

**CITY OF  
BEECHWOOD VILLAGE, KENTUCKY**

**CODE OF ORDINANCES**

AMERICAN LEGAL PUBLISHING CORPORATION

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# **TITLE I: GENERAL PROVISIONS**

Chapter

## **10. GENERAL PROVISIONS**



## **CHAPTER 10: GENERAL PROVISIONS**

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### **§ 10.01 SHORT TITLES.**

(A) 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 Beechwood Village Code, for which designation "codified ordinances" or "code" may be substituted. Title heads, chapter heads, and section and division heads or titles, and explanatory notes and cross references, do not constitute any part of the law as contained in the code.

(KRS 446.140)

(B) 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". 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))

**AVIS.** The automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator=s licenses and personal identification cards.  
(KRS 446.010(55))

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

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

**COMMISSION.** The city legislative body.  
(KRS 83A.010(3))

**CORPORATION.** May extend and be applied to any corporation, company, partnership, joint stock company, or association.  
(KRS 446.010(10))

**COUNCIL.** The city legislative body.  
(KRS 83A.010(5))

**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(12))

**DIRECTORS.** When applied to corporations, includes managers or trustees.  
(KRS 446.010(13))

**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(14))

**DOMESTIC ANIMAL.** Any animal converted to domestic habitat.  
(KRS 446.010(15))

**EXECUTIVE AUTHORITY.** The Mayor.  
(KRS 83A.010(6), KRS 91A.010(4))

**FEDERAL.** Refers to the United States.  
(KRS 446.010(17))

**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(18))

**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(23))

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

**LEGISLATIVE BODY MEMBER.** A City Council or City Commission member.  
(KRS 83A.010(8))

**LIVESTOCK.** Cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species.  
(KRS 446.010(25))

**MAY.** The act referred to is permissive.  
(KRS 446.010(26))

**MONTH.** Calendar month.



(KRS 446.010(27))

**MUNICIPALITY.** The City of Beechwood Village, Kentucky.

**OATH.** Includes affirmation, in all cases in which an affirmation may be substituted for an **OATH**. (KRS 446.010(28))

**PARTNERSHIP.** Includes both general and limited partnerships.  
(KRS 446.010(30))

**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(31))

**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(33))

**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(37))

**SHALL.** The act referred to is mandatory.  
(KRS 446.010(39))

**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(43))

**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(46))

**VIOLATE.** Includes failure to comply with.  
(KRS 446.010(47))

**YEAR.** Calendar year.  
(KRS 446.010(49))

### ¶ 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 one person or thing, and a word importing the plural number only may extend and be applied to one 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 Council.  
(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))

#### ¶ 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 one of the days just mentioned. When the period of time prescribed or allowed is less than seven 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 three 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 Council 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 Council 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 Council.

(KRS 446.090)

#### **¶ 10.08 PURPOSE STATEMENTS.**

All purpose provisions of every enacted ordinance included in this code of ordinances is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein. For specific purpose provisions, please consult the ordinance in question which is on file in the City Clerk=s office.

#### **¶ 10.09 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 Council.

(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 Council 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 Council 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 Council, as long as the repealing ordinance takes effect prior to the effective date of the original amendment.

(E) No other action of Council 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)

#### **§ 10.10 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.**

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. 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)

#### **§ 10.11 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.

#### **§ 10.12 ORDINANCES REPEALED.**

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. 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.



**¶ 10.13 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.

**¶ 10.14 ORDINANCES SAVED.**

Whenever an ordinance by its nature either authorizes or enables the Council, 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.

**¶ 10.15 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.**

(A) 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. 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 Council shall adopt a new code of ordinances.

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

(C) 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 text being added by a single solid line drawn underneath it. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be stricken through with a single solid line.

(KRS 83A.060(3))

**¶ 10.16 CONFLICTING PROVISIONS.**

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. 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.

**¶ 10.17 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.

**¶ 10.18 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.

**¶ 10.19 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, Series 1960, passed 5-13-1960; Ord. 15, Series 1970, passed 1-1-1970; Ord. 20, Series 1980, passed 1-1-1980; Ord. 25, Series 1985, passed 1-1-1985)

(B) (1) If a KRS cite is included in the history, this indicates that the text of the section reads either verbatim or substantially the same as the statute. Example: (KRS 83A.090)

(2) 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.*

(C) If a section of this code is derived from the previous code of ordinances of

the city published in 1997 and subsequently amended, the previous code section number shall be indicated in the history by "(1997 Code, § \_\_\_\_)".

#### **§ 10.99 GENERAL PENALTY.**

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.

***Statutory references:***

*Enforcement of ordinances, see KRS 83A.065*

*Maximum fine for violations, see KRS 534.040(2)(c)*



### **TITLE III: ADMINISTRATION**

#### Chapter

- 30. CITY COUNCIL**
- 31. POLICE DEPARTMENT**
- 32. CODE ENFORCEMENT BOARD**
- 33. PUBLIC RECORDS**
- 34. FINANCE AND REVENUE**



## CHAPTER 30: CITY COUNCIL

### Section

#### 30.01 Council meetings

#### § 30.01 COUNCIL MEETINGS.

The regular meetings of the City Council will be held at 7:30 p.m. on the second Tuesday of each month at the Beechwood Baptist Church located at 201 Biltmore Road in the city. If a legal holiday falls on, or is observed on, the second Tuesday of any month, the regular meeting of the City Council shall be held on the immediately following Tuesday at 7:30 p.m. For purposes of this section, **LEGAL HOLIDAYS** are Martin Luther King=s Birthday, Memorial Day, July 4th, Labor Day, Christmas Eve, Christmas, New Year=s Eve, and New Year=s Day. (1997 Code, § 1.01) (Ord. 1, Series 1995, passed - -)





## **CHAPTER 31: POLICE DEPARTMENT**

### Section

#### 31.01 Police officers carrying deadly weapons

#### **§ 31.01 POLICE OFFICERS CARRYING DEADLY WEAPONS.**

All police officers directly employed by the city may carry concealed deadly weapons on or about their person at all times within the commonwealth.  
(1997 Code, § 1.02) (Ord. 3, Series 1977, passed - -)



## CHAPTER 32: CODE ENFORCEMENT BOARD

### Section

- 32.01 Title
- 32.02 Definitions
- 32.03 Creation and membership
- 32.04 Powers
- 32.05 Appointment of members; terms of office; removal from office; oath; compensation
- 32.06 Organization of Board; meetings, quorum; alternate Board members
- 32.07 Conflict of interest
- 32.08 Jurisdiction
- 32.09 Powers of the Code Enforcement Board
- 32.10 Enforcement proceedings
- 32.11 Hearing; notice; final order
- 32.12 Legal counsel
- 32.13 Appeals; final judgment
- 32.14 Ordinance fine
- 32.15 Lien; fines, charges and fees

### § 32.01 TITLE.

This chapter shall be known as the Frank Giacalone Code Enforcement Act.  
(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### § 32.02 DEFINITIONS.

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

**CODE ENFORCEMENT BOARD.** An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act.

**CODE ENFORCEMENT OFFICER.** A city police officer, safety officer, citation officer or other public law enforcement officer with the authority to issue a citation.

**ORDINANCE.** An official action of a local government body, which is a regulation of a general and permanent nature and enforceable as a local law, and shall include any provision of a code of ordinances adopted by the city legislative body which embodies all or part of an ordinance.  
(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.03 CREATION AND MEMBERSHIP.**

There is hereby created pursuant to KRS 65.8801 to 65.8839 within the city, a Code Enforcement Board which shall be composed of five members, each of whom shall be at least 21 years of age and a resident of the city for a period of at least one year prior to his or her appointment and shall reside there throughout his or her term in office.

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.04 POWERS.**

(A) The Code Enforcement Board shall have the power to issue remedial orders and/or to impose civil fines as a method enforcing city ordinances when a violation of the ordinance has been classified as a civil offense.

(B) The Code Enforcement Board shall not have the authority to enforce any ordinance the violation of which constitutes an offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.05 APPOINTMENT OF MEMBERS; TERMS OF OFFICE; REMOVAL FROM OFFICE; OATH; COMPENSATION.**

(A) Members of the Code Enforcement Board shall be appointed by the executive authority of the city, subject to the approval of the legislative body.

(B) (1) The initial appointment to the five-member Code Enforcement Board shall be as follows:

(a) One member appointed to a one-year term;

(b) Two members appointed to a two-year term; and

(c) Two members appointed to a three-year term.

(2) All subsequent appointments shall be for a term of three years. Any member may be reappointed, subject to the approval of the legislative body.

(C) The executive authority may appoint, subject to the approval of the legislative body, two alternate members to serve on the Code Enforcement Board

in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.

(D) Any vacancy on the Board shall be filled by the executive authority, subject to approval of the legislative body within 60 days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Board members shall fill the vacancy.

(E) A Code Board member may be removed from office by the executive authority for misconduct, inefficiency or willful neglect of duty. The executive authority must submit a written statement to the member and the legislative body setting forth the reasons for removal.

(F) All members of the Code Enforcement Board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(G) Members of the Code Enforcement Board shall be reimbursed for actual expenses.

(H) No member of the Code Enforcement Board may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city. (Ord. \_\_, Series 2000, passed 6-13-2000)

## **§ 32.06 ORGANIZATION OF BOARD; MEETINGS, QUORUM; ALTERNATE BOARD MEMBERS.**

(A) The Board shall annually elect a chair from among its members. The Chairperson shall be the presiding officer and a full voting member of the Board. In his or her absence, the Board shall designate any member to be acting Chairperson.

(B) Meetings of the Code Enforcement Board shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act, and may be called by either the chairperson or by the executive authority of the city.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.

(D) The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.

(E) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.07 CONFLICT OF INTEREST.**

Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.08 JURISDICTION.**

The Code Enforcement Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which specifically provide for code board enforcement.

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.09 POWERS OF THE CODE ENFORCEMENT BOARD.**

The Code Enforcement Board shall have the following powers and duties:

(A) To adopt rules and regulations to govern its operations and the conduct of its hearings;

(B) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction;

(C) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Code Enforcement Board may be served by any Code Enforcement Officer;

(D) To take testimony under oath. The Chairperson or acting chairperson shall have the authority to administer oaths for the purpose of taking testimony;

(E) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce; and

(F) To impose civil fines, as authorized, on any person found to have violated

an ordinance over which the Board has jurisdiction.  
(Ord. \_\_\_, Series 2000, passed 6-13-2000)

### **§ 32.10 ENFORCEMENT PROCEEDINGS.**

The following requirements shall govern all enforcement proceedings before the Board.

(A) Enforcement proceedings before the Code Enforcement Board shall be initiated only by the issuance of a citation by a Code Enforcement Officer.

(B) Except as provided in division (C) below, if a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a city ordinance, he or she shall issue a notice of violation to the offender allowing the offender a specified period of time to remedy the violation without fine. If the offender fails or refuses to remedy the violations within the time specified, the code enforcement officer is authorized to issue a citation.

(C) Nothing in this chapter shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(D) The citation issued by the Code Enforcement Officer shall contain the following information:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code or the number of the ordinance violated;
- (6) The name of the code enforcement officer;

(7) The civil fine that will be imposed for the violation if the person does not contest the citation;

(8) The maximum civil fine that may be imposed if the person elects to contest the citation;

- (9) The procedure for the person to follow in order to pay the civil fine or to

contest the citation; and

(10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final.

(E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the City Clerk.

(F) The person to whom the citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

(G) If the alleged violator does not contest the citation within the time prescribed, the Code Enforcement Board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation.  
(Ord. \_\_, Series 2000, passed 6-13-2000)

### **§ 32.11 HEARING; NOTICE; FINAL ORDER.**

(A) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The hearing shall be conducted within 14 days of the request, unless the requester wants or agrees to a continuance not to exceed 14 additional days.

(B) Not less than seven days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested, by personal delivery or by leaving the notice at the person=s usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice.

(C) Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Code Enforcement Board shall enter a final order determining the violation as committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon the person



guilty of the violation.

(D) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender to remedy a continuing violation, or both.

(F) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in division (B) of this section.  
(Ord. \_\_, Series 2000, passed 6-13-2000)

### **§ 32.12 LEGAL COUNSEL.**

Each case before the Code Enforcement Board shall be presented by an attorney selected by the city or by a Code Enforcement Officer for the city. The City Attorney may either be counsel to the Code Enforcement Board or may present cases before the Code Enforcement Board, but in no case serve in both capacities.  
(Ord. \_\_, Series 2000, passed 6-13-2000)

### **§ 32.13 APPEALS; FINAL JUDGMENT.**

(A) An appeal from any final order of the Code Enforcement Board may be taken to the appropriate County District Court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board=s order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(B) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in division (A) of this section, the Code Enforcement Board=s order shall be deemed final for all purposes.  
(Ord. \_\_, Series 2000, passed 6-13-2000)

#### **§ 32.14 ORDINANCE FINE.**

Violations of ordinances that are enforced by the City Code Enforcement Board shall be as provided in each such ordinance.

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

#### **§ 32.15 LIEN; FINES, CHARGES AND FEES.**

(A) The city shall possess a lien on property owned by the person found by a final, nonappealable order of the Code Enforcement Board, or by a final judgment of the court, to have committed a violation of a city ordinance for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance.

(B) The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

(C) The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

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

(Ord. \_\_\_, Series 2000, passed 6-13-2000)

## CHAPTER 33: PUBLIC RECORDS

### Section

#### ***General Provisions***

##### 33.01 Definitions

#### ***Procedures for Requesting Public Records***

- 33.15 Initial request with immediate inspection
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- 33.17 Public records not immediately available
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- 33.20 Concealing or destroying records prohibited
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- 33.22 Format of copies
- 33.23 Fees for copies
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- 33.26 Public records protected from disclosure
- 33.27 Notification of the Attorney General

#### ***GENERAL PROVISIONS***

##### **§ 33.01 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.*** 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. ***COMMERCIAL PURPOSE*** shall not include:

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

(2) Use of a public record by a radio or television station in its news or

other informational programs; or

(3) 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 Clerk/Treasurer.

***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, within any fiscal year, derives at least 25% of its funds expended by it in the commonwealth from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a competitive procurement process shall not be included in the determination of whether a body is a public agency under this division (8);

(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 herein; and

(11) Any interagency body of two or more public agencies where each public agency is defined in this division.  
(KRS 61.870(1))

**PUBLIC RECORD.** 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. **PUBLIC RECORD** shall not include any records owned or maintained by or for a body discussed in division (8) of the definition of **PUBLIC AGENCY**, above 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.** 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. **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**

### **§ 33.15 INITIAL REQUEST WITH IMMEDIATE INSPECTION.**

(A) Any person desiring to inspect or copy the public records of this city shall make a request for inspection at the office of the Clerk/Treasurer 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. 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 Clerk/Treasurer or in another office of the city as determined by the official custodian or custodian for the inspection. 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. 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) - (3)*

**§ 33.16 REFERRAL TO PROPER CUSTODIAN.**

If the Clerk/Treasurer does not have custody or control of the public record or records requested, the Clerk/Treasurer 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))

**§ 33.17 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 three 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))

**§ 33.18 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))

### **§ 33.19 TIME LIMITATION; DENIAL OF INSPECTION.**

Each public agency, upon any request for records made under this chapter, shall determine within three 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 three-day period of its decision. 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.

#### ***Statutory reference:***

*Denial of inspection, see KRS 61.880(1)*

### **§ 33.20 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.

### **§ 33.21 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 § 33.26.  
(KRS 61.884)

### **§ 33.22 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 § 33.26. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. 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) The minimum standard format in paper form shall be defined as not less than eight and one-half inches by 11 inches in at least one 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. 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))

### ¶ 33.23 FEES FOR COPIES.

(A) *Noncommercial purposes.* 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. 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 purposes.*

(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) above 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 ¶ 33.25*

**¶ 33.24 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 ¶ 33.23(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

**¶ 33.25 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 ¶ 33.23(B).  
(KRS 61.874(6))

### § 33.26 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 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 an 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 acquisition of property, until such 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; however, records or information compiled and maintained by county attorneys or commonwealth=s attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the provisions of this chapter and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action. The exemptions provided by this division (A) (8) 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 division (A)(13) 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 division (A)(13): 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 division (A)(13) and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(b) As used in this division (A)(13), **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. above; 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 division (A)(13), 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 Kentucky Office of Homeland Security and the Attorney General;

(d) Nothing in this division (A)(13) shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs; and

(e) The exemption established in this division (A)(13) shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this division (A)(13) under the Open Records Law.

(14) 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 public agency shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 33.18.

(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.

(1) 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.

(2) 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))

### **§ 33.27 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.

## **CHAPTER 34: FINANCE AND REVENUE**

### Section

#### ***Bank Deposit Taxation***

- 34.01 Franchise tax
- 34.02 Timetable
- 34.03 Lien for taxes
- 34.04 Delinquent taxes
- 34.05 Payment to General Fund

#### ***Real Property Taxation***

- 34.15 County assessment adopted
- 34.16 Due date; payment
- 34.17 Delinquency
- 34.18 Ad valorem taxes on motor vehicles
- 34.19 Disposition of funds

#### ***Investment Policy***

- 34.30 General policy
- 34.31 Investment policy adoption

### ***BANK DEPOSIT TAXATION***

#### **§ 34.01 FRANCHISE TAX.**

There is hereby imposed on all "financial institutions", as defined in KRS Chapter 136, located within the corporate limits of the city for the 2014 tax year and all subsequent years, a franchise tax at the rate of 0.000250 on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions.  
(Ord. 3, Series 2014-2015, passed - -2014)



#### **§ 34.02 TIMETABLE.**

For all tax years subsequent to the 2014 tax year, the following timetable is hereby established: the city will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a 2% discount by December 31 of each year, or without the discount by January 31 of each year.

(Ord. 3, Series 2014-2015, passed - -2014)

#### **§ 34.03 LIEN FOR TAXES.**

The city shall have a lien for taxes upon any and all property subject to the tax imposed by these sections, which lien shall be superior to all encumbrances prior or subsequent.

(Ord. 3, Series 2014-2015, passed - -2014)

#### **§ 34.04 DELINQUENT TAXES.**

All taxes due in accordance with these sections which are not paid before paid before January 31, for all subsequent tax years shall be deemed delinquent and shall be subject to a penalty of 10% and shall bear interest at the rate of 12% per annum.

(Ord. 3, Series 2014-2015, passed - -2014)

#### **§ 34.05 PAYMENT TO GENERAL FUND.**

All money collected pursuant to these sections shall be paid directly into the General Fund of the City to be used for the payment of proper expenditures as determined by the City Commission.

(Ord. 3, Series 2014-2015, passed - -2014)

### ***REAL PROPERTY TAXATION***

#### **§ 34.15 COUNTY ASSESSMENT ADOPTED.**

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the county assessment for all real and personal property situated within the city as the basis of all ad valorem tax levies ordered or approved by the City Council.

(B) The assessment as finally determined for county tax purposes shall serve

as the basis for all city levies for the fiscal year commencing after the assessment date.

#### **§ 34.16 DUE DATE; PAYMENT.**

(A) All taxes, except ad valorem taxes on motor vehicles, shall become due on December 1.

(B) Any taxpayer who pays his or her city taxes before December 1 after they become due shall be entitled to a 2% discount thereon, and the Clerk/Treasurer shall allow the discount and give a receipt in full to the taxpayer.

#### **§ 34.17 DELINQUENCY.**

(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent on January 1 following their due dates.

(B) Any taxes not paid by the date when they become delinquent shall be subject to a penalty of 10% on the taxes due and unpaid. The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax bill.

(C) Delinquent taxes shall be collectable under the provisions of the state law relating to the collection of delinquent taxes by cities.

#### **§ 34.18 AD VALOREM TAXES ON MOTOR VEHICLES.**

(A) All ad valorem taxes on motor vehicles shall be collected by the County Clerk in accordance with KRS 134.800.

(B) Ad valorem taxes on motor vehicles shall become due and delinquent as set forth in KRS 134.810, and any taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.

#### **§ 34.19 DISPOSITION OF FUNDS.**

All monies collected from the taxes levied in this chapter shall be paid into the General Fund of the city to be used for the payment of proper expenditures as determined by the City Council.

## ***INVESTMENT POLICY***

### **§ 34.30 GENERAL POLICY.**

It is the policy of the city to invest public funds in a manner which will provide the highest investment return with the maximum security of principal while meeting the daily cash flow demands of the city and conforming to all state statutes and city regulations governing the investment of public funds.

### **§ 34.31 INVESTMENT POLICY ADOPTION.**

(A) The city=s investment policy shall be adopted by order of the City Council and shall become effective on the date set forth in the order. The policy shall be reviewed annually and revised, as appropriate. Any amendments to this policy must be made by order of the City Council.

(B) Any investment held on the date of initial adoption of this policy which does not meet the guidelines of this policy shall be exempted from its provisions. At maturity or liquidation, the monies so invested, if reinvested, shall be reinvested only in accordance with this policy. The City Clerk/Treasurer may take a reasonable period of time to adjust the existing portfolio to the provisions of this policy in order to avoid the premature liquidation of any current investment.

## **TITLE V: PUBLIC WORKS**

### Chapter

**50. GARBAGE**

**51. WATER AND SEWERS**



## **CHAPTER 50: GARBAGE**

### **Section**

- 50.01 Accumulation of garbage prohibited
- 50.02 Containers required; exceptions
- 50.03 Places for outside residential storage or keeping; times for putting out for collection
- 50.04 Outside commercial storage
- 50.05 Restrictions on removal of garbage placed for collection
- 50.06 Alternative means of disposal

### **§ 50.01 ACCUMULATION OF GARBAGE PROHIBITED.**

It shall be unlawful for any person owning, managing, or having control of any premises or vacant lot, or any person occupying a dwelling within the city, to permit an accumulation of garbage, trash, rubbish, or refuse to become or remain offensive, unsightly, or unsafe to the public health or safety, or hazardous from fire, or to deposit, keep, or accumulate, or to permit or cause same to be deposited, kept, or accumulated, upon any property, lot, or parcel of land, or any public or private place, street, lane, or driveway, except as provided in this chapter. No person occupying, owning, or in control of any premises shall permit such garbage, trash, rubbish, or refuse to accumulate or to blow about in a manner which creates an unsightly appearance or a health or safety hazard.

(Ord. -, Series 2012, passed - -) Penalty, see § 10.99

### **§ 50.02 CONTAINERS REQUIRED; EXCEPTIONS.**

Except as provided in this section, no person shall put out for collection or dispose of garbage, trash, rubbish, or refuse unless the same be placed in containers provided and/or approved by the person or firm with which the city has contracted for collection. No person shall dispose of garbage, trash, rubbish, or refuse into containers at locations other than those that are situated on property which he, she, or it owns, leases, rents, or otherwise legally occupies, or upon the public right-of-way fronting said property. Provided, however, that grass clippings, other yard trimmings, twigs, sticks, tree limbs, and the like, properly bagged or bundled, as the case may be, may be placed for collection without placement in such provided/approved container; and provided further that, on officially designated "junk" collection days reserved for collection of items which are exceptionally large, heavy, bulky, or which are so irregularly shaped that depositing them in a container, or putting them in a bag or bundle, would be impracticable, such items need not be put in a container, or bagged or bundled. (Ord. -, Series 2012, passed - -) Penalty, see § 10.99

### **§ 50.03 PLACES FOR OUTSIDE RESIDENTIAL STORAGE OR KEEPING; TIMES FOR PUTTING OUT FOR COLLECTION.**

In the case of residential premises, each container or bag or bundle shall be kept in the side yard or rear yard setback of the premises from which it is to be collected, except on the day designated for collection. On the collection day, the containers, bags, or bundles shall be placed for collection at the curb, in front of the premises, or otherwise as close to the curb line or edge of roadway as practicable. No residential householder shall place or permit to be placed any such container, bag, or bundle before 5:30 p.m., on the day preceding the scheduled collection. No container may be left at the place of collection after 8:00 p.m., on the day of collection. (Ord. -, Series 2012, passed - -) Penalty, see § 10.99

### **§ 50.04 OUTSIDE COMMERCIAL STORAGE.**

The owner or occupant of commercial premises shall accumulate, store, keep, and put out garbage, trash, rubbish, and refuse in a container provided or approved by the party with which the city has contracted for collection thereof. Said owner or occupant shall provide a clean, safe, and sanitary area for the storing, keeping, and putting out of such container(s). (Ord. -, Series 2012, passed - -) Penalty, see § 10.99

### **§ 50.05 RESTRICTIONS ON REMOVAL OF GARBAGE PLACED FOR COLLECTION.**

Except for the property owner and his or her authorized representative and

the city=s authorized trash collection company, it shall be unlawful for any person to touch, move, or remove garbage, recycling, or any loose items or collection of loose items that would be considered for put out on a "junk" or "loose item" day, once it has been set within the public right-of-way for removal and has been placed in a collection receptacle.

(Ord. -, Series 2012, passed - -; Ord. 1, Series 2014-2015, passed 6-10-2014) Penalty, see § 10.99

## **§ 50.06 ALTERNATIVE MEANS OF DISPOSAL.**

The requirements of this chapter shall not prohibit any of the following:

(A) Any resident, or any authorized representative of a business or commercial enterprise, handling or transporting to a place of lawful disposal outside the city, any garbage, trash, rubbish, refuse, or junk from a residence or business or commercial enterprise in the city;

(B) Any person performing yard work, or tree trimming or landscaping services, hauling clippings or brush to a place of lawful disposal outside the city;

(C) Any person removing rubbish from the site of building construction, alteration, or demolition; or

(D) Any person engaged in lawful recycling, who has been engaged by the city for such purposes.

(Ord. -, Series 2012, passed - -)





## **CHAPTER 51: WATER AND SEWERS**

### **Section**

51.01 Obstructing drainage ditches

51.02 Discharge of water

51.99 Penalty

### **§ 51.01 OBSTRUCTING DRAINAGE DITCHES.**

Interference with drainage ditches or the depositing of debris into any drainage ditch within the city is prohibited and shall be punishable as set forth in § 51.99.

(1997 Code, § 3.01) (Ord. 13, Series 1962, passed - -; Ord. 19, Series 1962, passed - -)

### **§ 51.02 DISCHARGE OF WATER.**

#### *(A) Prohibitions and exceptions.*

(1) There shall be no discharge of water from any residence, including, but not limited to sump water or pool overflow water, down spout water from roofs, onto any public right way, onto any adjacent private property owner or onto any driveway that drains to the street. All such discharges must be tied into the Beechwood Village Header Pipe system or connected underground to an MSD-owned catch basin.

(2) The following shall be exempt from this section:

(a) If the end of the sump pump piping discharges to the rear of the property at a point no closer than ten feet from a paved surface and does not encroach onto an adjacent property.

(b) Relief structures (such as, bypass overflows) from the resident's home, said relief from sump discharge shall remain on resident's private property without encroaching on a neighbor's property but can encroach into the public right-of-way. Said relief structures may only be utilized in an emergency situation where property owner's sump discharge line has become clogged or unable to accept flow through no fault of their own.

*(B) Requirements.*

(1) Any property owner with a functioning sump pump, or other pumping lines or systems, must tie that discharge into the Beechwood Village Header Pipe system or connected underground to an MSD-owned catch basin.

(2) This must be a direct connection, including, but not limited to, piping the sump pump brought to a curb and gutter system and in the public right-of-way of the city.

*(C) Waiver.*

(1) The City Council understands that due to site-specific conditions, imposition of these standards may be inappropriate or work an undue hardship. Therefore, the City Council has agreed to mitigate and alleviate the costs of such connections if the sump pump or discharge line has been brought into the public right-of-way that is maintained by the city at the property owner=s expense. The Council and city understands many residents did not know, understand, or provide MSD with direction on how to discharge ground or excess water, nor the future impact of these waters on areas surrounding private property. Lines that discharge or carry water, must be in the right-of-way for the city to pay for the connection into Beechwood Village Header Pipe system or MSD catch basin.

(2) From the passage of this section, all residents must comply and have remedied current situations 365 days from ordinance passage date.  
(Ord. 1, Series 2015, passed 5-12-2015; Ord. 1, Series 2015-2016, passed 5-12-2015)

**§ 51.99 PENALTY.**

(A) Any person who violates § 51.01 shall be fined not less than \$25 and no more than \$100.

(B) (1) Any person who shall violate § 51.02 shall be fined not less than \$50 nor more than \$100 per day from the date of notice of violation.

(2) Where Kentucky Revised Statutes mandates a fine higher than that stipulated in this section, the fine contained in Kentucky Revised Statutes shall apply.

(3) Any continuing violation of § 51.02 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 § 51.02 shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed, with a minimum civil penalty of \$50 for each violation; each day of violation shall be considered a separate offense.

(2) The civil penalty 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 in this section, "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 this section.

(1997 Code, § 3.01) (Ord. 13, Series 1962, passed - -; Ord. 19, Series 1962, passed - -; Ord. 1, Series 2015, passed 5-12-2015; Ord. 1, Series 2015-2016, passed 5-12-2016)



## **TITLE VII: TRAFFIC CODE**

### **Chapter**

- 70. TRAFFIC REGULATIONS**
- 71. PARKING REGULATIONS**
- 72. TRAFFIC SCHEDULES**
- 73. PARKING SCHEDULES**



## CHAPTER 70: TRAFFIC REGULATIONS

### Section

- 70.01 Traffic-control devices
- 70.02 Proceeding after stop at controlled intersection
- 70.03 Speed limit
- 70.04 Gross weight limit of trucks
- 70.05 Lights on bicycles required during certain hours

- 70.99 Penalty

### **Cross-reference:**

*Vehicles scattering garbage or other substances on streets, see § 91.04*

### **§ 70.01 TRAFFIC-CONTROL DEVICES.**

(A) The City Council, by resolution or motion, shall designate one of its members to be responsible for causing those certain official traffic-control devices, commonly known as "stop signs", and other such devices typically bearing the notice "no parking between signs", or "no parking in this block", as the case may be, to be installed at controlled intersections and in no-parking zones, respectively, as appropriate.

(B) The designated Council member also shall be responsible for causing to be prepared a map or plat identifying the controlled intersections, and identifying the controlled no-parking zones, together with diagrams of locations at which official traffic-control devices of each type have been installed, and he or she shall be responsible for keeping the map or plat current, if and as the Council shall amend the list of such controlled intersections and no-parking zones. The City Clerk shall be the official custodian of all such plats.

(Ord. 2, Series 2012, passed 7-1-2012; Ord. 4, Series 2015, passed 9-8-2015)

### **§ 70.02 PROCEEDING AFTER STOP AT CONTROLLED INTERSECTION.**



Upon having come to a stop at a controlled intersection, the operator of the stopped vehicle shall not thereafter cause the vehicle to proceed upon, into, across, or through such intersection until and unless the vehicle can do so safely and without causing a collision with another vehicle or a pedestrian having right-of-way, and without causing such other vehicle or pedestrian to change course or otherwise take evasive action to avoid such collision.

(Ord. 2, Series 2012, passed 7-1-2012; Ord. 4, Series 2015, passed 9-8-2015) Penalty, see § 70.99

**Cross-reference:**

*Stop intersections specified, see Chapter 72, Sch. I*

**§ 70.03 SPEED LIMIT.**

The speed limit for vehicular traffic within the city is 25 mph.

(1997 Code, § 5.06) (Ord. 5, Series 1962, passed - -) Penalty, see § 70.99

**§ 70.04 GROSS WEIGHT LIMIT OF TRUCKS.**

No truck or semi-trailer truck shall operate on any street or public way within the city if the gross weight, including load, exceeds 10,000 pounds.

(1997 Code, § 5.03) (Ord. 5, Series 1959, passed - -) Penalty, see § 70.99

**§ 70.05 LIGHTS ON BICYCLES REQUIRED DURING CERTAIN HOURS.**

(A) Bicycles used during hours of darkness shall operate with one light on the front sufficient to reveal substantial objects at a distance of 50 feet, and a red tail light or reflector visible from 500 feet under ordinary atmosphere conditions.

(B) Bicycle lights are required to be illuminated one-half hour after sunset until one-half hour before sunrise. Such lights shall also be illuminated during times of similarly limited visibility.

(1997 Code, § 5.01) (Ord. 6, Series 1969, passed - -) Penalty, see § 70.99

**§ 70.99 PENALTY.**

(A) A violation of this Title VII, for which no penalty is otherwise provided, shall subject the offender to a civil penalty in the sum of \$50 per day.

(1) The fact that any vehicle which is illegally parked is registered in the name of any individual or entity shall constitute prima facie proof that such person or entity was in control of the vehicle when it was parked or left standing.

(2) If the penalty shall not have been paid in full to the city within 20 days after citation alleging the offense has been served, the city may recover the penalty in a civil action.

(B) Any person violating § 70.03 shall be fined not more than \$100, or imprisoned for not more than seven days.  
(1997 Code, § 5.06)

(C) Any person violating § 70.04 shall be fined not less than \$25 nor more than \$500 for each offense.  
(1997 Code, § 5.03)

(D) Any person violating § 70.05 shall be fined not less than \$10 nor more than \$100 for each offense.  
(1997 Code, § 5.01)

(Ord. 5, Series 1959, passed - -; Ord. 5, Series 1962, passed - -; Ord. 6, Series 1969, passed - -; Ord. 2, Series 2012, passed 7-1-2012; Ord. 4, Series 2015, passed 9-8-2015)



## CHAPTER 71: PARKING REGULATIONS

### Section

71.01 Definitions

71.02 Limitations on standing and parking of vehicles on streets

71.03 Prohibited standing and parking of buses, boats, utility trailers and recreational vehicles

71.04 Motorcycles

71.99 Penalty

#### **Cross-reference:**

*No-parking zones, see Chapter 73, Sch. I*

#### **Statutory reference:**

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

### § 71.01 DEFINITIONS.

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

**EMERGENCY VEHICLE.** A kind of vehicle used for emergency purposes by a fire department, the Kentucky State Police, a public police department, a sheriff's office, or an emergency rescue squad, or a civil defense agency or emergency preparedness office; an ambulance; a vehicle legally commandeered by a police officer; or any vehicle used by a volunteer firefighter in the course of responding to an emergency.

**OPPOSITE.** A vehicle is parked or left standing **OPPOSITE** another when both are on a paved street and whenever:

(1) The vehicle is approximately parallel to and its position overlaps the position of another vehicle previously parked or left standing; or

(2) It is so parked or left standing that the resulting separation distance between it and the vehicle previously parked or left standing is less than 16 feet.

**RECREATIONAL VEHICLE.** A kind of vehicle commonly used primarily for recreational purposes, including, but not limited to campers, off-road vehicles and motor homes.

**SERVICE and REPAIR.** The making of repairs to or the replacement of major parts or systems of a vehicle, such as body and fender repair and replacement,

painting, engine or transmission removal or replacement, or any work using welders, torches, or air driven power tools, as well as minor service and repair, such as tune-up, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items.

**UTILITY TRAILER:** A non-motorized device typically pulled by a vehicle, and which is used to carry trash, refuse, equipment, materials and other items.

**VEHICLE.** A device that has its own motive power (excepting a non-motorized bicycle), and that is used for transporting people, things, materials, supplies, and other items on and over public streets. The term includes, but is not limited to, motorcycles, motorbikes, motor scooters, passenger vehicles, trucks, buses and recreational vehicles.

(Ord. 4, Series 2015, passed 9-8-2015)

## **§ 71.02 LIMITATIONS ON STANDING AND PARKING OF VEHICLES ON STREETS.**

(A) *Limitations as to location, manner of parking and leaving vehicle standing.* Except as provided in division (C) of this section, no person shall park, or otherwise let or leave standing in or on any street, or in or on any other portion of the public right-of-way, any vehicle:

(1) Within the intersection of two or more streets or within 30 feet thereof;

(2) Within 30 feet of a stop sign;

(3) Opposite any other vehicle;

(4) At any place where the vehicle would block all or any part of a driveway connecting to the street directly with private property;

(5) At any place where an official traffic control device prohibits parking;

(6) At any place in or on that lane to the left (as viewed from the operator's position) where oncoming traffic typically passes in the opposite direction;

(7) Within ten feet of a fire hydrant;

(8) Upon which service and repair is being performed;

(9) Any one or more wheels of which are not situated entirely upon the street pavement;

(10) Any one or more wheels on the right side of which are more than 12 inches from the edge of the street pavement; or

(11) At any place on the street pavement that is adjacent to, and within extended sidelines of, a driveway connecting the street directly with private property.

(B) *Limitation on hours of parking.* Except as provided in division (C) of this section, no person shall park, or otherwise let or leave standing, any vehicle on or in any street, for a period of more than ten minutes consecutively, at any time during a period commencing at 2:00 a.m. and ending at 6:00 a.m. each day.

(C) *Exemptions.* Restrictions in divisions (A) and (B) of this section shall not apply to:

(1) Emergency vehicles when in use on official business;

(2) Vehicles that have become disabled while traveling on the street at that location and/or hour, and as a result it is impossible or impractical to move them from the street until assistance reasonably necessary to removal shall have been obtained or procured with reasonable promptness;

(3) Vehicles required to stop, or to be let or left standing, in compliance with Kentucky Revised Statutes or traffic ordinance, regulation or traffic-control device, or in response to command of any peace officer;

(4) Vehicles operating as common carriers of passengers for hire, and school buses taking on passengers or discharging them, provided, however, that no such vehicle shall be left standing or parked at any location on the street that does not afford reasonable visibility to other vehicles approaching from any direction;

(5) Vehicles reasonably required to be stopped, left standing or parked because of obstruction(s); and

(6) Nonresident service provider vehicles.  
(Ord. 4, Series 2015, passed 9-8-2015) Penalty, see § 71.99

### **§ 71.03 PROHIBITED STANDING AND PARKING OF BUSES, BOATS, UTILITY TRAILERS AND RECREATIONAL VEHICLES.**

(A) No person shall let stand or park any bus, utility trailer, boat or recreational vehicle on or in any street, or in or on any other portion of the public

right-of-way.

(B) Items mentioned in division (A) of this section shall be permitted to remain in a driveway for a twice yearly seven-day period for maintenance, repair and/or cleaning purposes.

(Ord. 4, Series 2015, passed 9-8-2015) Penalty, see § 71.99

#### **§ 71.04 MOTORCYCLES.**

Any motorcycle and or motorized two-wheel vehicle shall be prohibited from parking on any sidewalk, walkway, or yard in the front of an any residence, or side of any residence if the residence is on a corner lot.

(Ord. 4, Series 2015, passed 9-8-2015) Penalty, see § 71.99

#### **§ 71.99 PENALTY.**

(A) A violation of this chapter shall subject the offender to a civil penalty in the sum of \$50 per day.

(B) The fact that any vehicle which is illegally parked is registered in the name of any individual or entity shall constitute prima facie proof that such person or entity was in control of the vehicle when it was parked or left standing.

(C) If the penalty shall not have been paid in full to the city within 20 days after citation alleging the offense has been served, the city may recover the penalty in a civil action.

(Ord. 4, Series 2015, passed 9-8-2015)

## CHAPTER 72: TRAFFIC SCHEDULES

### Schedule

#### I. Stop intersections

### SCHEDULE I. STOP INTERSECTIONS.

Vehicles of all kinds shall come to a complete stop before proceeding into any of the following intersections, when proceeding in the directions as specified. Each of said intersections hereby is designated as a controlled intersection.

<b><i>Vehicles Traveling On</i></b>	<b><i>Direction</i></b>	<b><i>Shall Stop At</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Beaver Road	Southwest	Brunswick Road	4, Series	9-8-2015
Biltmore Road	Northbound	Blenheim Road	4, Series	9-8-2015
Biltmore Road	Northbound	Fox Run Road	4, Series	9-8-2015
Biltmore Road	Southbound	Blenheim Road	4, Series	9-8-2015
Biltmore Road	Southbound	Cordova Road	4, Series	9-8-2015
Blenheim Road	Eastbound	Biltmore Road	4, Series	9-8-2015
Blenheim Road	Eastbound	Bramton Road	4, Series	9-8-2015
Blenheim Road	Eastbound	Brunswick Road	4, Series	9-8-2015
Blenheim Road	Eastbound	Marshall Drive	4, Series	9-8-2015
Blenheim Road	Eastbound	Ring Road	4, Series	9-8-2015
Blenheim Road	Eastbound	Sage Road	4, Series	9-8-2015
Blenheim Road	Eastbound	Tyne Road	4, Series	9-8-2015
Blenheim Road	Westbound	Biltmore Road	4, Series	9-8-2015
Blenheim Road	Westbound	Bramton Road	4, Series	9-8-2015
Blenheim Road	Westbound	Brunswick Road	4, Series	9-8-2015
Blenheim Road	Westbound	Marshall Drive	4, Series	9-8-2015
Blenheim Road	Westbound	Ring Road	4, Series	9-8-2015
Blenheim Road	Westbound	Sage Road	4, Series	9-8-2015
Blenheim Road	Westbound	Tyne Road	4, Series	9-8-2015
Bramton Road	Northbound	Blenheim Road	4, Series	9-8-2015
Bramton Road	Northbound	Cordova Road	4, Series 2015	9-8-2015
Bramton Road	Northbound	Fox Run Road	4, Series	9-8-2015



<b><i>Vehicles Traveling On</i></b>	<b><i>Direction</i></b>	<b><i>Shall Stop At</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
			2015	
Bramton Road	Southbound	Blenheim Road	4, Series 2015	9-8-2015
Bramton Road	Southbound	Cordova Road	4, Series 2015	9-8-2015
Brunswick Road	Northbound	Blenheim Road	4, Series 2015	9-8-2015
Brunswick Road	Northbound	Fox Run Road	4, Series 2015	9-8-2015
Brunswick Road	Southbound	Blenheim Road	4, Series 2015	9-8-2015
Brunswick Road	Southbound	Biltmore Road	4, Series 2015	9-8-2015
Cordova Road	Eastbound	Bramton Road	4, Series 2015	9-8-2015
Cordova Road	Eastbound	Sage Road	4, Series 2015	9-8-2015
Cordova Road	Eastbound	Stonehenge Drive	4, Series 2015	9-8-2015
Cordova Road	Westbound	Bramton Road	4, Series 2015	9-8-2015
Cordova Road	Westbound	Sage Road	4, Series 2015	9-8-2015
Fox Run Road	Northeast	Biltmore Road	4, Series 2015	9-8-2015
Fox Run Road	Northeast	Bramton Road	4, Series 2015	9-8-2015
Fox Run Road	Northeast	Brunswick Road	4, Series 2015	9-8-2015
Fox Run Road	Southwest	Bramton Road	4, Series 2015	9-8-2015
Fox Run Road	Southwest	Brunswick Road	4, Series 2015	9-8-2015
Marshall Drive	Northbound	Blenheim Road	4, Series 2015	9-8-2015
Marshall Drive	Northbound	Taggart Drive	4, Series 2015	9-8-2015
Marshall Drive	Southbound	Blenheim Road	4, Series 2015	9-8-2015

<b><i>Vehicles Traveling On</i></b>	<b><i>Direction</i></b>	<b><i>Shall Stop At</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
			2015	
Marshall Drive	Southbound	Shelbyville Road	4, Series 2015	9-8-2015
Marshall Drive	Southbound	Taggart Drive	4, Series 2015	9-8-2015
Ring Road	Northbound	Blenheim Road	4, Series 2015	9-8-2015
Ring Road	Southbound	Blenheim Road	4, Series 2015	9-8-2015
Ring Road	Southbound	Cordova Road	4, Series 2015	9-8-2015
Sage Road	Northbound	Blenheim Road	4, Series 2015	9-8-2015
Sage Road	Northbound	Cordova Road	4, Series 2015	9-8-2015
Sage Road	Southbound	Blenheim Road	4, Series 2015	9-8-2015
Sage Road	Southbound	Cordova Road	4, Series 2015	9-8-2015
Sage Road	Southbound	Shelbyville Road	4, Series 2015	9-8-2015
Short Road	Northwest	Fox Run Road	4, Series 2015	9-8-2015
Short Road	Southeast	Beaver Road	4, Series 2015	9-8-2015
Taggart Drive	Eastbound	Marshall Drive	4, Series 2015	9-8-2015
Taggart Drive	Westbound	Marshall Drive	4, Series 2015	9-8-2015
Tween Road	Northeast	Short Road	4, Series 2015	9-8-2015
Tween Road	Southwest	Brunswick Road	4, Series 2015	9-8-2015
Tyne Road	Northbound	Blenheim Road	4, Series 2015	9-8-2015
Tyne Road	Southbound	Blenheim Road	4, Series 2015	9-8-2015

Penalty, see ¶ 70.99



## CHAPTER 73: PARKING SCHEDULES

### Schedule

#### I. No-parking zones

### **SCHEDULE I. NO-PARKING ZONES.**

No person shall park or leave standing any vehicle on or in a city street or other reserved public right-of-way, in any of the following described specific locations. Each such location hereby is designated as a controlled no-parking zone.

<b><i>Street</i></b>	<b><i>Side</i></b>	<b><i>Location</i></b>	<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>
Biltmore Road	East	Between its intersections with Cordova Road and Brunswick Road	4, Series 2015	9-8-2015
Bramton Road	Both	Between its intersections with Shelbyville Road and Cordova Road	4, Series 2015	9-8-2015
Brunswick Road	South	Between its intersection with Biltmore Road, on the west; and the intersection with the driveway leading onto the Beechwood Village Baptist Church parking lot, on the east	4, Series 2015	9-8-2015
Cordova Road	North	Between its intersections with Biltmore Road and Stonehenge Road	4, Series 2015	9-8-2015
Cordova Road	South	Between its intersections with Bramton Road and Stonehenge Road	4, Series 2015	9-8-2015
Marshall Drive	Both	Between its intersection with Shelbyville Road on the south; and its intersection with the extended line of the north exterior wall of the apartment building at 103 Marshall Drive	4, Series 2015	9-8-2015
Sage Road	Both	Between its intersections with Shelbyville Road and Cordova Road	4, Series 2015	9-8-2015

Penalty, see § 70.99



## **TITLE IX: GENERAL REGULATIONS**

### **Chapter**

- 90. ANIMALS**
- 91. STREETS AND SIDEWALKS**
- 92. NUISANCES**
- 93. PRESERVATION OF TREES**
- 94. FIREWORKS AND FIRE PREVENTION**





## **CHAPTER 90: ANIMALS**

### **Section**

- 90.01 Dogs and cats to be on leash or otherwise confined
- 90.02 Impoundment
- 90.03 Recovery of impounded animals
- 90.04 Pickup and disposal of pet waste

90.99 Penalty

### **§ 90.01 DOGS AND CATS TO BE ON LEASH OR OTHERWISE CONFINED.**

(A) All dogs and cats shall be confined to a leash or otherwise kept under absolute control of the owner or agent when on the streets of the city.

(B) All dogs and cats shall be confined to the yard of the owner or the person in charge of that dog or cat.

(C) It shall be unlawful for any owner or person in charge of a dog or a cat to permit or allow such dog or cat to run at large in the city.

(1997 Code, § 7.02) (Ord. 6, Series 1996, passed - -) Penalty, see § 90.99

### **§ 90.02 IMPOUNDMENT.**

Any dog or cat found in the city running at large and not on leash or otherwise under absolute control of the owner or his or her agent, shall be taken physically by the City Police or Animal Control personnel to the County Animal Control and Protection Office. Impounded animals, if unclaimed after seven days, may be disposed of by sale or humane form of execution.

(1997 Code, § 7.02) (Ord. 6, Series 1996, passed - -)

### **§ 90.03 RECOVERY OF IMPOUNDED ANIMALS.**

If the owner of any impounded animal desires to redeem it, he or she must pay any of the following that may apply:

(A) Daily charge for care and maintenance;

(B) Cost of vaccination;

(C) Licensing of the animal; and/or

(D) Any other applicable fee.

(1997 Code, § 7.02) (Ord. 6, Series 1996, passed - -)

#### **§ 90.04 PICKUP AND DISPOSAL OF PET WASTE.**

(A) All persons owning pets, their agents, or any persons keeping and caring for such animals in and about the city shall clean up and dispose of all droppings left by that pet on any property within the city.

(B) All persons walking, exercising, or otherwise accompanying pets within the city shall immediately clean up all droppings left by such pet upon any property within the city.

(C) Pet droppings shall be disposed of in proper waste containers. Persons passing through the city shall take their pet=s waste with them unless given permission by a resident of the city to use a private waste container.

(1997 Code, § 7.03) (Ord. 6, Series 1995, passed - -) Penalty, see § 90.99

#### **§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided shall be subject to § 10.99.

(B) All persons in violation of § 90.04 shall be fined not less than \$10 nor more than \$250 for each violation.

(1997 Code, § 7.03) (Ord. 6, Series 1995, passed - -)

## CHAPTER 91: STREETS AND SIDEWALKS

### Section

- 91.01 Posting address numbers on dwellings and other structures
- 91.02 Permit required for parades, assemblages, or processions
- 91.03 Trees and weeds in public ways to be removed
- 91.04 Scattering garbage or other substances on streets

91.99 Penalty

#### **Cross-reference:**

*Dumpster and portable storage containers, see §§ 92.40 through 92.48*

*Nuisances, see Ch. 92*

*Sporting equipment in the public right-of-way, see §§ 92.60 through 92.64*

*Tracking foreign matter on streets, see § 95.02*

### **§ 91.01 POSTING ADDRESS NUMBERS ON DWELLINGS AND OTHER STRUCTURES.**

(A) *Street address to be displayed.* All residential and commercial property located in the city shall conspicuously display the appropriate street address as assigned by the County Department of Public Works.

#### *(1) Single-family dwellings.*

(a) The address shall be placed in the front of the residence or in a manner so as to be visible from the nearest fronting road.

(b) Such address shall be clearly visible from the nearest fronting road and kept free and clear of any obstructions hindering reasonable visibility from said fronting road.

(c) The numbers shall be in standard Arabic form, of a size at least three inches by two inches, or larger if necessary to be visible from the nearest fronting road, and in color distinguishable from its background, with the exception that existing posting numerals shall be acceptable hereunder if so visible as to adequately identify each single-family dwelling.

*(2) Apartment buildings.*

(a) The address shall be placed in a manner to ensure prompt identification of apartment buildings from the nearest fronting road or parking area, depending on the location and placement of each particular apartment building.

(b) Such address shall be clearly visible and kept free and clear of any obstructions hindering reasonable visibility from the nearest fronting road or parking area.

(c) The numbers shall be in standard Arabic form, of a size at least three inches by two inches, or larger if necessary to be visible from the nearest fronting road, and in color distinguishable from its background, with the exception that existing posting numerals shall be acceptable hereunder if so visible as to adequately identify each apartment building.

(d) In the event that apartment buildings located in a complex or elsewhere are not clearly visible from the nearest public thoroughfare, the owner of any such apartment buildings shall use a system of identification that is reasonably calculated to be readily identifiable by public service and emergency personnel. The City Engineer or his or her authorized representative shall have the authority to approve any such identification system proposed in writing by apartment building owners. Such written approval obtained from the City Engineer shall be prima facie evidence of compliance with this section.

*(3) Commercial structures.*

(a) The address shall be placed on all commercial structures so as to ensure visibility from the nearest fronting road, and if the commercial structure is not visible from the nearest fronting road, the street address shall be posted in a conspicuous manner so as to be visible from the nearest fronting road.

(b) The numbers shall be in standard Arabic form, of a size at least five inches by three inches, or larger if necessary to be visible from the nearest fronting road, and in color distinguishable from its background, with the exception that existing posting numerals shall be acceptable hereunder if so visible as to adequately identify each commercial structure.

(c) In the event that commercial structures located in a complex or elsewhere are not clearly visible from the nearest public thoroughfare, the owner of any such structures shall use a system of identification that is reasonably calculated to be readily identifiable by public service and emergency personnel. The City Engineer shall have the authority to approve any such identification system proposed in writing by owners of commercial structures. Such written approval obtained from the City Engineer shall be prima facie evidence of

compliance with this section.

(B) *Enforcement.* The City Engineer is hereby designated as enforcement person for this section, and he or she is hereby vested with the authority to issue citation for violations of this section, which shall be enforced with the intent to ensure that each residential and commercial structure in the city is clearly identified by its assigned street address in order to enable emergency and other public service personnel to promptly identify same at all times during the night and day.

(1997 Code, § 7.01) (Ord. 2, Series 1982, passed - -) Penalty, see § 91.99

## **§ 91.02 PERMIT REQUIRED FOR PARADES, ASSEMBLAGES, OR PROCESSIONS.**

(A) No person shall conduct or participate in any street assembly, parade, or procession, other than a funeral procession, upon any street except upon a permit issued by the city.

(B) (1) Applications for such permits shall be made in such form as the city shall prescribe not less than 12 hours before the time intended for such assemblage, parade, or procession.

(2) Such permit or an order accompanying it shall designate the places of gathering or formation and if dispersal of such assemblies, parades, or processions and the route of march or travel, and the streets or portions of streets which may be used or occupied therein, and the time and duration of such assemblies, parade, or procession.

(1997 Code, § 7.04) (Ord. 16, Series 1968, passed - -) Penalty, see § 91.99

## **§ 91.03 TREES AND WEEDS IN PUBLIC WAYS TO BE REMOVED.**

(A) Wherever there exist trees, or overhanging branches of same, hedges, shrubs, or weeds on the sidewalks or public ways of the city, or on private property adjacent thereto, which in the opinion of the Mayor obstruct the vision of any operator of vehicles over such public ways, or obstruct any traffic sign so as to create a hazard to the safe operation of such vehicles, the Mayor may order the removal of such obstructions by giving the owner of such property written notice to remove said obstruction within ten days from receipt thereof. If said notice is not complied with within said time then the Mayor may have such obstructions removed at the expense of such property owner.

(B) The notice herein provided for shall state the nature of such obstructions and what part thereof shall be removed, and such notice may be delivered to the owner of such property or his or her agent.

(1997 Code, § 13.08) (Ord. 9, Series 1970, passed - -) Penalty, see § 91.99

#### **§ 91.04 SCATTERING GARBAGE OR OTHER SUBSTANCES ON STREETS.**

(A) No vehicle shall contain garbage, street sweepings, ashes, dirt, or any other substance which is likely to be scattered unless such substances are securely covered. Such vehicles shall be so constructed and so loaded as to prevent the scattering, sifting, leaking, or dropping of such substances upon the streets while the vehicle is operated thereon.

(B) It is unlawful to scatter or drop any garbage, ashes, dirt, or similar substances upon the streets. Further, leaving such substances upon the streets is unlawful and is a separate offense.

(1997 Code, § 5.02) (Ord. 3, Series 1954, passed - -) Penalty, see § 91.99

#### **§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no specific penalty is otherwise provided, shall be subject to § 10.99.

(B) Any person, firm, or corporation failing to comply with the provisions of § 91.01 shall be fined not less than \$10 nor more than \$25, and each day during which the violation exists shall be deemed a separate offense. Warning citations may be issued by enforcement personnel in appropriate circumstances.

(1997 Code, § 7.01)

(C) Any person violating § 91.02 shall be fined not less than \$1, nor more than \$25.

(1997 Code, § 7.04)

(D) Any person violating § 91.04 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$100 for each offense.

(1997 Code, § 5.02)

(Ord. 3, Series 1954, passed - -; Ord. 16, Series 1968, passed - -; Ord. 2, Series 1982, passed - -)

## **CHAPTER 92: NUISANCES**

### Section

#### ***General Provisions***

- 92.01 Abatement procedure
- 92.02 Public purpose
- 92.03 Definitions
- 92.04 Property maintenance standards
- 92.05 Responsibility for property maintenance
- 92.06 Emergency cleanup or abatement
- 92.07 Appeals

#### ***Abandoned, Wrecked or Junked Vehicles***

- 92.20 Definitions
- 92.21 Storing abandoned or junked vehicles on private property prohibited;  
exception
- 92.22 Declaration of nuisance; responsibility for abatement
- 92.23 Additional remedy; notice; removal by city hearing
- 92.24 Removal by agreement

#### ***Dumpster and Portable Storage Containers***

- 92.40 Public purpose
- 92.41 Application of regulations
- 92.42 Definitions
- 92.43 Permit and conditions
- 92.44 Placement on lot
- 92.45 Exceptions
- 92.46 Fees
- 92.47 Advertising
- 92.48 Enforcement

#### ***Sporting Equipment in the Public Right-of-Way***

- 92.60 Public purpose
- 92.61 Definitions
- 92.62 Placement on lot
- 92.63 City immunity from liability
- 92.64 Removal of basketball goals and other sporting equipment

#### ***Noise***

- 92.75 Definition
- 92.76 Prohibition
- 92.77 Unlawful noises specified
  
- 92.99 Penalty

## **GENERAL PROVISIONS**

### **§ 92.01 ABATEMENT PROCEDURE.**

(A) Except as provided in division (B) of this section, 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 through the accumulation of:

- (1) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials;
- (2) One or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked or nonoperative and which are not inhabited;
- (3) Rubbish; or
- (4) The excessive growth of weeds or grass.

(B) It shall be unlawful in the city for the owner of a property to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.

(C) (1) The city may establish by ordinance reasonable standards and procedures for the enforcement of this section. The procedures shall comply with all applicable statutes, administrative regulations or codes. Proper notice shall be given to property owners before any action is taken pursuant to this section; and prior to the demolition of any unfit or unsafe structure, the right to a hearing shall be afforded the property owner.

(2) Whenever a nuisance situation is discovered, the city shall give ten 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 city is authorized to send contractors upon the property to remedy the situation.



(D) 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 65.8840 and this section and shall be recorded in the office of the County Clerk.

(1) The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding.

(2) 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 interest, 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) The provisions of divisions (C) and (D) of this section shall not apply to an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant, or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of the rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons onto the property.

(F) For the purposes of this section, 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.

(G) Whenever it is brought to the attention of the City Council that a nuisance exists, and the City Council deems that there is an immediate threat to the public health, safety and welfare, the City Council may by majority vote, may suspend the license of any person conducting business upon the premises where the nuisance exists.

(1) The City Clerk shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(2) Upon application of the licensee, the city may remove the suspension upon such terms as it may direct.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

## § 92.02 PUBLIC PURPOSE.

(A) The City Council hereby finds that it is necessary to provide for the abatement of conditions which are: offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways to constitute a public nuisance; and to provide standards to safeguard life, health and public welfare in keeping with the character of the city by allowing for the maintenance of property and premises for each of the following purposes:

(1) To safeguard the health, safety and welfare of the people by maintaining property and premises in good and appropriate condition;

(2) To promote a sound and attractive community appearance; and

(3) To enhance the economic value of the community, and each area in it, through the regulation of the maintenance of property or premises.

(B) Accordingly, the City Council finds and declares that the purpose of this section is to:

(1) Reduce the threat to health, safety, welfare, appearance and economic value due to the decline in property conditions by lawfully delineating the circumstances under which such conditions may be considered illegal and/or abated; and further finds that;

(2) Abatement of such condition(s) is in the best interest of the health, safety and welfare of the residents of the city because maximum use and enjoyment of property or premises in proximity to one another depends upon maintenance of those properties or premises at or above the minimum standard. (Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.03 DEFINITIONS.

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

**ABANDONED.** In addition to those definitions provided by state codes, local ordinances and case law, the term means and refers to any item, which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

- (1) Present operability and functional utility;
- (2) Has ceased to be used for its designated and intended purpose;
- (3) The date of last effective use;
- (4) The condition of disrepair or damage;
- (5) The last time an effort was made to repair or rehabilitate the item;
- (6) The status of registration or licensing of the item;
- (7) The age and degree of obsolescence;
- (8) The cost of rehabilitation or repair of the item versus its market value;

and

(9) The nature of the area and location of the item. Items such as furniture, toys, appliances, stoves, refrigerators, freezers, washing machines, dryers, dishwashers, water heaters, television sets, and the like left outside the home in view for over 48 hours and includes items not intended for use or storage in an outdoor environment.

**ABATE.** To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the city, or other person or employee as may be designated by the City Council to enforce city ordinances in his or her judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.

**ATTRACTIVE NUISANCE.** Any condition, instrument or machine which is unsafe, unprotected and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, building materials, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors.

**DESIGNATED ENFORCEMENT OFFICER.** The City Administrative Officer or other person or employee as may be designated by the City Council to enforce city ordinances.

**DISMANTLED.** That from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

**GARBAGE.** The animal and vegetable waste resulting from the handling,

preparation, cooking and consumption of food and similar animal and vegetable refuse whether liquid or solid, or any accumulation of any sour, decaying or putrescent substance, either gas or solid.

**GOOD REPAIR.** External structure elements of buildings being maintained in a state of repair, which allows that element to provide the functional use for which it was intended.

**ILLEGAL DISPLAY OR STORAGE.** Items in view that are not in a lawful four wall with roof enclosure and not intended for seasonal or immediate use on the property where displayed, items partial or fully concealed with a covering violate this section, in-view for over 48 hours.

**INOPERATIVE.** Incapable of functioning or producing activity for mechanical or other reasons.

**IN-VIEW.** Any nuisance that can be seen from any public view or from any adjacent private property.

**LIENHOLDER.** Any person, as defined in this section, who has a recorded interest in real property, including mortgagee, beneficiary under a deed of trust, or holder of other recorded liens or claims of interest in real property.

**NUISANCE.** Any public nuisance known at common law or in equity jurisprudence, or any condition defined as a nuisance under this chapter.

**OWNER.** The registered owner of a vehicle, the person(s) to whom property tax is assessed on real or personal property, as shown on the last equalized assessment roll of the county, renter(s), lessor(s) and other occupants residing permanently or temporarily on property.

**PERSON.** Individual, partnership, joint venture, corporation, association, social club, fraternal organization, trust, estate, receiver or any other entity.

**PREMISES/PROPERTY.** Any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied.

**RESIDENT.** Any person over the age of 18 who lives part- or full-time at the residence where the violation is alleged to have occurred in the city.

**SCRAP METAL.** Metal pieces or parts no longer being used for its intended purpose.

**STAGNANT/POLLUTED WATER.** Standing water for longer than four days, without proper drainage or disbursement.

**STRUCTURE.** Anything constructed, built or planted upon, any edifice or

building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground, including fences, gates, garages, carports, swimming and wading pools, patios, outdoor areas, paved areas, walks, tennis courts and similar recreation areas.

**UNFIT FOR FURTHER USE.** Any household item, object, and the like, or any device used to carry out a specific function which has served its usefulness (or is no longer being used) and is more or less in its original form and can no longer be used for its originally intended purpose or having defective or missing parts or in such a condition generally as to being unfit for further use or conveyance.

**WASTE ITEMS.** Boxes, bags, plastic, paper, clothing, discarded or unused items, trash, filth, waste material (solid or liquid), litter, rubbish, debris, building materials or any kind not being utilized for a current lawful ongoing construction project on site, containers or refuse of any kind left in view for over 48 hours.

**WEEDS.** Unhealthful plant growth, such as but not limited to jimson, burdock, ragweed, thistle, cocklebur, or any other growth of a like kind or any plant growth not intended for aesthetic appeal or other legitimate purpose, such as crops, trees, bushes, flowers and ornamental plants. Whether a certain plant or plant is "ornamental" shall be solely determined by the city, or other person or employee as may be designated by the City Council to enforce city ordinances, after consideration as to whether the plant and planting, taken as a whole, evidences some reasonably discernable and clearly recognizable beautification purpose.

(1) Evidence of the ornamental characteristics include, but are not limited to:

(a) Defined planting boundaries;

(b) Evidence that the resident works on the plant and plantings regularly to provide for a reasonable landscape scheme;

(c) Has employed landscape professionals in the planning of the plants or plantings;

(d) Can articulate a discernable landscaping scheme for the plants or plantings; and

(e) Has spent money on the creation and upkeep of the plants or plantings.

(2) Evidence of the non-ornamental characteristics include, but are not limited to:

(a) That the plants or plantings grew from wild starts, without being

planted by human hands;

(b) That the species of plants are not recognized as typical landscaping stock for the area;

(c) That the resident does not spend regular time tending the material;

(d) That there are no defined boundaries to the plants or plantings; and

(e) That no money has been spent on the plants or plantings.

**WRECKED.** That which has outward manifestation or appearance of damage to parts and contents, which may or may not be essential to operation. (Ord. 1, Series 2018-2019, passed 3-12-2019)

#### § 92.04 PROPERTY MAINTENANCE STANDARDS.

It is hereby declared to be a public nuisance for any owner or other person in control of said property or premises to keep or maintain the outdoor area of the property, premises or rights-of-way in such a manner that any of the following conditions are found to exist:

(A) Abandoned, dismantled, wrecked, inoperable, and discarded objects, equipment or appliances such as, but not limited to, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, or cans or containers standing or stored on property or on sidewalks or streets;

(B) Discarded food, garbage, rubbish or refuse;

(C) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous), which is determined by the city, or other person or employee as may be designated by the City Council to enforce city ordinances to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;

(D) Lumber (excluding lumber for a construction project on the property with a valid permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of 72 hours and visible from a public street, walkway, alley or other public property;

(E) Incomplete projects; any renovation or construction to structures or grounds must be completed through consistent, sustained effort and no such building or grounds under construction or renovation may be allowed to be uncompleted for an unreasonable length of time, given due consideration to the

type of project. A period of 120 days without consistent, sustained effort to complete the project shall be an unreasonable length of time, without sufficient, specific, written explanation for said delay;

(F) Receptacles for discarded materials and recyclables which are left in view from the public roadway before and/or following the day of the regularly scheduled refuse pick-up for the property; no garbage, yard waste or recycling items shall be placed out for collection in view of a public street more than 24 hours prior to the collection day. The containers for such items must be removed from view of any public street within 24 hours after the day of collection. Recyclable items which have not been recycled within 30 days of being deposited on the property which are determined by the city, or other person or employee as may be designated by the City Council to enforce city ordinances to constitute a fire hazard or to be detrimental to human life, health or safety;

(G) Swimming pool, pond, spa, other body of water, or excavation which is abandoned, unattended, unsanitary, empty, or (if not in use) does not have a secure and safe cover, which will not collect water and is effective and suitable which is not securely fenced, or which is determined by the city, or other person or employee as may be designated by the City Council to enforce city ordinances to be detrimental to life, health or safety;

(H) Any premises which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured;

(I) Permits any structure/residence to become unfit and/or unsafe for human habitation or occupancy, or to permit a condition to exist in the structure which is dangerous or injurious to the health or safety of the occupants or the structure, the occupants of neighboring structures, or other residences of the city. All residences within the city shall have a safe and operable connection to water, electric/gas and sewer services. Residents who are in the process of construction and are in compliance with division (E) of this section are exempt from this section during the construction;

(J) Permits any weeds, or grass growth other than crops, trees or ornamental plants or shrubs, to grow to a height exceeding six inches. It shall be the duty of any owner, operator, agent, or occupant, occupying or controlling property abutting a public street within the city, to maintain all grass to a height of six inches, to remove all refuse, weeds, trash, waste and litter from the sidewalks, curbing, to the edge of the pavement of such streets as are adjacent to or abut such property;

(K) Permits or causes the interface with any obstruction of a drainage ditch, device or system as to inhibit, alter, or prevent proper drainage patterns;

(L) Permits the accumulation of ashes, leaves, wood, lumber, limbs, twigs, storm debris and/or any residue from the burning of any combustible material;

(M) All firewood must be stacked in cord like fashion and no more than two cords allowed on any lot at one time. No pieces to exceed 48 inches in length. The stack must be at least six inches off the ground, supported by a minimum of non-decaying supports to permit proper air circulation and no higher than five feet. Persons who heat primarily with wood may apply to the city for special storage permission;

(N) Any tree, stack, or other object standing in such a condition that is likely to, if the condition is allowed to continue, endanger life, limb or property, or cause hurt, damage or injury to persons or property by falling thereof or of parts thereof;

(O) Permits any stump of any tree located between the right-of-way and the front line of the home to remain;

(P) Permits the dropping, deposit, or acquiesce in the dropping, depositing, scattering in any manner, in or on any public or private property any waste material of any kind, not including normal yard maintenance material;

(Q) Permits any condition to exist that is injurious to the public health, such as, but not limited to:

(1) Unlawful storage of explosives;

(2) Having an uncovered well, pit or any excavation or situated upon any premises in any open lot or plane that any reasonable or prudent man should realize should be injurious to human health;

(3) The failure to keep an animal=s pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors;

(4) Permits the presence of polluted water, or the accumulation of any substance that attracts vermin, rodents, insects, or animals or is otherwise injurious to the public health; or

(5) Permits the unlawful burning of any refuse, garbage, or waste or material of any kind.

(R) Permits any condition to exist that causes a building or grounds not to be in good repair, such as, but not limited to:

(1) Every window, exterior door, basement, porch, roof, eaves, foundation, exterior wall and exterior stairs shall be reasonably watertight, weathertight, bird, animal, and rodent proof, and shall always be kept in sound condition and good



repair;

(2) All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint, which is not lead-based paint, or by other protective covering or treatment. Peeling paint is a violation of this section;

(3) All gutters, shutters, down spouts and any other parts of the exterior of the home shall be maintained in good condition and be fit for their intended purpose; and

(4) All hard surfaces, including driveways and walkways, shall be kept in good repair.

(S) Any other condition on a property which meets the requirements of subsections (1) and (2) below:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; or

(2) Permits a satellite dish to be seen from the front yard of the home or mounted to the front portion of the home, unless a signal cannot be obtained from any other positioning.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

## **§ 92.05 RESPONSIBILITY FOR PROPERTY MAINTENANCE.**

(A) *Generally.* The owner and/or resident of any property within the city shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this section and the city code, Metro Louisville ordinances, Land Development Code, Kentucky Revised Statutes and the Kentucky Building Code.

(B) *Enforcement.* Enforcement of this section may be accomplished by the city, or other person or employee as may be designated by the City Council to enforce city ordinances in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, civil actions and abatement.

(C) *Abatement of public nuisances.*

(1) *Non-exclusive authority to abate.* The city may choose to abate any public nuisance or violation of the city code through any of the abatement methods set forth in the city code or in other local, state or federal law, and

nothing contained in this section shall be construed as limiting, prejudicing, or adversely affecting the city=s ability to concurrently or consecutively use any of those proceedings as the city may deem are applicable. Proceeding under this section will not preclude the city from proceeding under other sections of this section. Whenever the city, or other person or employee as may be designated by the City Council to enforce city ordinances determines that any condition exists in violation of the provisions of this section, he or she may take enforcement action pursuant to this section.

(2) *Right of entry.* A representative of the city, or other person or employee as may be designated by the City Council to enforce city ordinances may always enter the outside of any property or premises to perform any duty imposed upon him or her by this section if he or she has cause to believe a violation of provisions of this section is occurring.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

## ¶ 92.06 EMERGENCY CLEANUP OR ABATEMENT.

(A) *Generally.* In order to enforce the provisions of this section, when the city, or other person or employee as may be designated by the City Council to enforce city ordinances, finds and determine that the severity of the violation warrants immediate action, he or she may clean up or abate violation thereof. The cost of such cleanup or abatement may be recovered by the city in a civil action. Such emergency cleanup or abatement will not relieve the person of further action which may be taken by the City Council or its duly authorized agents and representatives, including but not limited to, liability for any violations of this section, or any other applicable provisions of state law and local ordinances.

(B) *Costs of enforcement.* In any civil action commenced by the city under this section, the city shall be entitled to recover from the defendant of such action, reasonable attorney=s fees, costs of suit, any other costs of enforcement, including but not limited to, inspection costs and cleanup or abatement costs.

(C) *Enforcement procedures and notice.*

(1) The city hereby establishes the standards and procedures for the enforcement of this section under KRS 65.8840 as follows:

(a) Whenever such a situation is discovered, the city, or other person or employee as may be designated by the City Council to enforce city ordinances shall give ten days written notice to any one or more or all: the owner, operator, agent, occupant or person having control or management of the property to remedy such situation.

(b) The notice shall be served upon the responsible person as stated in

subsection (a) above, by mail, or by personal service. If by mail, it shall be addressed to the last known address of the owner of the said property, as it appears on the current tax assessment roll. The failure of any or all of the addresses to receive the notice shall not invalidate any of the proceedings. Further, the posting of notice of a hearing or order pursuant to this section shall be conclusively deemed to be adequate notice to any and all occupants, users or possessors of the property or its contents, and the failure of any such occupant, user or possessor to see, read, understand or otherwise receive the notice shall not invalidate any of the proceedings. Upon the failure to the owner of the property to comply, the city is authorized to send employees or persons hired by the city upon said property to remedy the situation.

(2) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the City Administrative Officer, or other person or employee as may be designated by the City Council to enforce city ordinances, shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this ordinance and KRS 65.8840, and shall be recorded in the Office of the Jefferson County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid at the rate of 1.5% per month, compounded monthly, and may be enforced by judicial proceedings.

(3) In addition to the remedy prescribed in the previous sections of this ordinance 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 interest, 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.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

## **§ 92.07 APPEALS.**

Any action taken by the city, or other person or employee as may be designated by the City Council to enforce city ordinances may be appealed to the City Council by any person cited hereunder. Such appeal must be in writing, stating with specificity the grounds of the appeal and it must be filed with the City Clerk within the same time allowed for abatement (without extension). The grounds for the appeal shall be stated in such appeal in detail. Such appeal shall be heard by the City Council within 60 days of it being filed with the City Clerk. While such appeal is pending, the abatement notice shall be held in abeyance.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

## ***ABANDONED. WRECKED OR JUNKED VEHICLES***

## § 92.20 DEFINITIONS.

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

**ABANDONED VEHICLE.** Any automobile or machine or parts thereof which is left upon public or private property within the city under circumstances indicating a desertion, relinquishment, non-use or divestment so as to indicate a discarded vehicle.

**DIRECTOR.** The Citation Officer of the city, or his or her designated representative, or a person designated by the City Council.

**JUNKED VEHICLE.** Any vehicle or parts thereof which does not have lawfully affixed thereto a current license plate and has in effect current motor vehicle insurance and which, in the judgment of a reasonable prudent man observing community standards is in one or more of the following conditions: rusted, wrecked, partially dismantled or otherwise non-functional and which is not functional as a vehicle. **JUNKED VEHICLE** may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions or rear ends.

**PRIVATE PROPERTY.** Any real property in the city which is not owned by the city, county, state or the federal government, or property dedicated to public use.

**PRIVATE RESIDENTIAL PROPERTY.** Private property as defined above, located in any area zoned residential by the city.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks or an agricultural vehicle not requiring a license to be operated upon a public highway.

**VEHICLE OWNER.** Any individual, firm, corporation, or unincorporated association with a claim of ownership or any legal or equitable interest in a vehicle.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.21 STORING ABANDONED OR JUNKED VEHICLES ON PRIVATE PROPERTY PROHIBITED; EXCEPTION.

(A) It shall be unlawful for any person to park, store, leave or permit parking or

storing of any junked or abandoned vehicle of any kind, or part thereof, for a period of more than seven days, upon any private residential property.

(B) This section shall not apply to a vehicle in an enclosed building or to a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

## **§ 92.22 DECLARATION OF NUISANCE; RESPONSIBILITY FOR ABATEMENT.**

(A) The accumulation and storage of one or more of such abandoned or junked vehicles or part thereof as defined, on private property shall be deemed a nuisance.

(B) It shall be the duty of the registered owner of the vehicle, the owner of record of the property, and the person in possession of the private property upon which such vehicle or part thereof is located, to abate the nuisance through removal of the vehicle, or to have the same housed in a building where it will not be visible.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

## **§ 92.23 ADDITIONAL REMEDY; NOTICE; REMOVAL BY CITY HEARING.**

(A) In addition to the penalties provided in § 92.99 of this chapter, the city may issue written notice and order to the registered owner of any abandoned or junked vehicle, or part thereof, which constitutes a violation of the ordinance or to the owner or person in possession of private property upon which said abandoned or junked vehicle, or parts thereof, may be situated requiring that said vehicle, or parts thereof, be removed from the property or that said violation be otherwise removed and abated within ten days.

(B) The notice provided for in division (A) of this section may be served upon the appropriate party either personally or by first class mail to the last known address of the appropriate party. If the notice is sent by mail, the ten-day notice period shall commence two business days after the notice is mailed. In addition, notice shall be conspicuously affixed to the abandoned or junked vehicle or parts thereof.

(C) In the event that any person fails to comply with an order issued pursuant to division (A) of this section, the city may have the abandoned or junked vehicle, or parts thereof, removed and disposed of and may impose upon the person violating the order a charge to cover the direct and indirect costs, if any, for the

removal and disposition of said vehicle or parts thereof.

(D) Any person aggrieved by an order issued pursuant to division (A) of this section may request a hearing from the City Council.

(1) Such request must be filed in writing with a \$25 filing fee within five days after the notice is served.

(2) The Mayor or his or her designate shall be the hearing officer.

(3) Removal under division (C) of this section shall be suspended pending the hearing. The \$25 filing fee may be refunded to the aggrieved person if the hearing officer finds that the ordinance has not been violated.

(4) Final determination concerning compliance shall be within the sole discretion of the hearing officer.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

#### **§ 92.24 REMOVAL BY AGREEMENT.**

The city may, upon the proper execution of a waiver and authorization agreement in a form approved by the attorney for the city and subject to the available resources thereof, remove or dispose of any abandoned or junked vehicle, or parts thereof, at no cost to the person involved.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

### ***DUMPSTER AND PORTABLE STORAGE CONTAINERS***

#### **§ 92.40 PUBLIC PURPOSE.**

The purpose of this subchapter is to regulate and limit the time and placement of dumpsters, portable storage containers, trailers used for storage, or temporary storage structures, on residentially zoned property in the city.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

#### **§ 92.41 APPLICATION OF REGULATIONS.**

This subchapter shall apply to all real estate located within the city boundaries, except for lots zoned and used for commercial or industrial purposes.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.42 DEFINITIONS.

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

**BULK WASTE.** Stoves, refrigerators, water heaters/tanks, washing machines, appliances, air conditioners/furnaces, plumbing equipment (such as, toilets, sinks, tubs), furniture and other waste materials.

**DUMPSTER.** A device or container used or intended for the storage and/or collection of debris, bulk waste, trash, debris or other solid waste materials.

**PERMIT.** A permit issued by the city authorizing the temporary placement of a dumpster or portable storage container on private property.

**PORTABLE STORAGE CONTAINERS.** Any type of temporary storage structure, including but not limited to the following:

(1) **PORTABLE ON DEMAND STORAGE DEVICES (PODS).** Vehicles or trailers whose primary purpose on the property is to store personal property;

(2) Temporary building or structures not otherwise covered by the restrictions of the Land Development Code;

(3) A single portable storage container capable of not holding more than a maximum of one cubic yard shall not be subject to this section;

(3) Trash cans capable of holding not more than 100 gallons shall not be subject to this section;

(4) This section shall not apply to a portable storage container which is in an enclosed area, such as an enclosed garage; and

(5) The fact that a portable storage container is without wheels is immaterial so long as the container is designed for and is capable of being moved or relocated.

**PUBLIC RIGHT-OF-WAY.** Includes the street and the area from the street to the water main on the property.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.43 PERMIT AND CONDITIONS.

No dumpster or portable storage containers as defined in this chapter shall be allowed to be located on or remain on any residentially zoned real estate in the city without first securing a permit from the city.

(A) A permit shall be issued for a maximum of 14 days from the earlier of the date of issuance or the date on which the dumpster or portable storage container was located upon the property.

(B) No more than two permits shall be issued for the location of a dumpster or portable storage container on the same lot during the same calendar year where the lot is under the same ownership.

(C) Periods of three days or less shall not be counted where a dumpster or portable storage container is returned to the property for the purpose of unloading.

(D) The City Clerk or his or her designee shall provide an application/permit forms for the purpose of securing a permit.

(E) There shall be subtracted from the 14 days otherwise allowable two days for each one day that the dumpster or portable storage container is located on the property without a valid permit.

(F) A permit shall state the date of issuance and an expiration date.

(G) The container shall not be placed on public property or in the public right-of-way.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

#### **§ 92.44 PLACEMENT ON LOT.**

Dumpsters, portable storage containers and similar devices shall not be located on the street or public right-of-way. Where possible, such containers shall be placed behind the front wall of the residence.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

#### **§ 92.45 EXCEPTIONS.**

In the case of emergencies, such as floods, wind storms, fires or other acts of God, and manmade disasters such as sewage back-ups, water leaks, electrical overloads and other such events that damage property, code enforcement officials shall not be allowed to enforce the provisions of this section and shall make reasonable allowance for the extension of all time periods, limits on numbers of containers, locations of containers on the property or other



appropriate waivers where necessary to assist in recovery, restoration, mitigation of further damage and construction efforts. A permit is still required.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

#### **§ 92.46 FEES.**

At the time a permit is issued, the applicant shall pay a fee to the city of \$10, payable within 30 days of application. In the event that the permit is not obtained within two days after the container is placed on the property without a permit, the permit fee shall be \$50.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

#### **§ 92.47 ADVERTISING.**

The dumpster or portable storage container shall contain no commercial advertising or graffiti. The name, address and telephone number of the provider of the container may be shown thereon. Any graffiti on the container shall be removed within 48 hours.  
(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

#### **§ 92.48 ENFORCEMENT.**

This section may be enforced by any citation officer of the city, or by the Louisville Metro Police Department, or as a civil matter by a designee of the City Council.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

### ***SPORTING EQUIPMENT IN THE PUBLIC-RIGHT-OF-WAY***

#### **§ 92.60 PUBLIC PURPOSE.**

The purpose of this subchapter is to regulate the placement of a basketball backboard, goal, hoop, net or supporting apparatus, and any other sporting type of equipment, in the public right-of-way to reduce the risk of injury and damage to pedestrians and motorists in their shared use of public streets. This subchapter is intended to apply to all basketball goals, hoops, soccer or hockey type nets, and any other sporting equipment, both portable and permanent, in the right-of-way regardless of when they were erected.  
(Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.61 DEFINITIONS.

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

**BASKETBALL GOAL.** Any part of a backboard, goal, hoop, net or supporting apparatus designed or intended to be used for play with a ball of any kind.

**PEDESTRIAN.** A person afoot or in a wheelchair.

**PUBLIC RIGHT-OF-WAY.** Includes the street and the area from the street to the water main on the property.

**SPORTING EQUIPMENT.** Any type of device used to play a sport, including but not limited to basketball, soccer, hockey, tennis, football, golf, volleyball, baseball and the like.

**SUPPORTING APPARATUS.** The post, pole or similar object that is either:

(1) Affixed into the ground and supports a basketball hoop; or

(2) Attached to a moveable support base and that supports a basketball hoop.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.62 PLACEMENT ON LOT.

Basketball goals shall not be located on the street or public right-of-way. Where possible, basketball goals shall be placed behind the front wall of the residence.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

## § 92.63 CITY IMMUNITY FROM LIABILITY.

No recourse whatsoever shall be had or available against the city, its officers, employees or agents for damage, injury or loss to any person or property arising directly or indirectly out of the negligent or otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any basketball goal, or other sporting equipment, placed in the public right-of-way or for any act or omission in violation of this chapter.

(Ord. 1, Series 2018-2019, passed 3-12-2019)

## § 92.64 REMOVAL OF BASKETBALL GOALS AND OTHER SPORTING EQUIPMENT.

(A) Any person owning, possessing, or occupying a basketball goal, or other sporting equipment, that is placed in the public right-of-way will be in violation of this chapter and shall remove the basketball goal or other sporting equipment, immediately.

(B) If the basketball goal or other sporting equipment is not removed, the city may order the equipment to be removed. An order to remove a basketball goal or other sporting equipment shall be delivered to the owner of the property in person or by first class mail return receipt requested. A person to whom an order of removal of sporting equipment is sent shall remove the equipment, together with any support structure within ten days of delivery of the order.

(C) If the basketball goal or other equipment, together with any support structure, is not removed within ten days of delivery of the order, the city will have the right to confiscate the equipment, and the person shall be liable to the city for its costs, included but not limited to labor and materials, for removal of the basketball goal and any supporting apparatus, as well as costs, disbursements and attorney fees incurred for collection. The city shall not be liable for any damage to the basketball goal or other property resulting from the non-negligent removal of the basketball goal.

(Ord. 1, Series 2018-2019, passed 3-12-2019) Penalty, see § 92.99

## ***NOISE***

### **§ 92.75 DEFINITION.**

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

**VEHICLE.** Any device in, upon, or by which any person or property is or may be transported or drawn upon any street in the city.

(1997 Code, § 11.05) (Ord. 23, Series 1962, passed - -; Ord. 4, Series 1995, passed - -)

### **§ 92.76 PROHIBITION.**

It shall be unlawful for any person within the city to make, continue, or cause to be made or continue any loud, unnecessary, or obnoxious noise which either annoys, injures, or endangers the comfort, repose, health, or safety of others unless the making and continuing of the same be necessary for the protection or preservation of property or of the health, safety, life, or limb of said person.

(1997 Code, § 11.05) (Ord. 23, Series 1962, passed - -; Ord. 4, Series 1995, passed - -) Penalty, see § 92.99

## **§ 92.77 UNLAWFUL NOISES SPECIFIED.**

It shall be unlawful to:

(A) Sound any horn or signal device on any vehicle not in motion, except as a danger warning if another vehicle is approaching apparently out of control;

(B) Sound any horn or signal device on any vehicle in motion except as a danger warning after or as an attempt is made to decelerate the vehicle by application of brakes;

(C) Sound any horn or signal device on any vehicle for an unnecessary and unreasonable period of time or in such manner as to create an unreasonably loud or harsh sound;

(D) Use or operate any vehicle which produces, or use or operate any vehicle so out of repair or so loaded with any materials as to cause any loud and unnecessary grating, grinding, rattling, or other loud and excessive noise;

(E) Discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(F) Create any loud and excessive noises in conjunction with loading or unloading any vehicle;

(G) Use of any mechanical loud speaker or amplifiers on any moving or standing vehicle for advertising or other purposes;

(H) Use or cause to be used any stereo or amplifier to play music so loudly as to annoy, injure, or endanger the comfort, repose, or health of others;

(I) Use or cause to be used any stereo or amplifier whether portable, stationary, or in a vehicle to play music so loudly as to annoy, injure, or endanger the comfort or repose or health of others;

(J) Cause or allow any dog to bark for an unreasonably long period of time;

(K) Use, play, or cause to be used or played, any musical instrument or music so loudly as to annoy, injure, or endanger the comfort or repose or health of others; or

(L) Use or cause to be used any machinery in any way so as to create so much

noise as to annoy, injure, or endanger the comfort or repose or health of others. (1997 Code, § 11.05) (Ord. 23, Series 1962, passed - -; Ord. 4, Series 1995, passed - -) Penalty, see § 92.99

## **§ 92.99 PENALTY.**

(A) Any person who shall violate any provision of this chapter for which no other penalty is specifically provided shall be fined not less than \$20 nor more than \$500.

(B) Violation of §§ 92.21 through 92.23 of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates §§ 92.21 through 92.23 of this chapter or fails to comply with any of the requirements shall, upon conviction thereof, be fined not less than \$25 nor more than \$100 for each day=s violation. Each day during which such violation continues shall be deemed a separate offense for which a separate fine may be imposed. No additional notice other than the notice for the original offense shall be required to convict a person for violations resulting from a continuation of such offense.

(C) Where Kentucky Revised Statutes mandates, a fine higher than that stipulated in this section, the fine contained in Kentucky Revised Statutes shall apply.

(D) Any continuing violation of this code of ordinances 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.

(E) 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 insure compliance with its ordinances as authorized by KRS 83A.065.

(F) Any violation of this chapter shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in the ordinance violated, with a minimum civil penalty of \$50 for each violation.

(G) The civil penalty provided in 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 in this chapter, "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 this section.

(H) Any city nuisance ordinance may be enforced by any one, all, or a combination of the remedies authorized by this chapter or the ordinance violated.

(I) Where any ordinance provides that each day a violation of the ordinance continues shall be a separate and distinct offense, a separate civil penalty may be imposed for each such day. No additional notice other than the notice for the original offense shall be required to impose these civil penalties for violations resulting from a continuation of such offense.

(J) Criminal or civil penalty for §§ 92.02 through 92.06 of this chapter: Pursuant to the city's prosecutorial discretion, the city may enforce violations of the provisions of §§ 92.02 through 92.06 of this chapter as criminal, civil or abatement actions.

(1) *Misdemeanor.* Any person who is violating any of the provisions of §§ 92.02 through 92.06 of this chapter shall be guilty of a misdemeanor. Each and every day, during which any such offense is committed, continued or allowed shall be a separate offense.

(2) *Fines.* Each and every offense under §§ 92.02 through 92.06 of this chapter is punishable by:

(a) A fine not exceeding \$100 for the first offense;

(b) A fine not exceeding \$500 for the second offense of the same or similar provision within one-year period; or

(c) A fine no less than \$ 1,000 for each additional offense, after the second, of the same or similar provision of §§ 92.02 through 92.06 of this chapter within a one-year period of the first offense.

(3) *Penalty for misdemeanor.* Any person found guilty of a misdemeanor under §§ 92.02 through 92.06 of this chapter shall be subject to imprisonment for a period of not exceeding six months; or, by both fine and imprisonment.

(4) *Civil penalties.* Any person who intentionally, accidentally or negligently violates any provision of §§ 92.02 through 92.06 of this chapter may be civilly liable to the city in the sum of not less than \$100 but not to exceed \$1,000 per day for each day in which such offence occurs or continues. The city may petition the County District Court to impose, assess and recover such sums.

(K) Fees and penalties for §§ 92.40 through 92.48 of this chapter.

(1) *Criminal.* Any person, firm, corporation, or other entity violating §§ 92.40 through 92.48 of this chapter or any provision thereof, shall be subject to

a civil fine of not less than \$100 for each such violation, and each day on which a violation exists or occurs shall be deemed a separate violation for which a separate fine may be accessed. A separate fine shall apply to each day the portable storage container remains on the property after the expiration of the permit.

(2) *Civil.*

(a) Any person who shall violate any provision of §§ 92.40 through 92.48 of this chapter shall subject the offender to a civil penalty in an amount equal to two times the minimum fine prescribed in §§ 92.40 through 92.48 of this chapter.

(b) The civil penalty provided in 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 in this chapter, "cited" shall mean notified of the violation and the penalty by an elected or appointed official 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 this section.

(Ord. 1, Series 2018-2019, passed 3-12-2019)





## CHAPTER 93: PRESERVATION OF TREES

### Section

- 93.01 Permit required for removal of certain trees
- 93.02 Written notice of intent to city required for removal of certain trees
- 93.03 Trimming by utilities and railroads
- 93.04 Enforcement of chapter
- 93.05 Procedures
- 93.06 Basis for denial
- 93.07 Display of permits - inspection
- 93.08 Criteria for decisions
- 93.09 Replacement of trees
- 93.10 Emergencies
- 93.11 Exemptions
- 93.12 Variances and waivers
- 93.13 Appeal
- 93.14 Compromise of penalty
- 93.15 Injunctive relief
- 93.16 Stop work orders; withholding or revoking building or zoning compliance certificates
- 93.17 Tree removal companies; construction companies
- 93.99 Penalty

### **Cross-reference:**

*Trees and weeds in public ways to be removed, see § 91.03*

### **§ 93.01 PERMIT REQUIRED FOR REMOVAL OF CERTAIN TREES.**

On any land it shall be unlawful for any person other than the owner/occupant residing on that land to remove any tree with a trunk diameter of three inches or more, or any tree without first having obtained a permit to do so in accordance with the procedure set forth in § 93.04.

(Ord. 5, Series 1995, passed - -1995) Penalty, see § 93.99

## **§ 93.02 WRITTEN NOTICE OF INTENT TO CITY REQUIRED FOR REMOVAL OF CERTAIN TREES.**

No owner/occupant shall remove or cause to be removed any trees on land on which the owner/occupant=s dwelling is located without first providing written notice of his or her intent to do so according to the procedures set forth in § 93.05. (Ord. 5, Series 1995, passed - -1995)

## **§ 93.03 TRIMMING BY UTILITIES AND RAILROADS.**

It shall be unlawful for any utility or railroad to trim any tree, whether or not located along the right-of-way without first meeting with the City Council or such person as the Council may designate and obtaining a permit for the proposed trimming. Trimming performed pursuant to such permits shall be done in a manner determined by the Council or such designated person to be least detrimental to the health, balance, and aesthetics of the tree. At no time shall any employee, agent, contractor, or subcontractor for any utility or railroad, during the process of trimming, use climbers or any other sharpened instrument for the purpose of aiding the individuals in the climbing of the tree. (Ord. 5, Series 1995, passed - -1995) Penalty, see § 93.99

## **§ 93.04 ENFORCEMENT OF CHAPTER.**

The City Council enforces this chapter. (Ord. 5, Series 1995, passed - -1995)

## **§ 93.05 PROCEDURES.**

(A) Applications for tree removal, or railroad or utility trimming shall be submitted to the Clerk/Treasurer.

(B) Notifications by owner/occupants of their intention to remove trees shall be submitted in writing to the Clerk/Treasurer.

(C) If the notification is sent by mail it shall be deemed as received by the city on the third calendar day after the date it is postmarked.

(D) Following the receipt of the notification there shall be a waiting period not to exceed ten days, prior to removal of the tree. During the waiting period the City Council may require a field check to determine whether the removal will have an adverse impact according to criteria set forth in § 93.08 of this chapter, and may issue an order preventing the removal of the tree(s) upon such a determination. If he or she concludes that there is insufficient information to make

a determination, such order of the City Council shall be effective upon its delivery to the owner/occupant=s residence and acceptance by any person of suitable age and discretion who normally resides at the residence, or if no such person is present, three days after the notice is mailed to the owner/occupant by certified mail, return receipt requested.

(E) Prior to the approval of any plan or permit or issuance of any order preventing tree removal, the City Council shall perform a field check. All permits shall be issued for a period of 60 days, and may be extended by the City Council for an additional period of time on a case by case basis.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.06 BASIS FOR DENIAL.**

The City Council, upon a determination that an application is to be denied, or an order preventing tree removal is to be issued, shall state the basis for such denial or order specifically and shall notify the applicant of the criteria upon which said denial is predicated.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.07 DISPLAY OF PERMITS - INSPECTION.**

(A) Holders of permits issued pursuant to this chapter shall prominently display on the site, the permit issued. Such permit shall be displayed continuously while trees are being removed or while work is being done as authorized on the permit.

(B) As a condition for the issuance of the permit, the applicant shall agree in writing to entry onto his or her premises by any representative of the city or law enforcement officer to inspect the work and the permit at any time and such entry shall be lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter, and shall constitute failure to display the permit as required under this section.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.08 CRITERIA FOR DECISIONS.**

Upon receiving the filed inspection report and any requested recommendations concerning an application, the city shall issue a permit, if the relevant criteria set forth herein are met, and provided that none of the conditions set forth under division (B) below exists.

(A) *Tree removals.*

(1) The tree unreasonably restricts the economic enjoyment of the property and cannot be relocated on the site because of age, type, or size of the tree; or

(2) The tree is diseased, injured, judged to be structurally unsound, interferes with existing utility service, or creates unsafe vision clearance for pedestrian or vehicular traffic.

(B) *Denials*. In considering applications and notifications submitted pursuant to this chapter, the City Council shall evaluate the potential for adverse impact in the following areas on the urban and natural environment and shall issue an order denying the application or preventing the proposed tree removal if one or more of the following conditions exist.

(1) *Run-off and erosion*. The proposed action will substantially alter stormwater run-off and will thereby cause increased erosion of soils.

(2) *Noise pollution*. The proposed action will significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur or that a violation of the city=s noise control ordinance is anticipated to occur.

(3) *Air movement*. The proposed action will significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is likely to occur.

(4) *Aesthetic degradation*. The proposed action will have an adverse effect on property values in the neighborhood where the applicant=s property is located, or the proposed action will adversely affect a tree with a diameter of over three inches is not, at the time of the application, hazardous, dead, diseased, injured, or judged to be structurally unsound, or does not interfere with existing utility service or create unsafe vision clearance for pedestrian or vehicular traffic. (Ord. 5, Series 1995, passed - -1995)

## § 93.09 REPLACEMENT OF TREES.

(A) As a condition of the granting of a permit, the applicant shall be required to replace each tree being removed, as shall all owner/occupants who remove trees pursuant to the provisions of §§ 93.05 and 93.08(A) of this chapter. Each replacement tree shall be one and one-half inches in caliper or diameter and shall be nursery grade or better, and shall not be removed by any person without a permit to do so, pursuant to the provisions of § 93.05 of this chapter.

(B) As an alternative to one for one replacement of trees, a property owner may elect to replace trees at a ratio of one replacement tree for each three trees

removed, provided that the tree species shall be selected from a list, maintained by the Clerk/Treasurer, of trees approved by the City Council for use under the replacement ratio option, and each tree planted pursuant to this provision shall be of a height or trunk caliper specified on the list for that species.

(C) All replacement trees required to be planted by the terms of a tree removal permit or by an owner/occupant who has removed trees pursuant to §§ 93.05 shall be planted within 12 months of the date of approval of the permit, or of notification submitted pursuant to § 93.05. Any unfulfilled obligation to plant trees under this provision shall attach to the real property to which the obligation relates and shall run with the land.

(Ord. 5, Series 1995, passed - -1995) Penalty, see § 93.99

### **§ 93.10 EMERGENCIES.**

In case of emergencies, such as windstorm or other disasters, the requirements of these regulations may be waived by the City Council, upon a finding that such waiver is necessary so that public or private work to restore order in the city will not be impeded. Excavation, tree removal, tree trimming, or other work subject to the terms of this chapter, and which is necessary for the restoration of existing electric, water, natural gas, or telephone service, or rail service, may be performed without the approval of the City Council, provided such work is reported to the City Council within five business days of its completion.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.11 EXEMPTIONS.**

(A) Specifically exempt from the terms and provision of this chapter are any trees so designated by the City Council.

(B) Specifically exempt are any trees designated by the City Council to be in violation of § 91.03, prohibiting obstruction of vision of vehicle operations on public ways.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.12 VARIANCES AND WAIVERS.**

The city may, upon appropriate application in writing, vary or waive any terms and provisions of this chapter, other than the provisions of §§ 93.14 and 93.15, due to unreasonable burdens in the use of any land to which the chapter applies.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.13 APPEAL.**

Any person adversely affected by a decision of the city in the enforcement or interpretation of any of the terms or provisions of this chapter may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof with the Clerk/Treasurer within 20 days after the decision of the city. The notice of appeal shall set forth in writing the reasons for the appeal and, where applicable, a drawing to scale of any alternative proposal of the applicant. The notice of appeal shall be immediately circulated by the Clerk/Treasurer to all members of the Council. The appeal will be considered by the Council at its next regular meeting, or at a special meeting of which the applicant must receive a minimum of seven days notice. The required notice may, at the discretion of the appellant, be waived.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.14 COMPROMISE OF PENALTY.**

(A) Any person who has received a notice of civil penalty for a first violation of this chapter may apply to the city to have the penalty reduced or eliminated, provided that such penalty has not been assessed under circumstances which caused it to be assessed at twice the amount shown for the violation on the schedule of penalties established pursuant to § 93.99. The city may grant the application upon a showing that the person has complied with the terms of an agreement with the city to plant trees in excess of the number of trees otherwise required to be planted by the terms of this chapter, on the property where the violation occurred, provided, however, that the actual cost of the trees and the planting thereof shall not be less than 74% of the amount of the total penalty. The number, type, size, and planting time and location of trees planted under agreements reached pursuant to these provisions shall be determined by the city.

(B) Where the city determines that it is not practical or desirable to plant trees pursuant to this provision on the property where the violation occurred, the city may authorize the planting of some or all of the trees on property within the city owned by any governmental entity, with the permission of the entity.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.15 INJUNCTIVE RELIEF.**

In addition to the penalties provided herein, the city or any resident of the city shall be entitled to seek injunctive relief through the courts of the commonwealth in order that the intent of this chapter may be carried out. The city may also seek to recover a civil penalty through such civil action equal to the total value of those trees illegally damaged or removed.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.16 STOP WORK ORDERS; WITHHOLDING OR REVOKING BUILDING OR ZONING COMPLIANCE CERTIFICATES.**

The city may withhold the issuance of building and zoning compliance certificates until such time as the necessary permits or approvals have been obtained under the terms of this chapter. In the event that the holder of a building and zoning compliance certificate shall violate the terms of this chapter, the city shall issue a stop work order at the site and all work shall cease until the violation is correct. In the event that the violation remains uncorrected for a period of three days, the building and zoning compliance certificate shall be revoked and notice of the revocation shall be immediately transmitted to the County Office of Building Inspection. No person who has failed to pay a fine or civil penalty levied pursuant to this chapter shall be entitled to receive a building and zoning compliance certificate from the city.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.17 TREE REMOVAL COMPANIES; CONSTRUCTION COMPANIES.**

All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal or construction companies, or persons in business of removing trees or constructing. It shall be unlawful for any person or company to remove or cause to be removed any tree, or undertake any work for which a permit is required pursuant to this chapter, unless a valid permit therefor is in effect and is displayed.

(Ord. 5, Series 1995, passed - -1995)

### **§ 93.99 PENALTY.**

(A) *Notice of civil penalty.* Any person violating any provision of this chapter or the terms or provisions of any order, or permit issued pursuant to this chapter shall be subject to a civil penalty as set out in the schedule of penalties set out in division (B) below, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any notice of civil penalty issued by the city for violation of this chapter may be personally delivered by or may be mailed to the last known address of the offender by certified mail, return receipt requested. Should any persons served notice for violation of this chapter not pay the penalty or arrange for a compromise of penalty pursuant to §§ 93.14, 93.15, or this § 93.99, within 30 days of the issuance thereof, the city is empowered to bring an action in the appropriate court of the commonwealth for enforcement of the penalty.

(B) *Schedule of penalties.*

<b><i>Violation</i></b>	<b><i>Amount of Penalty</i></b>
Replacement trees not planted within allotted time period	\$100 per tree
Tree removal not shown on tree preservation plan	\$125 per tree
Tree removal without a permit or notification	\$100 per tree

(Ord. 11, Series 1994, passed - -; Ord. 5, Series 1995, passed - -1995)





## CHAPTER 94: FIREWORKS AND FIRE PREVENTION

### 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

### ***FIREWORKS***

#### **§ 94.01 DEFINITIONS; LEGALITY OF ITEMS.**

(A) As used in KRS 227.700 to 227.750, ***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) below or "display" fireworks as defined in division (D) below and as set forth in the U.S. 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 those 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) As used in KRS 227.700 to 227.750, **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 U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this section. 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. parts 1500 and 1507, are classified as Division 1.4G Class C explosives by the U.S. 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 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 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 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.

(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.

(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-quarter 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.

(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 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced.

(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 common fireworks by the U.S.

Department of Transportation, and their transportation, storage, retail sale, possession, sale, 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 five 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 one 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) As used in KRS 227.700 to 227.750, **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 two 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. parts 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation. (KRS 227.706)

(E) Legality of items is as follows:

(1) Items described in division (B) above are legal for retail sale, provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in division (D) 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) 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 as follows:

(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. 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. **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 this division (A) shall be issued only to a competent display operator holding an ATF license. 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). 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. For the purposes of this division (A), **PUBLIC DISPLAY OF FIREWORKS** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors. 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. 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 (A);

(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, Firearms, and Explosives if the sale is to the person holding a display permit as outlined in division (A) above. 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 KRS 227.702 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 following requirements are met:

(A) Any person, firm, co-partnership, nonprofit, or business intending to sell consumer fireworks described in § 94.01(B) shall register annually with the State Fire Marshal, who may assess a fee of no more than \$25 for each site at which fireworks shall be sold. The registration requirement under this division (A) shall not apply to permanent business establishments which are open year round and in which the sale of fireworks is ancillary to the primary course of business. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(B) Permanent business establishments open year-round and in which the sale of consumer fireworks is ancillary to the primary course of business shall only be permitted to sell those consumer fireworks described in § 94.01(B), or shall meet the criteria for "seasonal retailer" described in division (C) below;

(C) **SEASONAL RETAILERS** shall be defined as any person, firm, co-partnership, nonprofit, or corporation intending to sell "consumer fireworks" between June 10 and July 7, or December 26 and January 4 of each year or both, and shall include permanent businesses, temporary businesses, stores, stands, or tents. A seasonal retailer shall register with the State Fire Marshal, who may assess a fee of no more than \$250 for each site at which fireworks shall be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(D) Any person, firm, co-partnership, nonprofit, or corporation intending to sell consumer fireworks, as defined in § 94.01(B) as the primary source of business, that is not a seasonal retailer as defined in division (C) below, shall register with the State Fire Marshal, who may assess a fee of no more than \$500 for each site at which fireworks will be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(E) The annual registration required by this section shall be received by the State Fire Marshal at least 15 days prior to offering fireworks for sale at the site for which the registration is intended. Evidence that a sales and use tax permit has been obtained from the Department of Revenue shall be presented to the State Fire Marshal as a condition of registration. If the registration is received less than 15 days prior to offering fireworks for sale at the site for which registration is intended, an additional assessment of \$100 shall be added to the initial fee;

(F) Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site;

(G) 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);

(H) 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;

(I) No person under 18 years of age may be employed by a fireworks distribution facility or manufacturing facility. No person under 18 years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under this section unless the individual is supervised by a parent or guardian;

(J) The State Fire Marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this subchapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the State Fire Marshal may take that action, as provided in KRS 227.330(6); and

(K) A person lawfully possessing consumer fireworks, as defined in § 94.01(B), may use those items if:

(1) He or she is at least 18 years of age;

(2) Fireworks are not ignited within 200 feet of any structure, vehicle, or any other person; and

(3) Use of the fireworks does not place him or her in violation of any lawfully enacted local ordinance.

(KRS 227.715) 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 subchapter 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 twenty-five hundredths 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) above shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government 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 authorized city official.

(B) The 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, or imprisoned for not more than 30 days, or both.  
(KRS 227.990(4))



## **TITLE XI: BUSINESS REGULATIONS**

### Chapter

- 110. PEDDLERS, ITINERANT MERCHANTS  
AND SOLICITORS**
- 111. HOME BUSINESSES**
- 112. PAWNBROKERS**
- 113. INSURANCE COMPANIES**





## CHAPTER 110: PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS

### Section

- 110.01 Definitions
- 110.02 License requirement
- 110.03 Application procedure
- 110.04 Standards for issuance
- 110.05 Revocation procedure
- 110.06 Standards for revocation
- 110.07 Appeal procedure
- 110.08 Exhibition of identification
- 110.09 City policy on soliciting
- 110.10 Notice regulating soliciting
- 110.11 Duty of solicitors to ascertain notice
- 110.12 Prohibited solicitation

### § 110.01 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 such business, uses any building, structure, vehicle, or any place within the city.

**PEDDLER.** Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the city.

**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.

## **§ 110.02 LICENSE REQUIREMENT.**

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such 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 Council.

(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 § 10.99

## **§ 110.03 APPLICATION PROCEDURE.**

(A) All applicants for licenses required by this chapter shall file an application with the Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) 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;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) 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;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by

sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) 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;

(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 application, if required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 10.99

#### **§ 110.04 STANDARDS FOR ISSUANCE.**

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such 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. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts.

will constitute valid reasons for disapproval of an application.

#### **§ 110.05 REVOCATION PROCEDURE.**

Any license or permit granted under this chapter may be revoked by the Clerk after notice and hearing, pursuant to the standards in § 110.06. 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. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

#### **§ 110.06 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; or

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or

(C) Any violation of this chapter; or

(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.

#### **§ 110.07 APPEAL PROCEDURE.**

(A) Any person aggrieved by a decision under §§ 110.04 or 110.06 shall have the right to appeal to the City Council. The appeal shall be taken by filing with the

City Council, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The City Council shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 110.05.

(B) The order of the City Council after the hearing shall be final.

#### **§ 110.08 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 one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see § 10.99

#### **§ 110.09 CITY POLICY ON SOLICITING.**

It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

#### **§ 110.10 NOTICE REGULATING SOLICITING.**

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

(B) The letters shall be at least 1/3-inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained

thereon.

**§ 110.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.**

(A) It shall be the duty of every solicitor upon going onto any premises in the city upon which a residence is located to first examine the notice provided for in § 110.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Penalty, see § 10.99

**§ 110.12 PROHIBITED SOLICITATION.**

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 110.10 above.

Penalty, see § 10.99

## **CHAPTER 111: HOME BUSINESSES**

### Section

111.01 Limitations on home businesses

111.02 Registration required

111.99 Penalty

### **§ 111.01 LIMITATIONS ON HOME BUSINESSES.**

Upon and following the adoption and publication of this chapter, persons choosing to operate businesses within the city are now subject to the following limitations.

(A) A home business may not employ any person who does not live in the home.

(B) A home business may not offer any merchandise for retail sale.

(C) No more than 10% of the living space within the residence may be utilized by the home business.

(D) No mechanical equipment besides that which is normally used at a residence may be utilized by a home business.

(E) No parking space other than the driveway of the home may be used by customers of the home business.

(F) Hours of operation, where customers require ingress and egress, are limited from 6:00 a.m. to 9:00 p.m.

(G) No business may create any hazardous traffic condition.  
(1997 Code, § 9.02) (Ord. 3, Series 1995, passed - -) Penalty, see § 111.99

### **§ 111.02 REGISTRATION REQUIRED.**

All home businesses must register as such by submitting to the Clerk/Treasurer a statement describing the type of business to be operated, location, and name of proprietor.

(1997 Code, § 9.02) (Ord. 3, Series 1995, passed - -)

**§ 111.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided shall be subject to § 10.99.

(B) Any person who fails to register as required by and as set out in § 111.02 shall be fined not more than \$25 nor more than \$100.

(1997 Code, § 9.02) (Ord. 3, Series 1995, passed - -)



## CHAPTER 112: PAWNBROKERS

### Section

- 112.01 Definition
- 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 DEFINITION.

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.

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 Council, in the penal sum of \$1,000. 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) 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. 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) 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. 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) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten 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 ten 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.**

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 one-fifth 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. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. 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.**

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. 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 and refunds

113.05 Written breakdown of collections

#### **Statutory reference:**

*Adjustments for overpayment, underpayment, or nonpayment, see KRS 91A.0804*

#### **§ 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.

#### **§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.**

The license fee or tax imposed by the 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 city, 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. 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))

(B) No license fee or tax imposed under this chapter shall apply to premiums:

(1) Received on policies of group health insurance provided for state employees under KRS 18A.225;

(2) Received on 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) Received on health insurance policies issued to individuals;

(4) Received on policies issued through Kentucky Access created in Subtitle 17B of KRS Chapter 304;

(5) Received on policies for high deductible health plans as defined in 26 U.S.C. § 223(c)(2);

(6) Received on 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;

(7) Paid to insurance companies or surplus lines brokers by nonprofit self-insurance groups or self-insurance entities whose membership consists of school districts; or

(8) Paid to insurance companies or surplus lines brokers by nonprofit self-insurance groups or self-insurance entities whose membership consists of cities, counties, charter county governments, urban-county governments, consolidated local governments, unified local governments, school districts, or any other political subdivisions of the commonwealth.  
(KRS 91A.080(10))

(C) No license fee or tax imposed under this chapter shall apply to premiums paid to insurers of municipal bonds, leases, or other debt instruments issued by or on behalf of a city, county, charter county government, urban-county government, consolidated local government, special district, nonprofit corporation, or other political subdivision of the commonwealth. However, this exemption shall not apply if the bonds, leases, or other debt instruments are issued for profit or on behalf of for-profit or private organizations.  
(KRS 91A.080(13))

#### **§ 113.04 DUE DATE; INTEREST AND REFUNDS.**

(A) All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter.  
(KRS 91A.080(8))

(B) (1) Any insurance company or agent that overpays any license fee or tax to a city shall be refunded the amount overpaid. If it is determined that an insurance company or agent paid a license fee or tax to a city based upon premiums collected upon lives or risks which are discovered to be located outside the legal corporate limits of the city which was paid the license fee or tax, the insurance company or agent shall be refunded those license fees and taxes within 90 days of notice to the city paid.

(2) 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 from 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 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))





## **TITLE XIII: GENERAL OFFENSES**

Chapter

### **130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

130.01 Destruction of public property

130.02 Weapons

130.03 Air guns

130.99 Penalty

### § 130.01 DESTRUCTION OF PUBLIC PROPERTY.

(A) No person, firm, or corporation shall willfully or maliciously destroy, deface, or commit vandalism upon any public property within the limits of, or belonging to, the city.

(1997 Code, § 11.01)

(B) The city will pay a reward of \$50 to any person furnishing information material to the arrest and conviction of any person or persons destroying public or private property in the city. For the purpose of this section, a **CONVICTION** shall mean any finding of guilty by a court of competent jurisdiction acting under the leave of the state, county, or city.

(1997 Code, § 11.02)

(Ord. 7, Series 1960, passed - -; Ord. 27, Series 1962, passed - -) Penalty, see § 130.99

### § 130.02 WEAPONS.

(A) *Definitions.* For the purposes of this section, the following terms shall have their given definition.

**BUILDING.** Any structure owned, leased, or controlled by the city.

**DEADLY WEAPON.**

(a) Any weapon from which a projectile, readily capable of producing death or other serious physical injury, may be discharged or propelled;

(b) Any knife, other than an ordinary pocket knife, or hunting knife;

(c) Billy club, night stick, or other type of club;

(d) Black jack or slap jack;

(e) Nunchaku karate sticks;

(f) Shuriken or death star; or

(g) Artificial knuckles made from metal or other similar hard material.

**FIREARM.** Any weapon which will expel a projectile by the action of an explosive.

(B) *Prohibition.* No person, including employees of the city, shall carry a concealed firearm or other deadly weapon into or on any building or portion of a building owned, leased, or controlled by the city, except as otherwise provided in this chapter.

(C) *Exemptions.* Any building used for public housing by private persons, firing ranges, and private dwellings owned, leased, or controlled by the city shall be exempt from the provisions of this chapter. This chapter shall not apply to sworn officers of the Police Department or any other duly sworn law enforcement officer authorized to carry concealed deadly weapons pursuant to KRS 527.020.

(D) *Signs to be posted.* The city shall post signs at the entrance to all restricted buildings and areas covered by this chapter which shall read as follows:

□ CONCEALED DEADLY WEAPONS PROHIBITED  
ON THESE PREMISES BY CITY ORDINANCE □

(E) *Construction.* Nothing in this chapter shall be construed to permit the carrying of a concealed firearm or other deadly weapon in violation of KRS 527.020.

Penalty, see § 130.99

### § 130.03 AIR GUNS.

It shall be unlawful within the city, for any person to sell or give to any person under 18 years of age, or for any person under 18 years of age to possess, use, or discharge any weapon from which a projectile, metal shot, or metal pellet is or may be propelled or discharged by compressed air or gas, commonly known as air rifles, air pistols, or BB guns. Provided however, that nothing contained in this section shall be constructed as prohibiting any person under 18 years of age, when accompanied by his or her parent or guardian, from using or discharging any such weapon on any rifle range, properly licensed and conducted on which due provision has been made for the safety and protection of life and property.

(1997 Code, § 11.04) (Ord. 2, Series 1971, passed - -) Penalty, see § 130.99

**§ 130.99 PENALTY.**

(A) Whoever violates any provision of this chapter, for which no specific penalty is otherwise provided, shall be subject to § 10.99.

(B) Any person violating § 130.03 shall be fined not less than \$5 nor more than \$50 for each offense; and any such weapon as described in § 130.03 found in the possession of any person convicted under the provisions of § 130.03 shall be confiscated.

(1997 Code, § 11.04)

(Ord. 7, Series 1960, passed - -; Ord. 2, Series 1971, passed - -)



## **TITLE XV: LAND USAGE**

### Chapter

#### **150. BUILDING REGULATIONS**





## **CHAPTER 150: BUILDING REGULATIONS**

### **Section**

- 150.01 Building permits
- 150.02 Placement of central air-conditioning compressors
- 150.03 Construction of fences
- 150.04 Residential garages
- 150.05 Apartment garages
- 150.06 Swimming pool installation
- 150.07 Tennis court installation
  
- 150.99 Penalty

### **§ 150.01 BUILDING PERMITS.**

(A) All applications for building permits within the city shall be submitted to the City Council.

(1) All applications for permits for new construction (other than garages) and major additions will be checked by the City Council for compliance with the city building requirements.

(2) Those applications that vary from present city requirements will then be referred by the City Council with his or her recommendation. If the City Council approves of the recommendation, the City Council will forward them to the County Department of Public Works for its approval in the issuance of the appropriate county permit.

(B) Permits for garages, installation of central air-conditioning plants, and other minor additions will still be issued by the City Council without approval of the County Department of Public Works.

(1) All fees will be waived by the city when the permits are issued by the County Department of Public Works, however, the current scale of fees will be collected when the permits are issued by the city on those constructions that are not referred to the County Department of Public Works.

(2) In the event that the City Council is unavailable for issuance of the permit, the Mayor may issue the appropriate permit as set forth above.  
(1997 Code, § 13.01) (Ord. 2, Series 1972, passed - -) Penalty, see § 150.99

## **§ 150.02 PLACEMENT OF CENTRAL AIR-CONDITIONING COMPRESSORS.**

(A) *Location.* On any installation of a central air-conditioning system after the effective date of this section, (including replacement of existing units) the compressor must be installed at the rear of the residence, except as regards homes which are on corner lots.

(B) *Finality.* With regard to homes on corner lots, consultation between the homeowner and the City Council shall be required as to the placing of the compressor, and the decision of the City Council as to the placing of the compressor shall be final.

(C) *Variances.* In cases of unusual circumstances or unusual hardship, the City Council is authorized, at his or her discretion, to permit variances from the provision of division (A) above.

(D) *Permits required.* For all installations of central air-conditioning systems after the effective date of this section, the homeowners shall be required to secure a building permit from the city at a cost of \$5.

(1997 Code, § 13.02) (Ord. 16, Series 1969, passed - -) Penalty, see § 150.99

## **§ 150.03 CONSTRUCTION OF FENCES.**

(A) Fences may be erected only behind the required front and street side yards of each home and shall not exceed 48 inches in height above the established elevation of the lot.

(B) Any resident desiring a fence higher than 48 inches must apply to the City Council for a variance. The following provisions and regulations shall control the construction and installation of all fences, patio screens, and privacy area fences in excess of 48 inches.

(1) Any person wishing to construct any fence, patio screen, or privacy area screen shall present to the City Council a list of the building materials to be used, a description of the type of fence or screen to be constructed and a rough drawing of the area to be fenced in or screened. After the City Council has studied his or her request, the Council will report at the next regularly scheduled meeting with its recommendation as to the approval of the requested construction. The City Council shall vote upon the requested building permit and shall report to the applicant within 30 days of the first regularly scheduled monthly City Council meeting following the submission of the construction permit applications.

(2) All fences, patio screens, and privacy area screens erected, must conform to the description and dimensions contained in the application and, to the general style of the architecture and quality of the improvements already in

existence in the incorporated area of the city. Except where tennis courts are authorized by the city, under no circumstances will a chain-link fence or screen in excess of 48 inches in height be approved for construction and installation.

(3) Inasmuch as the city is a highly developed residential area, each application for the installation of a fence or screen shall contain a statement from each adjoining property owner either approving or disapproving the requested building permit.

(4) Any person wishing to construct or install a fence, patio screen, or privacy area screen shall comply with all legal requirements of the Louisville and Jefferson County planning and zoning regulations and building codes. Further, if fences, patio screens, or privacy area screens are constructed upon existing easements, it is with the understanding that portion of the fence or screen shall be removed by the owner when it should become necessary and so directed by the City Council or holder of easement rights.

(C) Upon approval of a variance, the City Council shall issue a building permit which shall be required for the construction of any fence, patio screen, or privacy area screen. The cost of the permit shall be \$5.

(D) This section does not affect, modify, or repeal the ordinance governing the installation and safety precautions for swimming pools (Ordinance 2, Series 1983).

(1997 Code, § 13.03) (Ord. 3, Series 1983, passed - -) Penalty, see § 150.99

**Cross-reference:**

*Swimming pool installation, see § 150.06*

## **§ 150.04 RESIDENTIAL GARAGES.**

(A) *Definition.* For the purpose of this section, a **GARAGE** is a building or the portion of a building wherein are kept one or not more than two automobiles.

(B) *Construction.*

(1) Residential garages shall be limited to single story structures and shall be of sufficient size to provide for at least one automobile. Inside dimensions shall be a minimum of 11 feet by 21 feet and a maximum of 24 feet by 24 feet.

(2) Each residential garage shall have exterior walls using one of the following finishes:

(a) Concrete block painted;

(b) Clapboards painted; or

(c) Brick or stone.

(3) In all cases of concrete block construction, the walls facing streets shall be brick or stone, matching the exterior walls of the residence.

(4) Roofs shall be either gable type or hip type with a maximum pitch of five inches to one foot.

(5) Roofs shall be finished with an approved asphalt shingle as a minimum standard.

(6) All garage floors shall be at least four-inch concrete.

*(C) Application.*

(1) This section shall apply only to those garages constructed on lots containing residences, and only one garage shall be permitted on each lot.

(2) This section repeals all other ordinances in conflict herewith insofar as it pertains to residential garages only.

(3) No garage shall be used as either a temporary or permanent residence.

*(D) Permits.*

(1) Prior to any construction of any garage as hereinabove set out, application shall be made and a permit obtained from the City Council.

(2) The plans and specifications shall be filed and approved by the City Council.

(3) The permit fee for the erection and construction of any garage shall be \$10.

(1997 Code, § 13.04) (Ord. 20, Series 1968, passed - -; Ord. 8, Series 1995, passed - -) Penalty, see § 150.99

**§ 150.05 APARTMENT GARAGES.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTOMOBILE.** A vehicle in which volatile or inflammable liquid is used for fuel or power.

**GARAGE.** A building or the portion of a building wherein are kept one or more automobiles.

*(B) Construction.*

(1) Apartment garages shall be of sufficient size to provide for at least one automobile for each apartment unit. Each space so designated as a parking space shall be a minimum of nine feet by 20 feet.

(2) Each apartment garage shall be constructed of concrete block material finished with brick on all sides exposed to streets. All remaining sides shall be painted with an approved concrete paint.

(3) Roofs shall be either gable type or hip type with a minimum pitch of five inches to one foot.

(4) Roofs shall be finished with an approved fire-proof asphalt shingle.

(5) All garages shall have gutters and down spouts.

(6) All garage floors shall be at least four-inch concrete reinforced with six-inch by six-inch 10/10 wire mesh.

*(C) Application.*

(1) This section shall apply only to those garages constructed on lots containing apartment buildings.

(2) This section repeals all other ordinances in conflict therewith insofar as it pertains to apartment garages only.

(1997 Code, § 13.05) (Ord. 11, Series 1967, passed - -) Penalty, see § 150.99

## **§ 150.06 SWIMMING POOL INSTALLATION.**

*(A) Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**SWIMMING POOL.** Any artificial basin, chamber, or tank constructed of impervious material, having a depth of 18 inches or more, and used, or intended to be used, for swimming, diving, and recreational swimming.

*(B) Enclosure and placement required.* A private swimming pool may only be constructed in a required rear yard provided that such pool shall be no closer than five feet to any property line and shall be also enclosed by a fence at least 48 inches in height, but not to exceed 72 inches. A home or garage already constructed and in place prior to the construction of the pool may be incorporated

into the required surrounding fence and such home or garage shall not be limited to the minimum and maximum height requirement set forth in this section.

(C) *Other security features.* Each gate or door in said surrounding fence or other structure, including those which open from a garage into the enclosure, but excepting the house doors, shall be equipped with a self-latching device at least three feet, six inches above ground level, which shall, from the outside, be inaccessible to small children. (Equivalent safety devices or locks may be substituted for the above.)

(D) *Electrical security.* No overhead electrical conductors shall be installed within six feet of the swimming pool. All metal fences, enclosures, or railing near or adjacent to a swimming pool to which bathers have access, which may become electrically alive as a result of contact with broken overhead conductors, or from any other cause shall be effectively grounded.

(E) *Sanitation and health.* Sanitary maintenance and upkeep of the pool shall be in accordance with the guidelines of the Louisville and Jefferson County Department of Public Health.

(F) *Permits.* The permit for the installation and security of the pool as described above must be issued simultaneously. The fee for the permit shall be \$15.

(1997 Code, § 13.09) (Ord. 2, Series 1983, passed - -) Penalty, see § 150.99

## **§ 150.07 TENNIS COURT INSTALLATION.**

(A) Any resident or property holder desiring to construct a tennis court on any lot within the city shall first apply to the City Council for a building permit.

(B) The following provisions and regulations shall control the construction and the installation of the tennis court, adjacent areas, and screens, if authorized:

(1) Each tennis court so authorized shall be no larger than regulation size with the total court size measuring 60 feet by 120 feet and the actual playing area, 36 feet by 78 feet. The tennis court and all adjacent structures shall be constructed within the buildable portion of each lot and shall not extend into the required front and street side yards.

(2) Each tennis court must be constructed upon the buildable portion of each lot so as to provide an undeveloped grass strip of at least six feet in width from each property line and building. All landscaping of the tennis court must be in a manner consistent with the adjoining landscaping within the city.

(3) A fence up to ten feet in height may be constructed around the surface of the tennis court, assuming that said fence is placed within the buildable portion

of the lot.

(4) Inasmuch as the city is a highly developed residential area, each application for the installation of a tennis court shall contain a statement from each adjoining property owner either approving or disapproving the requested building permit.

(C) Upon application for the construction of a tennis court within the requirements of this section and within the limitations of the Louisville and Jefferson County Planning and Zoning Commission regulations and building codes, and upon the granting of a variance, the City Council shall issue a building permit which shall be required. The cost of the permit shall be \$5.

(1997 Code, § 13.10) (Ord. 4, Series 1983, passed - -) Penalty, see § 150.99

#### **§ 150.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no specific penalty is otherwise provided, shall be subject to § 10.99.

(B) If anyone should construct a fence, patio screen, or privacy area screen consistent with the construction limitation imposed by § 150.03 but without first obtaining a building permit, such person shall be fined the sum of \$10. If a fence, patio screen, or privacy area fence is constructed in a manner inconsistent with or not in conformity with the requirements and provisions of § 150.03 and without first obtaining a building permit, such person shall be fined no less than \$25 nor more than \$100. Nothing in this section shall be interpreted so as to restrict or prevent the city from taking such legal action as may be required to have such nonconforming construction removed from the property.

(1997 Code, § 13.03)

(C) Any person, firm, or corporation failing to comply with the provisions of § 150.06 shall be fined not less than \$25 nor more than \$100, and each day during which the violation exists shall be deemed a separate offense. Warning citations may be issued by enforcement personnel in appropriate circumstances.

(1997 Code, § 13.09)

(D) If anyone should construct a tennis court, adjacent areas, or fences within the construction limitations imposed by § 150.07, but without first obtaining a building permit, such person shall be fined the sum of \$10. If a tennis court, adjacent areas, or screens are constructed in a manner inconsistent with or not in conformity with the requirements and provisions of § 150.07 or contrary to the specifications of the application, such person shall be fined not less than \$25 nor more than \$100. Nothing in this section shall be interpreted so as to restrict or prevent the city from taking such legal action as may be required to have nonconforming construction removed from the property.



(1997 Code, § 13.10)

(Ord. 2, Series 1983, passed - -; Ord. 3, Series 1983, passed - -; Ord. 4, Series 1983, passed - -)



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