulation;

(12) Public records or information, the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

(13) (a) Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

1. Criticality lists resulting from consequence assessments;
2. Vulnerability assessments;
3. Antiterrorism protective measures and plans;
4. Counterterrorism measures and plans;
5. Security and response needs assessments;

6. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

7. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and

8. Records when their disclosure will expose a vulnerability referred to in this subparagraph and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(b) As used in this division, “terrorist act” means a criminal act intended to:

1. Intimidate or coerce a public agency or all or part of the civilian population;
2. Disrupt a system identified in division (A)(13)(a)6. of this section; or
3. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this paragraph, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Office for Security Coordination and the Attorney General.

(d) Nothing in this paragraph shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs.

(e) The exemption established in this paragraph shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this paragraph under the Open Records Law; and

(13) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

(KRS 61.878(1))

(B) (1) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(KRS 61.878(2))

(2) In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 38.18.
(KRS 61.878(4))

(C) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.
(KRS 61.878(5))

(D) No exemption under this section shall be construed to deny, abridge or impede the right of a municipal employee, an applicant for employment or an eligible on a register to inspect and copy any record, including preliminary and other supporting documentation, that relates to him or her. These records shall include but not be limited to work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A city employee, applicant or eligible shall not have the right to inspect or copy any examination or any documents relating to ongoing criminal or administrative investigations by any agency.
(KRS 61.878(3))

§ 38.27 NOTIFICATION OF THE ATTORNEY GENERAL.

The official custodian shall notify the Attorney General of any actions filed against the city in Circuit Court regarding the enforcement of the Open Records Law, KRS 61.870 to 61.884.

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

CHAPTER 50: SOLID WASTE

Section

50.01	Definitions
50.02	Regulations
50.03	Administration
50.04	Service or user charge
50.05	Enforcement

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Residue from fires used for cooking and for heating buildings.

GARBAGE. Wastes resulting from the handling, preparation, cooking and consumption of food and wastes from the handling, storage and sale of produce.

REFUSE. Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery or other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacles. **REFUSE** shall not include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boilerhouse cinders, lumber, scraps and shavings.
(1983 Code, § 830.1 § 1)

§ 50.02 REGULATIONS.

(A) It shall be unlawful to place or permit to remain anywhere in the city any garbage or other material subject to decay, other than leaves or grass, except in a tightly covered metal container or enclosed trash bags.

(B) It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the city, except in a covered container.

(C) It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the city without the consent of the owner of the premises.

(D) It shall be unlawful to dispose of any garbage, refuse or ashes anywhere in the city except in an approved disposal device or in a lawfully established garbage or refuse dump. Any material not so properly disposed of shall be placed in containers for collection as hereinafter prescribed.

(1983 Code, § 830.1 § 2) Penalty, see § 10.99

§ 50.03 ADMINISTRATION.

(A) (1) The Commissioner of Sanitation shall be responsible for enforcement and administration of this chapter; including collection of service charges, the fixing of service charges for businesses, exemptions from payment of the service charge for any dwelling unit, dates of collection, approval of disposal device and the promulgation of those rules and guidelines as may appear necessary for the efficient performance of the service.

(2) The Commissioner of Sanitation may delegate any tasks required of him or her by this chapter to those persons he or she may select.

(B) Any person who is adversely affected by any act or decision in the enforcement of this ordinance may appeal the act or decision to the City Commission in writing within 2 weeks after notice of the act or decision. The Commission shall hear all evidence concerning the act or decision and any reason therefor, and within 1 week thereafter shall issue a decision in writing confirming, modifying or invalidating the act or decision.

(C) The city shall collect all garbage which is in a proper receptacle and placed in a convenient location on the day specified for pickup; and garbage shall be collected from each residence or place of business not less than once each week.

(D) Trash shall be bundled or placed in a receptacle for pickup at the street edge of property.
(1983 Code, § 830.1 § 3)

§ 50.04 SERVICE OR USER CHARGE.

(A) A service charge shall be made at the contract rate per year for each dwelling unit occupied as a residence, including house, duplex, apartment, mobile home and any other dwelling unit within the county.

(B) A service charge shall be made for each place of business, based on the amount of refuse to be collected and other relevant factors, provided the same weighing of the factors is applied uniformly to all businesses.

(1983 Code, § 830.1 § 4)

§ 50.05 ENFORCEMENT.

(A) (1) Any arrearage in the service charge established by § 50.04 shall constitute a lien against the real property which was served.

(2) At the end of each fiscal year the City Commission shall deliver to the City Attorney a list of all property which is in arrears, together with the amount of arrearage, and the City Attorney shall cause a lien to be filed and enforced against the property.

(B) The Commissioner of Sanitation or other persons responsible for enforcement of this chapter shall charge any person with criminal littering in violation of KRS 512.070 whenever there is evidence to believe a Class B misdemeanor has been committed.

(1983 Code, § 830.1 § 5)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL REGULATIONS

71. TRAFFIC REGULATIONS

72. PARKING AND STOPPING REGULATIONS

73. RECREATIONAL VEHICLES, BOATS AND TRAILERS

CHAPTER 70: GENERAL REGULATIONS

Section

General Provisions

- 70.01 Administration
- 70.02 Definitions
- 70.03 Required obedience to traffic directions
- 70.04 Temporary regulations

Miscellaneous Regulations

- 70.15 Truck weight limits

Traffic-Control Devices

- 70.30 Obedience to traffic signs and signals
- 70.31 Traffic signals at intersections
- 70.32 Signal legends
- 70.33 Establishment and maintenance of traffic-control devices
- 70.34 Interference with signals
- 70.35 Unauthorized signals or markings
- 70.36 Device to be legible and in proper position
- 70.37 Temporary disregard of devices by police officers
- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 ADMINISTRATION.

Implementation and enforcement of all traffic regulations of the city shall be administered by the Commissioner of Safety.
(1983 Code, § 510.1)

§ 70.02 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED EMERGENCY VEHICLES. Vehicles of the Police Department, vehicles of the Commonwealth Attorney's office when on official business, and ambulances on an authorized emergency run.

BOULEVARD. Any legally designated street at which cross traffic is required to stop before entering or crossing the ***BOULEVARD***.

BUSINESS DISTRICT. Any portion of any street between 2 consecutive intersections in which 50% or more of the frontage on either side of the street is used for business purposes.

CROSSWALK. That portion of the roadway included within the extension of the sidewalk across any intersection, and other portions of the roadway between 2 intersections that may be legally designated as crossing places and marked by stanchions, paint lines or otherwise.

CURB. The boundary of that portion of the street used for vehicles, whether marked by curbstones or not.

INTERSECTION. That part of the public way embraced within the extensions of the street lines of 2 or more streets which join at an angle, whether or not one street crosses the other.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, warnings, directions, markings and devices placed, erected or maintained by authority of the City Commission.

ONE-WAY STREET. A street on which vehicles are permitted to move in 1 direction only.

OPERATOR. Every person who is in actual physical control of the guidance, starting and stopping of a vehicle.

PARK. When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

PEDESTRIAN. Any person afoot.

PLAY STREET. Any street or portion thereof so designated by the City Commission and reserved as a play area for children, from which all traffic is barred, except vehicles to and from abutting properties.

PUBLIC WAY. The entire width between property lines of every way, dedicated passway or street set aside for public travel, except bridle paths and footpaths.

REVERSE TURN. To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

RIGHT-OF-WAY. The privilege of the immediate and preferential use of the street.

ROADWAY. That portion of any street, improved, designated or ordinarily used for vehicular travel.

SIDEWALK. That portion of the street between the curb and the property line intended for the use of pedestrians.

STOPPING. As applied to vehicles, to stop a vehicle longer than is actually necessary to receive or discharge passengers.

STREET. Every public way, including alleys.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, buses and other conveyances, individually or collectively, while using any street for the purpose of travel.

VEHICLE. Every device in, on or by which any person or property is or may be transported or drawn on any street, except devices moved by human power or used exclusively on stationary rails or tracks.

§ 70.03 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

(A) It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction given by a uniformed police officer, or to fail or refuse to comply with any of the traffic regulations of this traffic code.

(B) (1) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, this state, county or city.

(2) It shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.

Penalty, see § 70.99

§ 70.04 TEMPORARY REGULATIONS.

(A) When required for the convenience and safety of the public and to alleviate unusual traffic problems, the City Commission or any authorized city official shall, at his or her discretion, have authority to impose traffic regulations as he or she may deem necessary for temporary periods not to exceed 2 weeks.

(B) If these temporary regulations are necessary for a period longer than 2 weeks, the City Clerk shall be notified in writing of the extended order.

MISCELLANEOUS REGULATIONS**§ 70.15 TRUCK WEIGHT LIMITS.**

(A) No truck or other commercial vehicle or towed unit with weight in excess of 36,000 pounds gross weight shall be driven, parked or left overnight upon the public streets or rights-of-way or upon private property within the city except for pick-up and delivery.
(1983 Code, § 520.3)

(B) Penalty for overweight trucks, see KRS 189.990.

TRAFFIC-CONTROL DEVICES**§ 70.30 OBEDIENCE TO TRAFFIC SIGNS AND SIGNALS.**

All vehicular traffic shall obey the traffic signs and signals as set forth in KRS Chapter 189.
(1983 Code, § 530.1 § 3)

§ 70.31 TRAFFIC SIGNALS AT INTERSECTIONS.

Standard electric traffic signals, with 3 colors on a side; or with red facing 1 street and amber facing the intersecting street, shall be erected at those street intersections as the City Commission shall determine to be necessary for proper traffic control.
(1983 Code, § 530.1 § 2)

§ 70.32 SIGNAL LEGENDS.

Whenever traffic is regulated or controlled exclusively by a traffic-control sign or signs exhibiting the words *Go*, *Caution* or *Stop*, or exhibiting different colored lights for purposes of traffic control, the following colors only shall be used, and these terms and lights shall indicate and be obeyed as follows:

(A) *Green alone or Go.*

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn.

(2) However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time the signal is exhibited.

(B) *Steady yellow alone or Caution when shown following the green or Go signal.*

(1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

(C) *Red alone, double red or Stop.* Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at another point as may be indicated by a clearly visible line, and shall remain standing until green or *Go* is shown alone.

(D) *Flashing red alone.* Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at another point as may be indicated by a clearly visible line, and shall not again proceed until it can do so without danger.

(E) *Flashing amber alone.* Vehicular traffic facing the signal shall reduce its speed and proceed cautiously across the intersection controlled by the signal.

(F) *Yield Right-of-Way.*

(1) Vehicular traffic facing the *Yield Right-of-Way* sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and pedestrians within the primary intersecting or merging right-of-way.

(2) No vehicle facing a Yield Right-of-Way sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

(G) *Lane lights.*

(1) When lane lights are installed over any street for the purpose of controlling the direction of flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear.

(2) However, when flashing amber lights appear above a lane, all left turns shall be made from that lane.

(3) Where red arrows appear above the lanes, vehicles shall not move against them.

(4) If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at that place prohibits the turn.

Penalty, see § 70.99

Statutory reference:

Traffic-control signals, see KRS 189.338

§ 70.33 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

(A) (1) The city shall establish and maintain all official traffic-control devices necessary within the city.

(2) All traffic-control devices, including signs, shall be employed to indicate 1 particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly.

(B) All traffic-control devices and signs shall conform to required state specifications.

§ 70.34 INTERFERENCE WITH SIGNALS.

No person shall without authority attempt to or in fact alter, deface, injure, knock down or remove any official control device or any railroad sign or signal, or any inscription, shield or insignia thereon, or any part thereof.

Penalty see § 70.99

§ 70.35 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) (1) It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic; or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.

(2) No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal for any commercial advertising.

(3) Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

(B) Every prohibited sign, signal or marking is declared to be a public nuisance and the city is empowered forthwith to remove it or cause it to be removed.
Penalty, see § 70.99

§ 70.36 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if at the time and place of the alleged violation the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 70.37 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

In an emergency any police officer may at his or her discretion disregard traffic-control lights or signals or established regulations in order to facilitate the movement of traffic.

§ 70.99 PENALTY.

Any person who violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

CHAPTER 71: TRAFFIC REGULATIONS

Section

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*SIGNS AND SIGNALS***§ 71.001 STOP/YIELD SIGNS.**

Stop or yield signs shall be posted on those streets at any intersection the City Commission shall determine are necessary for proper traffic control.
(1983 Code, § 530.1 § 1)

SPEED LIMITS

§ 71.015 SPEED LIMITS; ESTABLISHED.

(A) It is hereby determined that the speed permitted by state law is greater than is safe or reasonable under conditions existing on certain streets and certain areas within the incorporated limits of the city.

(B) It shall be unlawful for any person to operate a vehicle, except an official vehicle during an emergency, at a speed in excess of the speeds established by this subchapter when signs are in place giving notice of that speed.

(1983 Code, § 520.1 § 1) Penalty, see § 71.999

§ 71.016 MAXIMUM RESIDENTIAL SPEED.

The maximum speed on all streets or portions thereof designated as residential by the City Commission shall be 25 miles per hour.

(1983 Code, § 520.1 § 2) Penalty, see § 71.999

BICYCLES

§ 71.035 OPERATION ON STREET; MOTOR VEHICLE OBLIGATIONS.

(A) Bicycles shall be operated on the streets as near to the right-hand curb or edge as practicable.

(B) The operator of a motor vehicle shall not overtake and pass a bicycle unless it can be done with reasonable safety, maintaining a space of not less than 5 feet between the bicycle and motor vehicle.

(1983 Code, § 520.2 § 1)

§ 71.036 SIDEWALKS.

No bicycle shall be operated upon any sidewalk in the city.

(1983 Code, § 520.2 § 2) Penalty, see § 71.999

§ 71.037 OBEDIENCE TO LAWS.

Any person operating a bicycle shall obey all traffic signs, signals and laws applicable to motor vehicles.

(1983 Code, § 520.2 § 3)

§ 71.038 OPERATION IN PARKS; NUMBER OF RIDERS.

(A) No person shall operate a bicycle on any section of a public park, playground, play lot or tot lot, except on a roadway or in a parking area.

(B) No operator of any bicycle shall carry another person on the bicycle.

Penalty, see § 71.999

Statutory reference:

Bicycles; safety regulations and standards, see KRS 189.287

§ 71.039 SKATING AND COASTING.

Except on streets which may be declared from time to time as *play streets* by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind to go on any roadway except at a crosswalk.

Penalty, see § 71.999

§ 71.040 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, coaster sled, roller skates or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he or she is riding thereto.

(B) No person shall ride on the projection, running board or fenders of any vehicle.

Penalty, see § 71.999

OPERATION GENERALLY

§ 71.050 OBSTRUCTING TRAFFIC.

(A) No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk.

(B) This provision shall be effective notwithstanding any traffic-control signal indication to proceed.
(1983 Code, § 530.1 § 4)

(C) (1) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner in order to indicate its importance.

(2) Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he or she shall be deemed to have violated this division rather than division (A) above.
Penalty, see § 71.999

§ 71.051 REVERSE OR U-TURNS.

The operator of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety without interfering with other traffic.
(KRS 189.330(8)) Penalty, see § 71.999

§ 71.052 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.
Penalty, see § 71.999

§ 71.053 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the City Commission or any authorized city official.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension.

(1) On entering the roadway from the alley, driveway or building the operator shall yield the right-of-way to all vehicles approaching on the roadway.

(2) The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.
Penalty, see § 71.999

§ 71.054 ONE-WAY STREETS.

(A) The City Commission, after due investigation, including meetings with the Planning Commission, its elected Metro Council members, the Fire Chief of McMahan Fire Department, the City's Engineer and Attorney, as well as the president of Faulker Hinton Associates, does hereby find as follows:

(1) The development known as Hunsinger Gardens does not anticipate, need or want access from Hunsinger Lane through the City of Houston Acres and in fact said owner of the development petitioned the Planning Commission to waive its requirement to establish this connection.

(2) The roadway known as Hunsinger Lane is not so situated with the roadway known as Dolphin Road; that their connection would provide any needed access to the traveling public.

(3) The roadway system within Houston Acres terminates with no outside access points at Dolphin Road, because the protected watershed known as the South Fork of Beargrass creek has cut off any development and connectivity from the south.

(4) Additionally, the eastern edge of the city is not proposed for development and the owner of said land is in favor of this proposal and anticipates restricting development of the entire east side of the City of Houston Acres through the imposition of a conservation easement.

(5) Due to the natural access and connectivity limitation of the roadway known as Dolphin Road, such road has been built as and has become in effect a cul-de-sac, much used by the neighborhood for walking and pedestrian activities in an environment safe from through traffic. Such roadway has therefore become a community asset, providing an essential traffic free area for pedestrian access which would become dangerous and impossible if opened to through traffic from the Development known as Hunsinger Gardens.

(6) The City of Houston Acres is built out and cannot grow its revenue beyond the 4% allowed each year and therefore cannot afford the anticipated and unanticipated improvement and repair costs associated with opening Dolphin Road to through traffic.

(7) The Chief of the McMahan fire department has indicated that establishing 1-way traffic as is proposed in this section would not adversely affect the provision of emergency services in the community.

(8) The residents in the City of Houston Acres, particularly those along Dolphin Road, are unanimously in favor of this section restricting traffic to 1-way only.

(B) On the basis of the foregoing, the City of Houston Acres does hereby establish that there shall be 1-way traffic only on Dolphin Road, in the west-bound direction, beginning 630 feet west from the intersection of Dolphin Road and Hunsinger Boulevard to the boundary of the City of Houston Acres. The beginning and end of said 1-way only traffic shall be appropriately marked with equipment and signage as shown on the attached Exhibit One, which is hereby incorporated by reference as though set out herein.

(Ord. 541.1, Series 2004-2005, passed 8-18-2004)

ACCIDENTS

§ 71.065 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident, in which any person is injured or property damaged, to stop immediately and ascertain the extent of the injury or damage and render any assistance as may be needed.

Penalty, see § 71.999

Statutory reference:

Duty in case of accident, see KRS 189.580

§ 71.066 ACCIDENT REPORT.

The operator, owner or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.

Penalty, see § 71.999

PROHIBITIONS**§ 71.080 OPERATOR OF VEHICLE TO DRIVE CAREFULLY; INJURING HIGHWAY.**

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 71.999

§ 71.081 RIGHT-OF-WAY OF EMERGENCY VEHICLES; FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.

(A) Upon the approach of an emergency vehicle equipped with and operating 1 or more flashing, rotating or oscillating red or blue lights visible under normal conditions from a distance of 500 feet to the front of the vehicle; or when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to and as close as possible to the edge or curb of the highway clear of any intersection, and stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(B) Upon the approach of any emergency vehicle operated in conformity with the provisions of division (A) above, the operator of every vehicle shall immediately stop clear of any intersection and shall keep that position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter.

(C) No operator of any vehicle, unless he or she is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of division (A) above closer than 500 feet, nor shall he or she drive into, park the vehicle into, or park the vehicle within the block where the vehicle has stopped in answer to an emergency call or alarm, unless he or she is directed otherwise by a police officer or firefighter.

(D) No vehicle, train or other equipment shall be driven over any unprotected hose of a Fire Department when the hose is laid down on any street, private driveway or track for use at any fire alarm, unless the Fire Department official in command consents that the hose be driven over.

(E) Upon approaching a stationary emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights, a person who drives an approaching vehicle shall either, while proceeding with due caution:

(1) Yield the right-of-way by moving to a lane not adjacent to that of the authorized emergency vehicle, if:

(a) The person is driving on a highway having at least 4 lanes with not fewer than 2 lanes proceeding in the same direction as the approaching vehicle; and

(b) If it is possible to make the lane change with due regard to safety and traffic conditions.

(2) Reduce the speed of the vehicle, maintaining a safe speed to road conditions, if changing lanes would be impossible or unsafe.

(F) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.
(KRS 189.930) Penalty, see § 71.999

§ 71.082 SMOKE EMISSION OR OTHER NUISANCE.

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke or other nuisance, to protect the rights of other traffic and to promote the public safety.
(KRS 189.020) Penalty, see § 71.999

PARADES**§ 71.095 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARADE. Any **PARADE**, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display in or on any street, sidewalk, park or other public place in the city.

PARADE PERMIT. A permit required by this subchapter.

§ 71.096 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the City Commission or any authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions; or

(2) A governmental agency acting within the scope of its functions.

Penalty, see § 71.999

§ 71.097 APPLICATION FOR PERMIT.

A person seeking issuance of a parade permit shall file an application with the City Commission or any authorized city official on forms provided by the Commissioner or the officer.

(A) *Filing period.* The application for a parade permit shall be filed not less than 5 days or not more than 60 days before the date on which it is proposed to conduct the parade.

(B) *Application.* The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

- (3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point and the termination point;
- (6) The approximate number of persons, animals and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
- (7) The hours when the parade will start and terminate;
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;
- (9) The location by street of any assembly area for the parade;
- (10) The time at which units of the parade will begin to assemble at any assembly area or areas;
- (11) The interval of space to be maintained between units of the parade;
- (12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf; and
- (13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) *Fee.* There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Commission.
Penalty, see § 71.999

§ 71.098 STANDARDS FOR ISSUANCE OF PERMIT.

The City Commission or any authorized city official shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

- (A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire; and/or

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
Penalty, see § 71.999

§ 71.099 NOTICE OF REJECTION OF PERMIT.

(A) The City Commission or any authorized city official shall act on the application for a parade permit within 3 days, Saturdays, Sundays and holidays excepted, after filing thereof.

(B) If the City Commission or authorized city official disapproves the application, he, she or it shall mail to the applicant within the 3 days, Saturdays, Sundays and holidays excepted, after the date on which the application was filed, a notice of his, her or its action stating the reasons for the denial of the permit.

§ 71.100 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Commission. The appeal shall be taken within 30 days after notice of denial. The City Commission shall act on the appeal within 30 days after its receipt.

§ 71.101 ALTERNATIVE PERMIT.

(A) The City Commission or any authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his or her acceptance.

(B) An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this subchapter.

§ 71.102 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

- (A) The City Commission;
- (B) The City Attorney;
- (C) The Police Chief and the Fire Chief; and

(D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

§ 71.103 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;
- (D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Other information as is reasonably necessary to the enforcement of this subchapter.

Penalty, see § 71.999

§ 71.104 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The parade chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade.

Penalty, see § 71.999

§ 71.105 PUBLIC CONDUCT DURING PARADES.

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

§ 71.106 REVOCATION OF PERMIT.

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

§ 71.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500.

(B) Penalty for violations of speed limits as in §§ 71.015 and 71.016, see KRS 189.394.

(C) Any person who violates § 71.081 shall be guilty of a misdemeanor and shall be fined not less than \$60 nor more than \$500, or be imprisoned in the county jail for not more than 30 days, or both. (KRS 189.993(8))

CHAPTER 72: PARKING AND STOPPING REGULATIONS

Section

Parking Regulations

- 72.01 No Parking signs
- 72.02 No Stopping signs
- 72.03 Double parking
- 72.04 Purposes prohibited
- 72.05 Loading or discharging passengers
- 72.06 Loading Zone signs; effective time
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Impounding

- 72.20 Impoundment of vehicles authorized; redemption
- 72.21 Required notice to owner
- 72.22 Sale of vehicle

Snow Emergency

- 72.35 Announcement of snow emergency
- 72.36 Termination of emergency
- 72.37 Snow emergency routes

- 72.99 Penalty

Statutory reference:

Revenues from fees, fines and forfeitures related to parking, see KRS 65.120

PARKING REGULATIONS**§ 72.01 NO PARKING SIGNS.**

(A) *No Parking* signs shall be erected on those streets or portions thereof as determined by order of the City Commission, and no person shall park a vehicle in any area indicated as *No Parking* by the sign at any time of the day specified by the sign, except Sundays and public holidays.

(B) If no time is specified on the sign, it shall mean at any time.
(1983 Code, § 540.1 § 1)

§ 72.02 NO STOPPING SIGNS.

(A) *No Stopping* signs shall be erected on those streets or portions thereof and for times as determined by order of the City Commission; and no person shall stop any vehicle, except as required by traffic conditions, in any area indicated as *No Stopping* by the sign except Sundays and public holidays.

(B) If no time is specified on the sign, it shall mean at any time.
(1983 Code, § 540.1 § 2)

§ 72.03 DOUBLE PARKING.

(A) No person shall park or stop and leave standing any vehicle upon a public street in such a manner as to constitute double parking or to leave available less than 18 feet of the width of the roadway for the free movement of vehicular traffic.

(B) No person shall park or stop and leave standing a vehicle within an alley or upon a street in such a position as to block any driveway entrance.
(1983 Code, § 540.1 § 3) (Ord. passed 10-20-2004) Penalty, see § 72.99

§ 72.04 PURPOSES PROHIBITED.

No person shall park a vehicle upon any street for the purpose of:

(A) Displaying the vehicle for sale; or

(B) Washing, greasing, painting or repairing the vehicle, except repairs necessitated by an emergency.
(1983 Code, § 540.1 § 4) Penalty, see § 72.99

§ 72.05 LOADING OR DISCHARGING PASSENGERS.

No vehicle shall take on or let out passengers except on the right-hand side of the vehicle, which shall be within 2 feet of the right-hand curb or edge of the street.
(1983 Code, § 540.1 § 5) Penalty, see § 72.99

§ 72.06 LOADING ZONE SIGNS; EFFECTIVE TIME.

(A) *Loading Zone* signs shall be erected at places along public streets in front of business establishments and for such time as determined by order of the City Commission; and no person shall use the area for any other purposes during the time indicated on the sign.

(B) If no time is specified on the sign, it shall mean between the hours of 8:00 a.m. and 4:00 p.m.
(1983 Code, § 540.1 § 6) Penalty, see § 72.99

§ 72.07 FIRE HYDRANTS.

No vehicle shall park within 10 feet of any fire hydrant.
(1983 Code, § 540.1 § 7) Penalty, see § 72.99

§ 72.08 STREET PARKING.

(A) All vehicles must park in a driveway as long as there is space.

(B) If the driveway is full, vehicles can then park on the street, but must abide by all other parking regulations.
(Ord. 540.1, Series 2004-2005, passed 11-17-2004) Penalty, see § 72.99

§ 72.09 LAWNS, GRASS AND UNPAVED AREAS.

(A) No parking or driving of any vehicle is allowed on lawns, grass or unpaved areas within the city, except parking along roads is allowed so long as all wheels are on the roadway, except where and when prohibited.

(B) (1) Continuous hard surface areas which consist of asphalt or concrete are allowed.

(2) Hard surface areas consisting of rock or gravel are not allowed.

(C) Occasional special event parking on lawns, grass and unpaved areas is allowed.

(D) No paving is allowed on road easements other than paving done by the city.
(Ord. passed 10-20-2004) Penalty, see § 72.99

IMPOUNDING

§ 72.20 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

(A) All police officers are empowered to authorize the impoundment of a vehicle violating vehicle-related ordinances after a citation has been issued.

(B) A vehicle slated for impoundment will be tagged and placed under control of the Police Department. Should a vehicle be moved without the consent and approval of the Police Department, a warrant shall be issued immediately for the violator's arrest.

(C) All fines, fees and charges must be paid in full before a release of impoundment can be issued for the vehicle's release.

§ 72.21 REQUIRED NOTICE TO OWNER.

(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public authority or private person or business for any reason; when the vehicle has been stolen or misappropriated, and its removal from the public ways has been ordered by police, other public authority, or by private person or business; or in any other situation where a motor vehicle has been involuntarily towed or transported by order of police, other authority or by private person or business, the police, other authority, private person or business shall attempt to ascertain from the State Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier, as defined in KRS Chapter 281, and within 10 business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number and vehicle identification number of the vehicle, of the location of the vehicle, and of the requirements for securing the release of the motor vehicle.

(KRS 376.275(1))

(B) (1) If a vehicle described in division (A) above is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in division (A) by certified mail to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier, as defined

in KRS Chapter 281, within 10 business days of recovery of or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number and vehicle identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges due on the vehicle.

(2) When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after 10 business days from the date of tow.

(3) This division (B) shall not apply to a tow lot or storage facility owned or operated by the city.

(KRS 376.275(2))

§ 72.22 SALE OF VEHICLE.

(A) Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city, who has substantially complied with the requirements of § 72.21, shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle, as long as it remains in his or her possession.

(B) If, after a period of 45 days, the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail, 10 days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting and storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting and storage charges by the owner or responsible casualty insurer of the vehicle.

(C) This lien shall be subject to prior recorded liens.

(KRS 376.275(3))

SNOW EMERGENCY

§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.

(A) Whenever the City Commission or any authorized city official finds that falling snow, sleet or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited; or whenever it is found on the basis of a firm forecast of snow, sleet

or freezing rain that the weather conditions so forecasted may create a condition making it necessary that parking be prohibited, the Commission or city official is authorized to announce the prohibition, to become effective at a time specified by him, her or it.

(B) After the effective time of the prohibition, no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the City Commission or any authorized city official has not announced prior to 11:00 p.m. that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. following the fall.

(C) The prohibition of parking announced by the City Commission or any authorized city official under the authority of this section shall remain in effect until the Commission or city official announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this section shall no longer be in effect.
Penalty, see § 72.99

§ 72.36 TERMINATION OF EMERGENCY.

(A) Whenever the City Commission or any authorized city official shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, the Commission or city official is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement.

(B) If the announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

§ 72.37 SNOW EMERGENCY ROUTES.

(A) The term ***SNOW EMERGENCY ROUTE*** shall mean any route designated by the City Commission or any authorized city official.

(B) On a street or highway designated as a snow emergency route, special signs shall be posted to this effect.

§ 72.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) For violations of § 70.08, the following shall apply:

(1) All parking violations shall carry a \$30 fine, due no later than 30 days from the date of issuance of a parking citation.

(2) The fine shall be made payable to the City of Houston Acres, P.O. Box 206098, Louisville, KY 40250-6098.
(Ord. 540.1, Series 2004-2005, passed 11-17-2004)

CHAPTER 73: RECREATIONAL VEHICLES, BOATS AND TRAILERS

Section

- 73.01 Purpose
- 73.02 Definitions
- 73.03 Conditions to parking on private property
- 73.04 Time limit for parking on right-of-way
- 73.05 Occupying private property
- 73.06 Type requirement

- 73.99 Penalty

§ 73.01 PURPOSE.

(A) The purpose of this chapter is to regulate the parking and storage of recreational vehicles and boats or boat trailers.

(B) These regulations are intended for and in the best interest of the citizens of the city to provide easy access to recreational vehicles while promoting the health, safety and welfare of all the citizens of the city.

(Ord. 540.8, passed 1-21-1987)

§ 73.02 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RECREATIONAL VEHICLE.

(1) Any travel trailer, motor home, slide-in camper, or other unit built or mounted on a chassis (excluding vans), designed without a permanent foundation, which is used for temporary dwelling or sleeping purposes and which may be legally driven or towed on a highway, and which body length does not exceed 40 feet and total body width does not exceed 8 feet;

(2) Any boat or boat trailer; and

(3) All other sport type recreational vehicles and the trailers used to store or transport all these recreational vehicles.
(Ord. 540.8, passed 1-21-1987)

§ 73.03 CONDITIONS TO PARKING ON PRIVATE PROPERTY.

(A) The recreational vehicle, boat or trailer must be owned or leased by a resident of the premises. Proof of ownership or lease shall be available to the Commissioners upon request.

(B) The recreational vehicle, boat or boat trailer must be currently registered and licensed as required by state and federal law.

(C) The number of vehicles (other than passenger vehicles) parked or stored on private property shall be limited to 2, 1 recreational vehicle and 1 boat and trailer.

(D) The recreational vehicle, boat or boat trailer shall be parked or stored entirely on the owner's property in a safe and orderly manner.

(E) The vehicle parked or stored on a driveway or adjacent to driveway shall not be a hazard to people entering the driveway or to persons passing on the sidewalk or the right-of-way and must be parked on a hard surface such as asphalt or concrete.

(F) The recreational vehicle, boat or boat trailer is not in the process of being constructed, reconstructed or undergoing major repairs that have taken more than 7 consecutive days to complete.
(Ord. 540.8, passed 1-21-1987)

§ 73.04 TIME LIMIT FOR PARKING ON RIGHT-OF-WAY.

No recreational vehicle, boat or boat trailer shall be parked or stored on any public right-of-way for a period exceeding 2 hours.
(Ord. 540.8, passed 1-21-1987) Penalty, see § 73.99

§ 73.05 OCCUPYING PRIVATE PROPERTY.

(A) No recreational vehicles shall be used as temporary or permanent living quarters while parked on private property.

(B) No waste dumping will be allowed.

(C) Only temporary electrical connections may be used to maintain vehicle equipment.

(D) Recreational vehicles are not to be used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
(Ord. 540.8, passed 1-21-1987)

§ 73.06 TYPE REQUIREMENT.

All recreational vehicles must be Class A manufactured type. No homemade or converted buses will be allowed.
(Ord. 540.8, passed 1-21-1987) Penalty, see § 73.99

§ 73.99 PENALTY.

(A) A violation of this chapter shall constitute a misdemeanor, and persons convicted of an offense thereunder shall be subject to a fine of not less than \$10 nor more than \$50 for each offense. Each day of violation shall constitute a separate offense.

(B) All costs encountered by the city to enforce this chapter shall be paid for by the defendant.
(Ord. 540.8, passed 1-21-1987)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. ABANDONED, WRECKED OR JUNKED VEHICLES**
- 92. HEALTH AND SANITATION, ENVIRONMENT;
NUISANCES**
- 93. STREETS AND SIDEWALKS**
- 94. FIRE PREVENTION; FIREWORKS**

CHAPTER 90: ANIMALS

Section

- 90.01 Definitions
- 90.02 Large livestock/wild animals prohibited
- 90.03 Animals Running at large
- 90.04 Leash requirement or otherwise under control
- 90.05 Stray dog or cat; requirement to report
- 90.06 Attacking or biting animal
- 90.07 Cruelty to animals in the second degree
- 90.08 Dyeing or selling dyed chicks or rabbits
- 90.09 Abandoning domestic animals prohibited
- 90.10 Destruction of abandoned and suffering animal
- 90.11 Keeping of animals
- 90.12 License required
- 90.13 Dogs Running at Large
- 90.14 Noise disturbance
- 90.15 Impoundment
- 90.16 Reclaiming impounded dog
- 90.17 License for kennel
- 90.18 License renewal; revocation; appeals
- 90.19 Kennel standards

- 90.99 Penalty

§ 90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his or her agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.

ANIMAL. Any living creature, domestic or wild, including livestock, poultry, rabbits, rodents, birds and vermin.

AT LARGE. Off the premises of the owner, and not under the control of the owner or his or her agent either by leash, cord, chain or otherwise.

CRUELTY. Failing to provide adequate feed and water, failing to detect the need for care, cleaning or allowing unhealthful living conditions, infliction of pain, injury or death, failure to provide health related grooming.

KENNEL. Any residence or establishment where unusually large numbers of animals are kept on the premises. For purposes of this chapter, any person who keeps animals in excess of the following is considered to have a kennel:

- (1) Ten dogs;
- (2) Ten cats;
- (3) Ten poultry; or
- (4) Ten rabbits.

OWNER. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care, or permits it to remain on or about the premises owned or occupied by him or her.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.02 LARGE LIVESTOCK/WILD ANIMALS PROHIBITED.

Large livestock animals are not allowed to be kept within the city. These animals include, but are not limited to: horses, ponies, cows, pigs, fowl, sheep, goats, llamas, ostriches, emus and any other creature larger than an average domestic dog.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.03 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon an enclosure without the consent of the owner of the yard, lot or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004) Penalty, see § 90.99

§ 90.04 LEASH REQUIREMENT OR OTHERWISE UNDER CONTROL.

It shall be unlawful for any owner or person in charge of a dog to permit the dog to be on the streets of the city unless the dog is on a leash or otherwise under the absolute control of the owner or his or her agent.

(1983 Code, § 840.1 § 3) Penalty, see § 90.99

§ 90.05 STRAY DOG OR CAT; REQUIREMENT TO REPORT.

It shall be unlawful for any person to keep or harbor a stray dog or cat without reporting same to city police within 24 hours.

(1983 Code, § 840.1 § 4) Penalty, see § 90.99

§ 90.06 ATTACKING OR BITING ANIMAL.

No person shall harbor or keep any animal which shall bite or attack any person or other animal, that animal at the time of biting or attack not being within the owner's property.

(1983 Code, § 840.1 § 5) Penalty, see § 90.99

§ 90.07 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

(A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he or she intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, causes it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a 4-legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means; or

(2) Subjects any animal in his or her custody or control to cruel neglect; or

(3) Kills any animal.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes; or

(4) For any other purpose authorized by law.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.08 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under 2 months of age in any quantity.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.09 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.10 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of 2 reputable citizens called by him or her to view the animal in his or her presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his or her agent for a period of not more than 10 days after written notice by registered or certified mail, return receipt requested, is given the owner or his or her agent at his or her last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, dog pound, or animal shelter or disposed of as such custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of such animal by the licensed veterinarian, as provided herein shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.11 KEEPING OF ANIMALS.

(A) It shall be unlawful for any person, firm or corporation to keep or cause to be kept any animal or animals in such a manner or such number as to interfere with the quiet enjoyment of the property of another. This section shall apply to excessive noise, offensive odors, unsightliness or any other way or act which may diminish the value or enjoyment of the property of another.

(B) This section shall apply to all property, persons, firms, individuals, corporations located within or doing business within the city.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.12 LICENSE REQUIRED.

It shall be unlawful for any person to own or keep a dog or dogs in the city without first obtaining a license for each dog through Louisville Metro Government and such license tag shall be fastened to the collar of the animal and shall be worn continuously, and the failure to have the tag so attached shall subject the owner or keeper thereof to the penalties provided herein.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.13 DOGS RUNNING AT LARGE.

(A) It shall be unlawful for the owner or keeper of any dog, either licensed or unlicensed, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property.

(B) It shall be unlawful for any owner, or person in charge of a dog to permit such dog to be on the streets of the city unless such dog is on a leash, or otherwise under the absolute control of the owner or his or her agent.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.14 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of 1 or more inhabitants of 2 or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he or she occupies or owns shall be considered harboring the dog. (1983 Code, § 840.1 § 6) (Ord. 840.1, Series 2004-2005, passed 1-19-2004) Penalty, see § 90.99

§ 90.15 IMPOUNDMENT.

Every police officer, peace officer, or other authorized official shall have the authority to apprehend any dog running at large in violation of this chapter and any unlicensed dog in the city, and to impound such dog or have such dog impounded in the appropriate place.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.16 RECLAIMING IMPOUNDED DOG.

The owner of any dog so impounded may reclaim the dog upon the payment of all appropriate fees and after fulfilling any and all other requirements.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.17 LICENSE FOR KENNEL.

(A) Any person desiring to keep more than 10 each of dogs, cats, poultry or rabbits is required to obtain a kennel license from the city. Each location must be inspected and meet the requirements of this chapter prior to the license being issued.

(B) Kennel licenses are effective July 1st and are valid for 1 year.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.18 LICENSE RENEWAL; REVOCATION; APPEALS.

(A) *Renewal.* All kennel licenses shall be renewed on or before July 1 of each year.

(B) *Revocation.*

(1) The city may revoke or deny any license issued hereunder.

(2) Grounds for such revocation include, but are not limited to, conviction pursuant to any violation of this chapter, or conviction pursuant to any related state or federal law.

(3) License revocation or denial notices shall be in writing and state the grounds therefor.

(C) *Appeals.*

(1) Any person who received such license revocation or denial notice pursuant to this section may appeal such notice to the full City Commission, within 20 days from the date of the notice;

(2) Any appeal shall be in writing, shall state the grounds therefor and shall be signed by the person bringing the appeal; and

(3) The City Commission shall hold a hearing and make a decision within 60 days of submittal of the appeal. The appellant shall have a right to present evidence in support of the appeal to the City Commission.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.19 KENNEL STANDARDS.

(A) *Indoor.* Secure enclosures (cages, kennels, or runs) shall be provided for each animal housed. These enclosures shall be of an impervious material and floors shall be metal, fiberglass, concrete, or covered with a minimum of 3 inches of gravel. Enclosures must be cleaned daily with a disinfectant. Cleaning material must be present at the time of any inspection in amounts sufficient to clean the entire facility. Animals must be removed from enclosures during cleaning.

(B) *Outdoor.* Secure enclosures (cages, kennels, or runs) shall be provided for each animal housed. These enclosures shall be of an impervious material and floors shall be metal, fiberglass, concrete, or covered with a minimum of 3 inches of gravel. Enclosures must be cleaned daily with a disinfectant. Cleaning material must be present at the time of any inspection in amounts sufficient to clean the entire facility. Animals must be removed from enclosures during cleaning. Outdoor enclosures shall also provide adequate protection from the weather.

(C) *State of kennels.* All areas where animals are kept must be clean, free of accumulated waste and well drained. Animal waste must be disposed of properly from the site on a daily or weekly basis in a manner which does not present a noxious or offensive condition to neighbors.

(Ord. 840.1, Series 2004-2005, passed 1-19-2004)

§ 90.99 PENALTY.*(A) Criminal.*

(1) Any person who shall violate any provision of this chapter shall be guilty of a violation and fined not less than \$20 nor more than \$100.

(2) Where Kentucky Revised Statutes mandate a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.

(3) Any continuing violation of this chapter shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

(B) Civil.

(1) Any person who shall violate any provision of this chapter shall subject the offender to a civil penalty in an amount equal to 2 times the minimum fine prescribed in this section, with a minimum civil penalty of \$50 for each violation.

(2) The civil penalty provided herein may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the ordinance violation. As used herein, **CITED** shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein. (Ord. 1000.0, Series 2004-2005, passed 1-19-2004)

CHAPTER 91: ABANDONED, WRECKED OR JUNKED VEHICLES

Section

- 91.01 Unlawful to leave on private property
- 91.02 Notice to owner of vehicle or land
- 91.03 Removal of vehicle; costs

- 91.99 Penalty
- Appendix A: Sample Sales Agreement

§ 91.01 UNLAWFUL TO LEAVE ON PRIVATE PROPERTY.

(A) (1) It shall be unlawful to park, store, leave or permit parking or storing of any licensed or unlicensed motor vehicle of any kind or part(s) thereof, for a period of time in excess of 24 hours which is in a rusted, wrecked, junked, partially dismantled or inoperative, or abandoned condition, whether attended or not, upon any private property within the city limits; except that this chapter shall not apply to a vehicle in an enclosed building.

(2) Any vehicle not displaying a current license plate is considered to be unlicensed.
(Am. Ord. passed 8-16-1995)

(B) (1) The accumulation and storage of 1 or more of these vehicles or part(s) thereof, as hereinbefore defined, on private property shall constitute a nuisance, detrimental to the health, safety and welfare of the inhabitants of the city.

(2) It shall be the duty of the registered owner of the vehicle or part(s) thereof, and it shall also be the duty of the owner of the private property, lessee or other person in possession of private property upon which the vehicle or part(s) thereof be located, to remove same from the city limits or to have the same housed in a building where it will not be visible from the street.

(1983 Code, § 1010.1 § 1) Penalty, see § 91.99

§ 91.02 NOTICE TO OWNER OF VEHICLE OR LAND.

(A) (1) It shall be the duty of the Commissioner of Public Safety or his or her designate to give written notice to the registered owner of any motor vehicle or part(s) thereof which is in violation of this chapter, as described in § 91.01 above, or to give notice to the owner or lessee of the private property upon which the motor vehicle or part(s) thereof is situated.

(2) The notice shall state that the vehicle or part(s) thereof violates this chapter, demanding that the motor vehicle or part(s) thereof be removed from the property within 72 hours same may be housed in a building where it will not be visible from the street.

(3) This notice may be given by personal service or by certified mail, with a return receipt requested.

(B) Written notice required by this section shall be deemed to have been given; such as constructive notice when the registered owner of the motor vehicle or part(s) thereof, or the owner, lessee or other person in possession of private property concerned herein, either:

(1) Refuses to accept the prepaid United States mail certified letter from the city and the same is returned from the Post Office marked *refused*; or

(2) The person to be notified is present within the city, but the notification letter is returned marked *unclaimed* by the Post Office, in which event notice by the city may be made by affixing the letter in a conspicuous place at the main entrance or to the front door of the residence of the person.
(1983 Code, § 1010.1 § 2)

§ 91.03 REMOVAL OF VEHICLE; COSTS.

(A) In the event that any of the aforesaid persons, whether an individual, firm or corporation, fails, neglects or refuses to remove the abandoned, wrecked or junked vehicle or part(s) thereof or house same in a building as provided in § 91.01(B) above and abate the nuisance after the required notice, the city, its agent or private contractor may remove the vehicle or part(s) thereof at the cost not to exceed \$150, and a minimum cost of \$10, as determined by the Commissioner of Public Safety.
(Am. Ord. passed 8-16-1995)

(B) This cost shall, if in the best interests of the city, as determined by the Commissioner of Public Safety, be collected from the registered owner of the vehicle or part(s) thereof, or the owner of the private property, lessee or other person in possession of private property upon which the vehicle or part(s) is located. Ownership of any vehicle or part(s) thereof removed by the city, its agents or contractor shall upon this removal be vested in the city, its agents or contractor, as applicable.

(C) For a sample form for a sales agreement, see Appendix A to this chapter.
(1983 Code, § 1010.1 § 3)

§ 91.99 PENALTY.

(A) Any person, firm or corporation who shall violates the provisions of this chapter shall, upon conviction thereof, be fined not more than \$100 or be imprisoned for a period not to exceed 50 days, or both, the fine and imprisonment being for each violation.

(B) If the person, firm or corporation receiving the notice provided for in § 91.02 executes a sales agreement form similar to that in Appendix A to this chapter, the city, its agent or contractor will remove the vehicle or part(s) thereof at no cost to the person receiving the notice, and no warrant for arrest shall be issued.

(1983 Code, § 1030.3)

APPENDIX A: SAMPLE SALES AGREEMENT

A sample form for a sales agreement is as follows:

KNOW ALL MEN by these presents, that in consideration of an offer by the City of Houston Acres, Kentucky, or its agent or contractor _____, whose address is _____, to remove at no cost to the undersigned the hereinafter described abandoned, wrecked or junked vehicle or part(s) thereof from certain premises in the city, the undersigned warrants (that he or she is the owner of the vehicle) (that he or she is the owner or occupant of the property where the vehicle is located), and hereby grants, bargains, sells, transfers and delivers unto the City of Houston Acres, Kentucky or its agents(s) the following described abandoned, wrecked or junked vehicle or parts(s) thereof:

Location: _____

Dated this _____ day of _____, _____.

Witnesses:

Owner, Seller, Occupant

Residence: _____

Phone No.: _____

(1983 Code, § 1030.3)

CHAPTER 92: HEALTH AND SANITATION, ENVIRONMENT; NUISANCES

Section

Trash; Littering

- 92.01 Dumping trash prohibited
- 92.02 Debris and trash on vacant property

Miscellaneous Nuisances

- 92.15 General Nuisances
- 92.16 Requirement to maintain vacant houses
- 92.17 Burning on streets
- 92.18 Tampering with storm sewer or sanitary sewer
- 92.19 Noise

Weeds and Grasses

- 92.30 Weeds and high grass prohibited
- 92.99 Penalty

TRASH; LITTERING

§ 92.01 DUMPING TRASH PROHIBITED.

It shall be unlawful to dump waste, trash or debris of any kind upon the streets, rights-of-way, private lots or in storm sewer catch basins.
(1983 Code, § 1010.2 § 1) Penalty, see § 92.99

§ 92.02 DEBRIS AND TRASH ON VACANT PROPERTY.

No person shall throw or deposit upon any vacant or unoccupied property in the city any trash, trees, tree limbs, dirt, garbage, grass cuttings or grass clippings, or debris of any nature.
(1983 Code, § 1010.4 § 1) Penalty, see § 92.99

MISCELLANEOUS NUISANCES**§ 92.15 GENERAL NUISANCES.**

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTOMOBILE PARTS. Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

INOPERATIVE CONDITION. Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of not less than 10 consecutive days.

MOTOR VEHICLE. Any style or type of motor driven vehicle used for the conveyance of persons or property.

NUISANCE. Public nuisance.

SCRAP METAL. Pieces or parts of steel, iron tin, zinc, copper, aluminum, or any alloy thereof, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

UNFIT FOR FURTHER USE. In a dangerous condition; having defective or missing parts; or in such a condition generally as to be unfit for further use as a conveyance.

(B) *Common law statutory nuisances.* In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.

(C) *Certain conditions declared a 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:

(1) *Dangerous trees or stacks adjoining street.* Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to the persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(2) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents, or insect, or blow rubbish into any street, sidewalk, or property of another.

(3) *Storage of explosives.* The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(4) *Weeds and grass.* The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, *excessive* shall mean growth to a height of 12 inches or more.

(5) *Open wells.* The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(6) *Trees and shrubbery obstructing streets, sidewalks, and drainage.* The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, or constitutes an obstruction to drainage.

(7) *Keeping of animals.* The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(8) *Junk; scrap metal; motor vehicles.* The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.

(9) *Dilapidated structures.* Dilapidated exterior covering of structures, not sealed from the elements.

(10) *Gutters.* Deteriorated gutters; non-existent or non-functioning gutters.

(D) (1) *Abatement procedure.* 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, health hazard, or source of filth to develop thereon.

(2) *Discovery of nuisance.* Whenever a nuisance situation is discovered, the authorized city official shall give 5-days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(3) *Lien against property.* The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and 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 at 6% per annum thereafter until paid. The lien created shall take precedence over all subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interests, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(E) *Nuisance created by others.* For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

(F) (1) *Suspension of license.* Whenever it is brought to the attention of the City Commission that a nuisance exists and the City Commission deems that this is an immediate threat to the public health, safety, or welfare, the City Commission may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(2) *Notice of suspension.* The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(3) *Removal of suspension.* Upon application of the licensee, the City Commission may remove the suspension upon such terms as it may direct.
(Ord. 1000.0, Series 2004-2005, passed 1-19-2004)

§ 92.16 REQUIREMENT TO MAINTAIN VACANT HOUSES.

(A) All owners of houses on lots in the city shall be required to keep uninhabited houses locked, secured and all windows repaired.

(B) All houses must be kept free of peeling paint and free of unhealthful, unsightly and menacing conditions.
(Ord. passed 10-16-1991) Penalty, see § 92.99

§ 92.17 BURNING ON STREETS.

It shall be unlawful to burn trash, debris or scraps of any kind upon the streets or rights-of-way.
(1983 Code, § 1010.2 § 2) Penalty, see § 92.99

§ 92.18 TAMPERING WITH STORM SEWER OR SANITARY SEWER.

No person shall block or interfere with any storm sewer or any sanitary sewer in the city, by the blockage or the interference being due to any trash, trees, tree limbs, dirt, garbage, grass cuttings or grass clippings, or debris of any nature.
(1983 Code, § 1010.4 § 3) Penalty, see § 92.99

§ 92.19 NOISE.

Emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with the ordinary comforts of human existence is a nuisance.
(Ord. passed 3-17-1993) Penalty, see § 92.99

WEEDS AND GRASSES

§ 92.30 WEEDS AND HIGH GRASS PROHIBITED.

Every lot owner must mow weeds or high grass on his or her lot and keep the lot free from other types of undesirable materials which could cause unhealthful, unsanitary or menacing conditions.
(Ord. passed 6-18-1986) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person failing to comply with §§ 92.01 or 92.17 shall be fined not less than \$10 nor more than \$50 for each offense. Each day of violation shall be considered a separate offense.
(1983 Code, § 1030.4)

(C) Any person violating §§ 92.02 or 92.18 shall be fined not less than \$10 nor more than \$100 for each offense.
(1983 Code, § 1030.6)

(D) Any lot owner violating the provisions of §§ 92.16, 92.19 or 92.30 shall be guilty of committing a misdemeanor and be fined not more than \$50 for each offense. Each day of violation shall be considered a separate offense after 7 days from receipt of the notice.
(Ord. passed 6-18-1986; Am. Ord. passed 10-16-1991; Am. Ord. passed 3-17-1993)

(E) Any person who violates any provision of § 92.15 shall be guilty of a violation and fined not less than \$20 nor more than \$100. Where Kentucky Revised Statutes mandate a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply. Any continuing violation of § 92.15 shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

(F) (1) Any person who shall violate any provision of § 92.15 shall subject the offender to a civil penalty in an amount equal to 2 times the minimum fine prescribed in division (E), with a minimum civil penalty of \$50 for each violation.

(2) The civil penalty provided herein may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the violation. As used herein, **CITED** shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized in division (E).
(Am. Ord. 1000.0, Series 2004-2005, passed 1-19-2004)

CHAPTER 93: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 93.01 Opening permit required; encroachment permit required
- 93.02 Application and cash deposit
- 93.03 Restoration of pavement
- 93.04 Barriers around excavations
- 93.05 Warning lights
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- 93.15 Public hearing required
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- 93.30 Unloading on street or sidewalk
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- 93.99 Penalty

EXCAVATIONS AND CONSTRUCTION**§ 93.01 OPENING PERMIT REQUIRED; ENCROACHMENT PERMIT REQUIRED.**

(A) It shall be unlawful for any person, other than an authorized city official, to make any opening in any street, alley, sidewalk or public way of the city unless an opening permit has been obtained prior to commencement of the work.

(B) It shall be unlawful for any person, other than an authorized city official, to make any vehicular connection to any of the city's rights-of-way, unless an encroachment permit has been obtained from the City Commission prior to the commencement of work on the connection.

(C) Those made driveways and connections that pre-date the effective date of this section are allowed to remain without permit; as long as these connections are of a hard, durable surface, either asphalt or concrete.

(Ord. 2, Series 2009, passed 7-28-2010) Penalty, see § 93.99

§ 93.02 APPLICATION AND CASH DEPOSIT.

(A) Each permit for making an opening or encroachment shall be confined to a single project and shall be issued by the City Commission or other authorized city official.

(B) Application for either an opening or encroachment permit shall be made on a form prescribed by the City Commission, which at a minimum shall require giving the exact location of the proposed opening or encroachment, a plan showing in detail the work to be done, type of materials to be used, the kind of paving, the area and depth to be excavated and other facts required by the city for a full understanding of the proposal. This may include (if deemed necessary by the City Commission) a traffic study and analysis.

(C) An encroachment permit shall not be issued until the City Commission makes a written determination that the connection will not adversely impact the health and safety of the city, which analysis includes, but is not limited to, consideration of the following factors:

(1) The extent to which the connection will allow cut-through traffic to flow through city rights-of-way;

(2) Whether the parcel benefited by the connection has other, reasonable vehicular access through another access point;

- (3) If the impact on the community by making the connection outweighs the applicant's need for the use;
- (4) Whether the applicant will be adversely affected by denial of the encroachment permit;
- (5) Whether the abutting property owners will be adversely affected by the approval of the encroachment permit;
- (6) The cost (if any) to the city in allowing the encroachment;
- (7) Whether or not the encroachment is for a normal connection of a residence;
- (8) Whether or not the granting of the encroachment would set precedence for other applications, from property similarly situated;
- (9) Whether the applicant has fully studied (to the satisfaction of the City Commission) the traffic implication of the encroachment on the surrounding city intersections and roadways, as part of its encroachment application; and
- (10) Whether the applicant can mitigate the impact of the connection, through improvements to the roadways, intersections, traffic calming improvements, signage, signals, redirecting traffic flow and other mitigating measures.

(D) The city, through its Mayor, shall issue a written determination as to whether the encroachment/opening permit shall be granted, within 30 days of receiving all requested information for the application. The applicant may appeal the determination in person to the full commission. The appeal must be filed within 30 days of the date of any written determination of any application. The appeal shall be heard at the next regularly scheduled City Commission meeting following the receipt of the appeal, or at another agreed upon time and place.
(Ord. 2, Series 2009, passed 7-28-2010)

§ 93.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the City Commission or other authorized city official, and in accordance with rules, regulations and specifications approved by the City Commission.

(B) (1) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or, where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make the fill and restoration, and the deposit referred to in § 93.02 shall be forfeited. Thereupon the

deposit shall be paid into the appropriate city fund, except that part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it.

(2) If the amount of the services performed by the city should exceed the amount of the deposit, the City Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 93.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 93.99

§ 93.05 WARNING LIGHTS.

(A) Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley or other public way, at all times during the night season shall install and maintain at least 2 illuminated red lamps which shall be securely and conspicuously posted on, at or near each end of the obstruction or excavation.

(B) If the space involved exceeds 50 feet in extent, at least 1 additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 93.99

§ 93.06 SIDEWALK CONSTRUCTION.

(A) It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the City Commission for approval.

(B) (1) When the specifications are approved, the City Commission shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks.

(2) The city shall contract for the work indicated in division (B)(1) of this section, for a period not exceeding 1 year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work.

(C) The City Commission may make separate contracts for the different kinds of work with different parties.

Statutory references:

Sidewalks; construction along public roads; specifications, see KRS 178.290

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS**§ 93.15 PUBLIC HEARING REQUIRED.**

Before the city expends state-derived tax revenues on a municipal highway, road, street or bridge, it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax monies for road and bridge purposes.
(KRS 174.100)

§ 93.16 NOTICE REQUIREMENTS.

(A) Prior to the contemplated date of expenditure of state-derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city.

(B) Notice of the hearing shall be given not less than 7 days nor more than 21 days before the scheduled date of the public hearing, and before beginning work on any project covered by this subchapter.
(KRS 174.100(1))

§ 93.17 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he or she feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.
(KRS 174.100(2))

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.
(KRS 174.100(3))

§ 93.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state-derived tax revenues are involved until the hearing as provided herein has been held.
(KRS 174.100(4))

§ 93.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.
(KRS 174.100(5))

§ 93.20 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or human-caused disasters, nor to street cleaning or snow removal operations.
(KRS 174.100(6))

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter, unless construction is suspended after that date and the city desires to reactivate the project.
(KRS 174.100(7))

OBSTRUCTIONS**§ 93.30 UNLOADING ON STREET OR SIDEWALK.**

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk or other public way, without first placing some sufficient protection over the pavement.
Penalty, see § 93.99

§ 93.31 STREET AND SIDEWALK OBSTRUCTION.

(A) No obstruction of any type, including, but not limited to any structure (including mail and paper boxes), any item of moveable or non-moveable personal property or any vegetative material shall be allowed to remain on any city right-of-way. Street and directional signage, street lighting and sidewalks are exempt from this prohibition.

(B) Any above-defined obstruction that the owner can prove existed in the city prior to the enactment of the ordinance codified herein, which is not an immediate safety concern, may be

grandfathered as a pre-existing use and allowed to remain. If the grandfathered obstruction is substantially destroyed or moved the grandfathered exemption is void and of no effect.

(C) The owner of any property on which there is an improper obstruction shall be subject to enforcement of this section.

(Ord. 1, Series 2009, passed 7-30-2009) Penalty, see § 93.99

§ 93.32 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 93.99

Cross-reference:

Littering on streets or sidewalks, see Chapter 92

§ 93.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his or her premises free and clear of snow and ice, to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.

(B) Any person who violates any provision of § 93.31 shall be fined not less than \$20 nor more than \$100.

(1) Where Kentucky Revised Statutes mandates a higher fine than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.

(2) Any continuing violation of § 93.31 shall be considered a separate and distinct offense for each day on which a violation occurs or continues, and a separate penalty may be imposed therefor.

(C) (1) Any person who shall violate any provision of § 93.31 shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in this section, with a minimum civil penalty of \$50 for each violation.

(2) The civil penalty provided in division (C)(1) of this section may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the ordinance violation. As used herein, “cited” shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein.

(Am. Ord. 1, Series 2009, passed 7-30-2009)

CHAPTER 94: FIRE PREVENTION; FIREWORKS

Section

Fireworks

- 94.01 Definitions; legality of items
- 94.02 Sale or use prohibited; exception for public display
- 94.03 Consumer fireworks; restrictions on sale
- 94.04 Bond or liability insurance requirement
- 94.05 Exempted sales and uses
- 94.06 Destruction of fireworks

Fire Prevention

- 94.20 Blasting permit
- 94.21 Storage of flammables and other matter

- 94.99 Penalty

Cross-reference:

Burning on streets, see § 92.17

FIREWORKS

§ 94.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) ***FIREWORKS*** means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of ***CONSUMER FIREWORKS*** as defined in division (B) of this section or ***DISPLAY*** fireworks as defined in division (D) of this section and as set forth in the United States Department of Transportation's (DOT) hazardous materials regulations. ***FIREWORKS*** does not include:

(1) *Exception number 1.* Toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

(2) *Exception number 2.* Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

(3) *Exception number 3.* Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.
(KRS 227.700)

(B) **CONSUMER FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this division. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. **CONSUMER FIREWORKS** are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. pts. 1500 and 1507, are classified as Division 1.4G explosives by the United States Department of Transportation, and include the following:

(1) *Ground and hand-held sparkling devices.*

(a) *Dipped stick-sparkler or wire sparkler.* These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations;

(b) *Cylindrical fountain.* Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(c) *Cone fountain.* Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(d) *Illuminating torch*. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held. When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(e) *Wheel*. A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect;

(f) *Ground spinner*. Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device;

(g) *Flitter sparkler*. Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function; and

(h) *Toy smoke device*. Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect;

(2) *Aerial devices*.

(a) *Sky rockets and bottle rockets*. Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight;

(b) *Missile-type rocket*. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability;

(c) *Helicopter, aerial spinner*. A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight;

(d) *Roman candles*. Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten “stars” (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals;

(e) *Mine, shell*. Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, “stars,” components producing reports containing up to 130

milligrams of explosive composition per report, or other devices are propelled into the air. The term “mine” refers to a device with no internal components containing a bursting charge, and the term “shell” refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term “cake” refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground; and

(f) *Aerial shell kit, reloadable tube.* A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed one and three-fourths (1-3/4) inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission; and

(3) *Audible ground devices.*

(a) *Firecrackers, salutes.* Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than one 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced; and

(b) *Chaser.* Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.

(KRS 227.702)

(C) Items listed below are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as consumer fireworks by the U.S. Department of Transportation, and their transportation, storage, retail sale, possession, and use shall be allowed throughout the state at all times.

(1) *Snake, glow worm.* Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) *Smoke device*. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) *Wire sparkler*. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed 5 grams of composition per item.

(4) *Trick noisemaker*. Item that produces a small report intended to surprise the user. These devices include:

(a) *Party popper*. Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) *Booby trap*. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) *Snapper*. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(d) *Trick match*. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(e) *Cigarette load*. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing 1 of the pegs, a small report is produced.

(f) *Auto burglar alarm*. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.
(KRS 227.704)

(D) **DISPLAY FIREWORKS** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes but is not limited to firecrackers containing more than 2 grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. **DISPLAY FIREWORKS** are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.
(KRS 227.706)

(E) Legality of these items is as follows:

(1) Items described in division (B) of this section are legal for retail sale, provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in division (D) above are not legal for retail sale but are legal under permits granted pursuant to this chapter for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.

(3) Items described in division (C) above are legal for retail sale, provided all applicable federal and state requirements with respect thereto are met.

(KRS 227.708)

§ 94.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

No person, firm, copartnership or corporation shall offer for sale, expose for sale, sell at retail or keep with intent to sell, possess, use or explode any display fireworks except for the following:

(A) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks and other organizations or groups of individuals.

(1) Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of a character and so located, discharged or fired as, in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person.

(2) **COMPETENT DISPLAY OPERATOR** shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) License and have participated as an assistant in firing at least five public displays. A **COMPETENT DISPLAY OPERATOR** is also an employee possessor. A permit under division (A) of this section shall be issued only to a competent display operator holding an ATF license.

(3) At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local fire chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 – Code for Fireworks Display (adopted edition).

(4) Permits shall be filed with the State Fire Marshal at least 15 days in advance of the date of the display. After the privilege is granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable.

(5) For the purposes of this division, ***PUBLIC DISPLAY OF FIREWORKS*** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(6) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 18 years of age.

(7) The commissioner of the Department of Housing, Buildings and Construction with recommendation from the state fire marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this division (A). The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division.

(B) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler, dealer or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco and Firearms, and Explosives if the sale is to the person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale;

(C) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives;

(D) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation and highway use;

(E) The use of fuses and railway torpedoes by railroads;

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports;

(G) The use of any pyrotechnic device by military organizations;

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency; and

(I) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in § 94.01 and as permitted pursuant to KRS 227.715.
(KRS 227.710) Penalty, see § 94.99

§ 94.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

Except as provided in § 94.02, the consumer fireworks described in § 94.01(B) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met:

(A) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks as described in § 94.01(B) shall register annually with the State Fire Marshal in accordance with KRS 227.715;

(B) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site;

(C) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) – Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition); and

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in § 94.01(B) to any person under 18 years of age.
(KRS 227.715(1), (6), through (8)) Penalty, see § 94.99

§ 94.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

No permit shall be issued under § 94.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than \$1,000,000. However, the appropriate city official or the State Fire Marshal may require a larger amount if in his or her judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his or her agents, employees or subcontractors.
(KRS 227.720) Penalty, see § 94.99

§ 94.05 EXEMPTED SALES AND USES.

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry; gold star producing sparklers, which contain no magnesium

or chlorate; toy snakes which contain no mercury; smoke novelties and party novelties, which contain less than 0.25 grain of explosive mixture; shells or cartridges, used as ammunition in firearms; blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations; or the sale of any kind of fireworks, provided the same are to be shipped by the seller directly out of the state.

(KRS 227.730)

§ 94.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this subchapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or "Display" designation shall require the notification of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the State Fire Marshal, the State Fire Marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal's intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal's intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (C)(1) of this section shall be held

(D) Nothing in this subchapter shall restrict the city from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.

(KRS 227.750)

FIRE PREVENTION**§ 94.20 BLASTING PERMIT.**

(A) No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the City Commission or other authorized city official.

(B) The City Commission or other authorized city official, before granting the permit, may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.

Penalty, see § 94.99

§ 94.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for these hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

Penalty, see § 94.99

§ 94.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall be fined not more than \$500.

(B) Any person violating the provisions of §§ 94.02 or 94.03, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not more than \$1,000, imprisoned for not more than 30 days, or both.

(KRS 227.990(4))

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL LICENSING PROVISIONS**
- 111. PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS**
- 112. PAWNBROKERS**
- 113. INSURANCE COMPANIES**
- 114. RENTAL PROPERTY BUSINESSES**

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

- 110.01 Licenses required to engage in certain trades, businesses or professions
- 110.02 Application for license
- 110.03 Standards; issuance of license
- 110.04 Date and duration of license
- 110.05 License not transferable
- 110.06 License certificate to be displayed
- 110.07 Revocation or suspension
- 110.08 Appeal and review
- 110.09 Exemptions

- 110.99 Penalty

§ 110.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES OR PROFESSIONS.

No person shall engage in any of the trades, businesses or professions for which licenses are required by any provision of this code or any other ordinance of the city without first applying for and obtaining a license from the City Clerk or other duly authorized issuing authority.

Penalty, see § 110.99

§ 110.02 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the City Clerk in writing upon forms to be furnished by him or her and shall contain:

- (1) The name of the applicant and of each officer, partner or business associate;
- (2) His or her present occupation and place of business;
- (3) His or her place of residence for 5 years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;

(5) The period of time for which the license is desired;

(6) A description of the merchandise to be sold, if for a vendor; and

(7) Other information concerning the applicant and his or her business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.

Penalty, see § 110.99

§ 110.03 STANDARDS; ISSUANCE OF LICENSE.

(A) (1) Upon receipt of an application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the City Clerk shall forthwith deposit the fee in the General Fund of the city and issue to the applicant a proper license certificate signed by the City Clerk and any other appropriate city official.

(2) If for any reason the license is not issued, the license fee shall be returned to the applicant.

(B) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(C) (1) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare.

(2) In particular, tangible evidence that the applicant has done or possesses any of the following will constitute valid reasons for disapproval of an application:

(a) Has been convicted of a crime of moral turpitude;

(b) Has made willful misstatements in the application;

- (c) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;
- (d) Has committed prior fraudulent acts;
- (e) Has a record of continual breaches of solicited contracts; or
- (f) Has an unsatisfactory moral character.

§ 110.04 DATE AND DURATION OF LICENSE.

(A) (1) A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14, licenses may be issued for the ensuing calendar year.

(2) Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issue of the license.

(B) In no event shall a license be granted to any business or any person for a longer time than 1 year.

(KRS 92.310)

§ 110.05 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.

Penalty, see § 110.99

§ 110.06 LICENSE CERTIFICATE TO BE DISPLAYED.

(A) Every licensee carrying on business at a fixed location shall keep posted, in a prominent place upon the licensed premises, the license certificate.

(B) Other licensees shall carry their license certificates at all times and, whenever requested by any officer or citizen, shall exhibit the license.

Penalty, see § 110.99

§ 110.07 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the City Commission at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the City Commission may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

§ 110.08 APPEAL AND REVIEW.

(A) In case any applicant has been denied a license, or if his or her license has been revoked or suspended, the applicant or licensee, as the case may be, shall within 3 business days have the right to appeal to the City Commission from the denial, revocation or suspension.

(B) Notice of appeal shall be filed in writing with the City Clerk who shall fix the time and place for a hearing, which shall be held not later than 1 week thereafter. The City Clerk shall notify the City Commission of the time and place of the hearing, not less than 24 hours in advance thereof. A majority of the City Commission members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel.

(C) If, after hearing, a majority of the members of the City Commission present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

§ 110.09 EXEMPTIONS.

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from municipal licensing and/or license taxes pursuant to state or federal law.

§ 110.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS

Section

- 111.01 Definitions
- 111.02 License requirement
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Exhibition of identification

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of that business, uses any building, structure, vehicle or any place within the city.

PEDDLER.

(1) (a) Any person who travels from place to place by any means carrying goods for sale, making sales or making deliveries; or

(b) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

(2) A person who is a **PEDDLER** is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a **SOLICITOR** is not a peddler.

§ 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler or solicitor shall obtain a license before engaging in that activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the City Commission.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 111.99

§ 111.03 APPLICATION PROCEDURE.

(A) (1) All applicants for licenses required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant if an individual, by all partners if a partnership, or by the president if a corporation.

(2) The applicant may be requested to provide information concerning the following items:

(a) The name and address of the applicant;

(b) 1. The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

2. The local address of the individual;

3. The permanent address of the individual; and

4. The capacity in which the individual will act.

(c) The name and address of the person, if any, for whose purpose the business will be carried on and, if a corporation, the state of incorporation;

(d) The time period or periods during which it is proposed to carry on the applicant's business;

(e) 1. The nature, character and quality of the goods or services to be offered for sale or delivered;

2. If goods, their invoice value and whether they are to be sold by sample as well as from stock; and

3. If goods, where and by whom the goods are manufactured or grown, and where the goods are at the time of application.

(f) The nature of the advertising proposed to be done for the business; and

(g) Whether or not the applicant, the individual identified in division (A)(2)(b)(1) above, or the person identified in division (A)(2)(c) above has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their applications the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business; and

(2) If required by the city, credentials from the person, if any, for whom the applicant proposes to do business, authorizing the applicant to act as the representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their applications, in addition to any attachments required under division (C) above, a statement from a licensed physician, dated not more than 10 days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) (1) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare.

(2) In particular, tangible evidence that the applicant has done or possesses any of the following will constitute valid reasons for disapproval of an application:

- (a) Has been convicted of a crime of moral turpitude;
- (b) Has made willful misstatements in the application;
- (c) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;
- (d) Has committed prior fraudulent acts;
- (e) Has a record of continual breaches of solicited contracts; or
- (f) Has an unsatisfactory moral character.

§ 111.05 REVOCATION PROCEDURE.

(A) Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 111.06.

(B) Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. This notice shall be mailed to the licensee at his or her last known address, at least 10 days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the City Commission. The appeal shall be taken by filing with the City Commission, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The City Commission shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 111.05.

(B) The order of the City Commission after the hearing shall be final.

§ 111.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than 1 place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter.

(1) The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license.

(2) The license shall be kept with the licensee during the time that he or she is engaged in the business licensed.

Penalty, see § 111.99

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense.

CHAPTER 112: PAWNBROKERS

Section

- 112.01 Definitions
- 112.02 Bond
- 112.03 Register to be kept; daily reports
- 112.04 Receipt to be given for each article; sale of article
- 112.05 Maximum interest, resale price
- 112.06 Receipt to be given for payment of loan
- 112.07 Prohibited activities
- 112.08 Enforcement

- 112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

PAWNBROKER. Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his or her place of business of the sign generally used by **PAWNBROKERS** to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit. (KRS 226.010)

§ 112.02 BOND.

(A) Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Commission, in the penal sum of \$1,000.

(B) This bond shall be conditioned that he or she will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter. (KRS 226.020)

§ 112.03 REGISTER TO BE KEPT; DAILY REPORTS.

(A) (1) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him or her. The register shall show the dates of all loans or purchases, and the names of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned and the interest charged.

(2) The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his or her official duty.

(KRS 226.040)

(B) (1) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him or her, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable.

(2) The Chief of Police shall furnish blanks for these reports.

(KRS 226.070)

Penalty, see § 112.99

§ 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 112.03(A) to be kept in his or her register. He or she shall not make any charge for the ticket or receipt.

(B) (1) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan.

(2) However, not less than 10 days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned, by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying the person that, unless he or she redeems the article within 10 days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 112.99

§ 112.05 MAXIMUM INTEREST, RESALE PRICE.

(A) Any pawnbroker as defined in § 112.01 may, in loaning money on deposit of personal property, charge, contract for or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for and receive a reasonable fee, not to exceed 1/5 of the

value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers and for other expenses, losses and incidental costs associated with servicing these loans.

(B) Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law.

(C) No pawnbroker shall directly or indirectly charge, receive or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) Penalty, see § 112.99

§ 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.

(A) Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for the payment, specifying separately the amount applied to principal and the amount applied to interest.

(B) In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price and the amount received.

(KRS 226.090) Penalty, see § 112.99

§ 112.07 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time, nor from any person between 8:00 p.m. and 7:00 a.m.

(KRS 226.030) Penalty, see § 112.99

§ 112.08 ENFORCEMENT.

(A) The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100.

(B) However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.

(KRS 226.100)

§ 112.99 PENALTY.

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor, shall be fined not less than \$50 nor more than \$500, and his or her license may be forfeited to the city.

(KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 112.03(B) shall be guilty of a misdemeanor, and shall be fined not less than \$20 nor more than \$100.

(KRS 226.990(3))

CHAPTER 113: INSURANCE COMPANIES

Section

- 113.01 Imposition of license fee
- 113.02 Amount of fee for companies issuing life insurance
- 113.03 Amount of fee for companies issuing policies other than life insurance
- 113.04 Due date; interest
- 113.05 Written breakdown of collections

§ 113.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis, in the amount of 7% of the premiums actually collected within each calendar quarter.

(Am. Ord. 1, Series 2011-2012, passed 7-28-2011)

§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee or tax imposed by a city upon each insurance company with respect to life insurance policies may be based upon the first-year's premiums, and if so based, shall be applied to the amount of the premiums actually collected within each calendar quarter upon the lives of persons residing within the corporate limits of the city.

(KRS 91A.080(2))

§ 113.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

(A) The license fee or tax imposed upon each insurance company with respect to any policy which is not a life insurance policy shall be based upon the premiums actually collected by the insurance company within each calendar quarter, on risks located within the corporate limits of the city on those classes of business which the insurance company is authorized to transact, less all premiums returned to policyholders. In determining the amount of license fee or tax to be collected and to be paid to the

local government, the insurance company shall use the tax rate effective on the first day of the policy term. When an insurance company collects a premium as a result of a change in the policy during the policy term, the tax rate used shall be the rate in effect on the effective date of the policy change.

(B) With respect to premiums returned to policyholders, the license fee or tax shall be returned by the insurance company to the policyholder pro rata on the unexpired amount of the premium at the same rate at which it was collected and shall be taken as a credit by the insurance company on its next quarterly report to the city.

(KRS 91A.080(3))

(C) No license fee or tax imposed under KRS 91A.080 shall apply to premiums received on:

(1) Policies of group health insurance provided for state employees under KRS 18A.225;

(2) Policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342;

(3) Health insurance policies issued to individuals;

(4) Policies issued through Kentucky Access created in KRS Chapter 304, Subtitle 17B;

(5) Policies for high deductible health plans as defined in 26 U.S.C. § 223(c)(2); or

(6) Multi-state surplus lines, defined as non-admitted insurance as provided in Title V, Subtitle B, the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203.

(KRS 91A.080(10))

§ 113.04 DUE DATE; INTEREST.

(A) All license fees imposed by this chapter shall be due 30 days after the end of each calendar quarter.

(KRS 91A.080(8))

(B) License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until paid. Such interest payable to the city is separate of penalties provided for in KRS 91A.080(7). In addition, the city may assess a 10% penalty for a tax or fee not paid within 30 days after the due date.

(KRS 91A.080(9))

§ 113.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

(A) Casualty;

(B) Automobile;

(C) Inland marine;

(D) Fire and allied perils;

(E) Health; and

(F) Life.

(KRS 91A.080(8))

CHAPTER 114: RENTAL PROPERTY BUSINESSES

Section

- 114.01 Definitions
- 114.02 Registration of rental dwellings
- 114.03 Conflicts

- 114.99 Penalty

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOCAL AGENT. An individual, fiduciary, partnership, association, corporation or other entity, which represents the owner of a rental dwelling for purposes of this chapter.

OCCUPANT. Any person, other than an owner, occupying all or part of a rental.

OWNER. An individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.

RENTAL DWELLING or RENTAL PROPERTY. Any residential dwelling, which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is(are) not acquiring an ownership interest in the dwelling. It does not include dwellings that are occupied only by members of the owner's immediate family, who do not pay rent.

TENANT. Any person, other than an owner, occupying all or part of a rental dwelling.
(Ord. 1, Series 2008-2009, passed 5-27-2010; Am. Ord. 2, Series 2009-2010, passed 5-27-2010)

§ 114.02 REGISTRATION OF RENTAL DWELLINGS.

(A) *Registration required.* All owners of rental dwellings shall annually register the rental property with the city on an application in a form provided by the city. At the time an application is filed, a registration fee in the amount of \$100 shall be paid in full.

(B) *Annual registration.* The annual registration date shall be January 1 of each year. In the first year of enactment of this chapter, 2010, the annual registration and fee for 2010 shall be due within 90 days from the date of passage of the ordinance codified herein.

(C) *Registration of new rental dwellings.* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy.

(D) *Change in registration information.* The owner of a rental dwelling(s) already registered with the city shall re-register within 60 days after any change occurs in registration information. No new fee shall be charged for a change in the registration information.

(E) *New ownership of registered rental dwelling.* A new owner of a registered rental dwelling shall re-register the dwelling within 60 days of assuming ownership. No new fee shall be charged for a change in the registration information.

(F) *Registration of rental dwellings.* Application for registration or re-registration shall be made in accordance with such instructions as may be provided with the registration application, which shall include:

- (1) The address of the rental dwelling;
- (2) The number of rental dwelling units and the number, names and contact phone number for all persons who will occupy or lease the premises;
- (3) The name, residence address, business address, business phone number and personal phone number of the owner and/or the local agent, if applicable;
- (4) Verification that all state and city taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section;
- (5) Disclosure of any occupant or tenant who is a registered sex offender; and
- (6) Signed statement from all adult occupants or tenant that they have received a copy of the city ordinances (which shall be supplied without cost by the city).

(G) *Inaccurate or incomplete registration information.* It shall be a violation of this chapter for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

(H) *Designation of local agent.* If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the city, the owner shall designate a responsible local

agent who shall be legally responsible for operating such rental dwelling in compliance with this chapter, this code of ordinances, and other applicable laws or regulations. All official notices may be served on the responsible local agent, and any notice so served, shall be deemed to have been served upon the owner of record.

(I) *More than one owner or ownership entity.* Where more than one person has an ownership interest, the required information shall be provided for each owner. If those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, director(s), partner(s), executor, trustee(s), or other chief executive officer(s) of the organization.

(J) The rental unit, as a continuing condition of the granting of the license, must remain in full compliance with all City of Houston Acres ordinances; as well as any ordinance of Metro Louisville; and the Land Development Code of Metro Louisville. Owner or local agent must make at least one site visit per year to the property to make sure it is in compliance with the ordinances.

(Ord. 1, Series 2008-2009, passed 5-27-2010; Am. Ord. 2, Series 2009-2010, passed 5-27-2010)
Penalty, see § 114.99

§ 114.03 CONFLICTS.

In the event that the provisions of this chapter conflict with any other provision within this code of ordinances, the provision that is more restrictive shall apply.

(Ord. 1, Series 2008-2009, passed 5-27-2010; Am. Ord. 2, Series 2009-2010, passed 5-27-2010)

§ 114.99 PENALTY.

(A) *Deficiencies or violations.* The city reserves the right to conduct an inspection of the premises to make sure the rental dwelling is in compliance with the city's ordinances, or other applicable laws or regulations. The owner shall be provided a written list of deficiencies or violations that must be corrected.

(B) *Continued violations.* If, after notice and time to cure, the city has reasonable cause to believe a rental dwelling continues to be in violation of city ordinance, or other applicable law or regulation, the City may proceed to cite the owner of the property the sum of \$100 per day of violation.

(Ord. 1, Series 2008-2009, passed 5-27-2010; Am. Ord. 2, Series 2009-2010, passed 5-27-2010)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

Firearms

130.01 Definition

130.02 Discharge unlawful

Cross-reference:

Police may carry concealed weapons, see § 33.03

FIREARMS

§ 130.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREARM. Shall be construed to include air rifles and slingshots.
(1983 Code, § 1020.1 § 3)

§ 130.02 DISCHARGE UNLAWFUL.

It shall be unlawful to discharge firearms of any kind within the city limits.
(1983 Code, § 1020.1 § 1) Penalty, see § 10.99

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. ZONING REGULATIONS

CHAPTER 150: BUILDING REGULATIONS

Section

- 150.01 Adoption of Kentucky Building Code and standards of safety; enforcement agents
- 150.02 Permits and letters of compliance
- 150.03 Building restrictions
- 150.04 Enforcement
- 150.05 Appeals

- 150.99 Penalty

§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in the Kentucky Revised Statutes and the Kentucky Administrative Regulations, together with all amendments thereto, is hereby adopted by reference as if fully set forth in this code of ordinances.

(B) The Chief Building Inspector for Metro Louisville shall be designated as the local enforcement agent for the Kentucky Building Code, with the exception that prior to the issuance of any building or demolition permit from Metro Louisville, the City of Houston Acres must be given the chance to review the permit application and plans to determine if the project (and its site) is in compliance with all city ordinances and that the proposed structure or improvement (when compared with the surrounding neighborhood) will not substantially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of the property of others, as set out in Chapter 92 of the codified ordinances (Nuisances). The determination shall be made in writing by the City of Houston Acres no later than 20 days after submittal by the applicant. If the city fails to respond in writing within 20 days of submittal, the submittal stands approved. If the property is in compliance, a letter of compliance shall be issued to the applicant by the City of Houston Acres and the applicant shall present that letter of compliance to Metro Louisville, as a required part of their permit process. If the property is not in compliance, the city shall so inform Metro Louisville in writing with detailed reasons. Such information from the City of Houston Acres is not binding on Metro Louisville, but shall be considered by Metro Louisville as part of its permitting process.

(C) The Louisville/Jefferson County Department of Inspections, Permits and Licenses shall be designated as the local enforcement agent for the Kentucky Building Code.

(D) The Louisville/Jefferson County Department of Inspections, Permits and Licenses and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.

(Am. Ord. 1, Series 2007-2008, passed 11-21-2007) Penalty, see § 150.99

§ 150.02 PERMITS AND LETTERS OF COMPLIANCE.

(A) Any permits, certificates of use and occupancy or other special permits or certificates shall be issued by Jefferson County, or the appropriate state officials, after receipt by the appropriate issuing agency of a Letter of Compliance from the city.

(B) All plans and specifications required to be submitted for the issuance of any permit, certificate of use or occupancy, or other special permit shall additionally be submitted to the city along with a written request for the issuance of a Letter of Compliance. After an application for a Letter of Compliance has been filed in accordance with this section, the city shall examine or cause to be examined all applications for permits, plans, specifications, plot diagrams and other materials within a reasonable time after filing. If the application or other materials do not conform to the requirements of all pertinent laws and this chapter, the city may reject the application in writing to the applicant stating the reasons therefore. If the city is satisfied that the application and other material conform to the requirements of all pertinent laws and regulations, including this chapter, the city shall issue a Letter of Compliance as soon as is practicable.

(C) Letters of compliance from the city are effective for 1 year from the date of their issuance and thereafter expire.

§ 150.03 BUILDING RESTRICTIONS.

(A) The purpose of this section is to codify and incorporate parts of the deed restrictions existing in the city and, as such, supplement the regulations of Jefferson County and Kentucky state laws or regulations.

(B) The legal use and occupancy of any structure existing on the effective date of this chapter or for which it has been heretofore approved, may be continued without change. However, a pre-existing use may not be substantially changed without compliance with these restrictions.

(C) The following restrictions apply to all lots within the city:

(1) All new driveways and/or off-street parking areas constructed or enlarged after the effective date of this chapter for new or existing buildings or structures shall be made of poured concrete and shall have a minimum width of 9 feet.

(2) All driveways and off street parking areas existing before the effective date of this chapter may be resurfaced with Portland cement, concrete or asphalt, complying with state specifications for primary highway construction.

(3) The uses permitted in the residential districts in the city shall be limited to single-family dwellings and home occupations. No other uses shall be permitted.

(4) No trailer coach or mobile home, basement, tent, shack, garage or detached building shall be used as a temporary or permanent family residence. Dumpsters are allowed in the city, only if they are placed either on a concrete or asphalt surface (the driveway, not in the street), or behind the rear wall of the residence and then only for a period of ten days in one calendar year. Temporary storage units, "PODS", delivered to any property can only be placed as set out herein for dumpsters and then only for a period of three days in any one calendar year. The property owner can apply for an extension of additional terms to the City Commission.

(5) No building or property shall be used for any noxious or offensive trade or activity nor shall anything be done which may be an annoyance or nuisance to the neighborhood or any adjoining land owner. Any building, structure or improvement described in § 150.03 must be maintained and kept free from peeling paint, broken windows, dilapidated conditions, holes rotting and other offensive conditions, which conditions shall be enforced through the use of the nuisance ordinance in Chapter 92 of the codified ordinances.

(6) Front or street side yards shall not be used to park campers, trailers, boats or similar vehicles. They shall also not be used to park a vehicle with a gross vehicle weight exceeding 5,000 pounds for a period exceeding 16 hours.

(7) On any lot there shall be erected no more than 1 main building, 1 garage or car port for a maximum of 2½ cars and 1 other accessory building. No other detached buildings shall be erected. There cannot be facilities for more than 2½ cars for any garage. The only accessory building allowed is for a subordinate building, which is purely incidental to the main building and located on the same lot. No accessory building may be constructed that is more than 120 square feet in size and 12 feet in height. It must be located 15 feet from the main building and five feet from the rear and side lot lines. Any accessory building must be built to professional standards from first quality materials including: wood or vinyl siding, no metal allowed; composition shingle roof; or entirely of factory molded exterior plastic. To ensure that such structures are in keeping with the provisions of this section, no accessory structure may be located on any property in the city until a permit for same is approved by the City Commission. The applicant must produce a drawing showing the location of the structure and information as to its construction, size and height.

(8) The minimum yards requirement shall be those that are set out in the regulations of the Louisville and Jefferson County Planning Commission. The minimum ground floor area shall be that required in the regulations of the Louisville and Jefferson County Planning Commission.

(9) All main buildings shall conform to the general style of architecture in improvements already in existence in the city. The exterior surfaces of all buildings shall be constructed of brick or stone or both. Decorative trim not exceeding 20% of the total exterior surface may be constructed from other materials. Except when used as decorative trim, stucco, concrete blocks, aluminum, wood and any other materials other than brick or stone shall not be used for exterior surfaces.

(10) The exterior surfaces of attached or semi-attached garages shall conform to division 9. Detached garages shall be of brick or stone on front and can use masonry units on all other sides. Accessory buildings are exempt from the requirement of divisions (9) and (10).

(11) A fence shall not extend beyond the front building line into a front yard nor beyond a street-side building line into a street-side yard. A fence shall not stand more than 48 inches in height. A fence must be installed to professional standards from first quality materials, including: chain link, cedar or treated wood and vinyl. Double fences between adjacent properties are not allowed. No fence may be located on any property in the city until a permit for same is approved by the City Commission. The applicant must produce a drawing showing the location of the fence and information as to its construction and height.

(12) Privacy fencing exceeding 48 inches, but not exceeding 72 inches, may be installed around patios in rear yards provided they do not extend beyond the edge of the house toward the side property lines and do not extend closer than 15 feet to the rear property line.

(13) When a lot is developed on a street where a sidewalk is already established, a sidewalk of the same design and composition shall be constructed across the entire frontage of the lot at the owner's cost.

(14) All new sanitary facilities shall empty into the public sanitary sewer system. No septic tanks or other sewage disposal systems shall be installed.

(15) All vehicles must be parked on a hard surface of either concrete or asphalt.
(Am. Ord. 3, Series 2005-2006, passed 4-19-2006)

§ 150.04 ENFORCEMENT.

(A) Any violation of this chapter shall subject the offender to fines, penalties and forfeitures that may be imposed by law, and the city may secure injunctions and abatement orders, when appropriate, to ensure compliance with its code of ordinances as authorized by KRS 83A.065.

(B) This chapter maybe enforced by anyone or in combination of the remedies authorized by this chapter.

§ 150.05 APPEALS.

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear the appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

§ 150.99 PENALTY.

(A) *Criminal penalties.*

(1) Any person who shall violate any provision of this chapter shall be fined not less than \$20 nor more than \$100.

(2) Where Kentucky Revised Statutes mandate a fine higher than that stipulated herein, the fine contained in Kentucky Revised Statutes shall apply.

(3) Any continuing violation of this chapter shall be considered a separate and distinct offense for each day on which a violation occurs or continues and a separate penalty may be imposed therefore.

(B) *Civil penalties.*

(1) Any person who shall violate any provision of this chapter shall subject the offender to a civil penalty in an amount equal to 2 times the minimum fine prescribed in this section, with a minimum civil penalty of \$50 for each violation.

(2) The civil penalty provided herein may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the violation.

(3) As used herein ***CITED*** shall mean notified of the violation and the penalty in writing by an elected or appointed official of the city or the official attorney for the city. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized herein.

CHAPTER 151: ZONING REGULATIONS

Section

One-Family Residential

- 151.01 One-Family Residential District
- 151.02 Lot size

Lot Regulations; Structures

- 151.15 Structure and usage
- 151.16 Drainage on all lots
- 151.17 Improvements; location on lots

Administration

- 151.30 Amendments; deposit

Design Guidelines for the Construction or Re-Construction of Fences

- 151.45 Letters of compliance, building permit
- 151.46 Design standards; city wide
- 151.47 Exemptions
- 151.99 Penalty

Editor's note:

The rules and regulations set forth in this chapter were adopted by the Planning and Zoning Commission and the City Commission at a public meeting held September 25, 1957, pursuant to law and were recommended to and approved by the Commission at its regular meeting October 2, 1957.

ONE-FAMILY RESIDENTIAL

§ 151.01 ONE-FAMILY RESIDENTIAL DISTRICT.

One-Family Residential District, comprising all of the area within the corporate limits of the City of Houston Acres, Kentucky.
(1983 Code, § 920.1 § 1)

§ 151.02 LOT SIZE.

(A) *Applicability.* These regulations pertain to the area of lots in the 1-Family Residential District.

(B) *Size of lot.* No building or structure shall be erected on a lot unless the lot contains at least 9,000 square feet and has a minimum width as stipulated by subdivision restrictions.
(1983 Code, § 920.1 § 2)

LOT REGULATIONS; STRUCTURES**§ 151.15 STRUCTURE AND USAGE.**

(A) (1) In any district no stucco, concrete or cinder block houses shall be permitted.

(2) Only brick or stone shall be used for exterior surfaces and wood can only be used for decorative purposes.

(3) Garages or carports which are attached to houses are to have the same exterior wall construction as the house, detached garages shall have the same exterior construction as the house on a wall facing any street. All garages and carports not attached to the house must be on the rear of the lot or a minimum of 50 feet from rear wall of the house.

(B) No outbuildings shall be erected, except one garage or carport on each lot and one accessory building, in compliance with § 150.03.

(C) No prefabricated houses or garages shall be permitted.

(D) No trailer, basement, tent, shack, garage or outbuilding shall be used as a temporary or permanent residence.

(E) (1) Inasmuch as this city is a highly developed residential area, all houses erected must conform to the general style of architecture and volume of the improvements already in existence in the incorporated area of the city.

(a) The floor area of 1-story houses shall be a minimum of 1,200 square feet.

(b) The first floor area of a 1½-story house shall be a minimum of 1,100 square feet.

(2) Open porches and attached garages or carports are not to be included in computing floor area.

(F) Not more than 2 roomers or lodgers other than members of the family shall be provided with shelter or meals.

(G) (1) Home occupations shall not be carried on by anyone except a member of the family residing on the premises.

(2) In connection with these occupations there shall be:

(a) No stock in trade;

(b) No commodity sales upon the premises;

(c) No mechanical equipment except such as would be permissible for purely domestic or household purposes;

(d) No advertising, artificial lighting or any display which would indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling; and

(e) No employment of persons other than members of the family residing on the premises.
(1983 Code, § 920.1 § 3)

(H) (1) Childcare and daycare homes are not permitted unless the home qualifies as a small daycare home where no more than 3 of the children being cared for are not related to the resident by blood, marriage or adoption.

(2) (a) Small daycare homes shall file an affidavit with the City Commission every 6 months which shall certify:

1. That the home is in compliance with all laws, rules and regulations as a small daycare home; and

2. That no more than 3 of the children being cared for are not related to the resident by blood, marriage or adoption.

(b) The affidavit shall list the names and addresses of the children, the parents' names and the relationship of each child to the resident, and with a copy of the birth certificate of each child attached.

(3) This affidavit must be updated each time a new child is added at the home within 15 days of the first day in attendance at the home.

(4) Violation of these regulations shall be subject to the penalties set forth in § 151.99.
(Ord. passed 8-21-1991; Am. Ord. 3, Series 2005-2006, passed 4-19-2006)

(I) Temporary signs of reasonable size and number pertaining to the lease, hire or sale of a building or premises on which the signs are located shall be permitted, provided the signs are located so as not to unduly obstruct vision.

(J) Not more than 1 nameplate, unilluminated, not exceeding 1 square foot in area, and not containing letters other than the name of the owner or occupants, or name and/or address of the premises shall be permitted.

(K) Accessory buildings or structures shall not be used as stables; horses, cattle or chickens shall not be kept on the premises.

(L) Parking lots or trailer camps shall not be permitted.

(M) All lots shall be used for residential purposes only. No apartment or duplex residences may be built on any lot. In general, no use shall be made of property within the city limits which is not in harmony with the residential nature of all the property.

(N) (1) Prior to the time of construction of any building or addition thereto is commenced, a complete set of blueprints with reference to proposed building or alteration shall be submitted to the City Clerk.

(2) A deposit of \$25 shall accompany each set of prints and specifications for a single-family dwelling so that the city may examine the blueprints to determine that they meet with and do not vary from the existing zoning rules and regulations.

(O) (1) Likewise, before any building construction or alterations project in the city is instituted, a deposit of \$50 shall be made to the City Clerk for the purpose of ensuring that all waste, debris and any and all other extraneous building materials are removed from the building site within a reasonable time after the project has been completed, or to remove the same if for any reason the project is unduly delayed or abandoned prior to completion.

(2) In the event extraneous material is removed satisfactorily after the project has been completed, the deposit shall be refunded to the individual or firm who made the deposit.

(P) (1) Inasmuch as the city is in its entirety a highly developed residential area, no building or structure shall be erected on a temporary or seasonal basis without first obtaining permission of the Commission.

(2) This action shall first be instituted by filing an application with the City Clerk, which application will show a detailed plan, specifications and operational purposes.

(Q) Before start of construction of a swimming or wading pool on property within the city, permit must be obtained by first submitting plans and specifications to the City Clerk for review and approval by Planning and Zoning Committee and City Engineer. All Health Board requirements must be met and public safety provisions must be considered adequate before approval and permit will be granted.
(1983 Code, § 920.1 § 3) Penalty, see § 151.99

§ 151.16 DRAINAGE ON ALL LOTS.

(A) Existing drainage as governed by the established topography shall not be altered without the written permission of the Commission.

(B) Without expressed permission of the Commission, all lots shall drain as specified in the plot plan and governing surveys regarding direction of drainage.

(C) All matters or disputes concerning drainage and disposal of surface water shall be referred to the Commission for hearing and ruling.
(1983 Code, § 920.1 § 4) Penalty, see § 151.99

§ 151.17 IMPROVEMENTS; LOCATION ON LOTS.

(A) The main building on all lots shall be constructed on an established building line.

(B) A minimum of 10% of the width of the lot shall be provided for a side yard; however, no portion of any building shall be located closer to the side property line than the distance of 10% of the width of the lot.

(C) Where a garage is constructed as a part of the main building, all yard requirements for the main building shall be observed.

(D) Buildings other than the main building shall not occupy more than 30% of the rear yard.

(E) Fences may be erected behind the building line only and shall not be above 48 inches in height, but a privacy fence around a pool, patio or similar use area not exceeding 8 feet may be authorized by the City Commission. Inasmuch as the city is a highly developed residential area, all fences erected must conform to the general style of the architecture and value of the improvements already in existence in the incorporated area of the city. However, if existing easements are fenced in, it is the understanding that the portion of the fence shall be removed by the owner if and when it shall be necessary and so directed by the Commission. No fence may be built or re-built where it is, within 24 inches from an existing fence. Fences pre-existing this section shall be grandfathered, but any fence that is substantially reconstructed cannot be placed within 24 inches of an existing fence.
(1983 Code, § 920.1 § 5)

ADMINISTRATION**§ 151.30 AMENDMENTS; DEPOSIT.**

(A) Requests for amendments shall be presented to the City Planning and Zoning Commission for consideration. The Commission will then submit recommendations to the City Commission for approval or disapproval.

(B) (1) Any request for change in zoning regulations shall be accompanied by a deposit of \$75 to defray the cost of newspaper advertising and other expenses incident to the consideration of the proposed change.

(2) This deposit shall be taken into the General Fund by the Treasurer.
(1983 Code, § 920.1 § 7)

***DESIGN GUIDELINES FOR THE CONSTRUCTION
OR RE-CONSTRUCTION OF FENCES*****§ 151.45 LETTERS OF COMPLIANCE, BUILDING PERMIT.**

(A) No fence may be constructed in the city, except after the city issues a letter of compliance (and pays the \$50 application fee) that the construction or reconstruction is in accordance with the design standards set out herein.

(B) The City of Houston Acres Mayor, after consideration of the application materials and sufficient investigation, including consultation and opinion of engineer, architect or other consultant, as may be appropriate to the application, to make a determination, based on the criteria herein, on whether to grant or deny the letter of compliance. The decision shall be in writing and within 60 days of the filing of a complete application and the decision shall set forth findings supporting the approval or denial. Failure of the applicant to supply the needed information (as determined by the City of Houston Acres), or allow the city inspection tolls the 60-day time for the City of Houston Acres decision. The city may condition its decision subject to such terms, provision and conditions, as they may deem reasonably necessary to secure the general purposes of this subchapter.

(C) Applicant shall have a right to appeal the decision the City Commission, which appeal must be in writing and must be received within 30 days of the denial. The appeal will be docketed for review and decision at the next regularly scheduled City Commission meeting, provided it is received at the city

office within seven days prior to the meeting. If not so timely received, it shall be docketed for the following regular meeting. Applicant will be allowed a reasonable time to present any relevant evidence that supports applicant's appeal. The decision of the City Commission on the appeal must be in writing, with findings supporting the approval or denial.

(Ord. 4, Series 2011, passed 1-27-2011) Penalty, see § 151.99

§ 151.46 DESIGN STANDARDS: CITY WIDE.

The following design standards shall be used to determine if said fence is of an appropriate design for the city:

(A) The fence material must new, no used lumber or material can be used for any fence construction;

(B) Materials for the fence may be chain link, wood or vinyl;

(C) "Double" fences, where one land owner has an existing fence and the neighbor installs on right next to it, present maintenance problems and are a detriment to the neighborhood. Therefore, no double fences are allowed in the city;

(D) Height of fences must be kept to six feet and no "topping" can be added, such as lattice, barb wire, and the like;

(E) The finished side must face all outside boundaries of the lot;

(F) Anyone proposing to construct or reconstruct a fence in the city must give each adjacent property owner written notice, two weeks in advance of construction.

(G) Installation must meet or exceed any and all industry standards; poles to be secured in the ground past the frost line, only weather treated materials used, including fasteners, no loose or improperly secured boards;

(H) A survey must be done to make sure the location of the fence is on the applicant's lot only and no construction activity is allowed on the property of another without that person's written permission;

(I) No proposed construction or re-construction can be in violation of any applicable deed of restriction; and

(J) If a contractor is being used, the name, address and contact information for the contractor must be provided to the city.

(Ord. 4, Series 2011, passed 1-27-2011) Penalty, see § 151.99

§ 151.47 EXEMPTIONS.

This subchapter shall not apply to any fence which existed prior to the effective date of this subchapter, as long as that fence is not torn down.

(Ord. 4, Series 2011, passed 1-27-2011)

§ 151.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof in a court of proper jurisdiction shall be fined not less than \$10 and not more than \$100, or imprisoned for not more than 20 days, or both.

(2) Each and every day during which the violation continues shall be deemed a separate offense.

(C) (1) If any site is in violation of §§ 151.45 through 151.47, the city may condition site (or building) approvals on the site being brought into full compliance with §§ 151.45 through 151.47 and any other ordinance of the City of Houston Acres.

(2) *Civil penalties.* Any person who intentionally, or negligently violates any provision of §§ 151.45 through 151.47 may be civilly liable to the city in the sum of \$100 per day of violation, but not to exceed \$1,000 total. The city may petition the Jefferson District Court to impose, assess and recover such sums.

(1983 Code, § 920.1 § 6(2)) (Am. Ord. 4, Series 2011, passed 1-27-2011)

CITY OF HOUSTON ACRES, KENTUCKY

CODE OF ORDINANCES

2012 S-1 Supplement contains:

Local legislation current through Ord. 1 Series 2011-2012, passed 7-28-2011

State legislation current through KRS Pamphlet 2011

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PARALLEL REFERENCES

References to Kentucky Revised Statutes
References to 1983 Code
References to Resolutions
References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
Ch. 13A	94.02
Ch. 13B	94.06
18A.225	113.03
61.810	36.56
61.870–61.884	36.20, 36.59, 36.60, 38.27
61.870(1)	38.01
61.870(2)	38.01
61.870(3)	38.01
61.870(4)	38.01
61.870(5)	38.01
61.870(6)	38.01
61.870(7)	38.01
61.870(8)	38.01
61.872(1)–(3)	38.15
61.872(4)	38.16
61.872(5)	38.17
61.872(6)	38.18
61.874(1)	38.22
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61.878(1)	38.26
61.878(2)	38.26
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