CITY OF FRANKFORT, KENTUCKY

CODE OF ORDINANCES

2011 S-7 Supplement contains:
Local legislation current through Ord. 19, 2010, passed 12-16-10
State legislation current through KRS Pamphlet 2010

AMERICAN LEGAL PUBLISHING CORPORATION

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CODE OF ORDINANCES
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31-67, 1967	- -67	Amendment; bus franchise
32-67, 1967	- -67	Ambulance franchise agreement
3-70, 1970	- -70	Amendment; bus franchise
4-70, 1970	- -70	Bus franchise agreement

TABLE II: AGREEMENTS AND CONTRACTS

Ord. No.	*Date Passed*	*Description*
32-64, 1964	- -64	Agreement with the Department of Highways; adding Barrett Avenue to street maintenance
34-64, 1964	- -64	Contract agreement with H.K. Porter
31-70, 1970	- -70	Traffic agreement
16-71, 1971	- -71	Maintenance agreement
5-98, 1998	- -98	Cooperative interlocal agreement between the city and the county to provide joint and equal financing for the acquisition, improvement and development of industrial park sites within the county
23, 2002	10-10-02	Loan agreement between the city and the Board of Trustees of the Kentucky Bar Center

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TABLE III: REAL ESTATE TRANSACTIONS

Ord. No.	*Date Passed*	*Description*
6-65, 1965	- -65	Deed and release to YMCA
11-68, 1968	- -68	Land acquisition
29-68, 1968	- -68	Amendment; purchase of an industrial building
16-94, 1994	- -94	Acquisition of ten properties along Bondurant Branch to establish flood relief for the Westgate Subdivision and other parts to the west in the city

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Ord. No.	*Date Passed*	*Description*
35-64, 1964	- -64	Closing of street
56-64, 1964	- -64	Closing of street
31-66, 1966	- -66	Closing of street
36-66, 1966	- -66	Closing of street
15-67, 1967	- -67	Closing of street
29-67, 1967	- -67	Closing of street
18-69, 1969	- -69	Closing of street
11-70, 1970	- -70	Closing of Springdale Drive
21-70, 1970	- -70	Closing portion of Ashland Drive
24-70, 1970	- -70	Closing portion of Hawthorne Drive
25-70, 1970	- -70	Closing portion of Woodhill Lane
30-70, 1970	- -70	Closing east end of Daily Avenue

34-70, 1970	- -70	Closing portion of Lago Drive
17-71, 1971	- -71	Closing portion of Powhattan Trail
3-72, 1972	- -72	Closing of Hill Street
33-73, 1973	- -73	Closing of St. Clair Street
33-74, 1974	- -74	Closing of street

Ord. No.	*Date Passed*	*Description*
1-75, 1975	- -75	Closing portion of Elk Alley
19-77, 1977	- -77	Closing of an unnamed alley
21-77, 1977	- -77	Closing of an unnamed alley
21-87, 1987	- -87	Closing an extension of Forest Street in Bellepoint
18-93, 1993	- -93	Closing potion of Logan Street south of State Street
12-95, 1995	- -95	Closing Governor's Alley from High Street to Ann Street and Elk Alley from Broadway to Governor's Alley
20, 2001	11-8-01	Closing a portion of Ann Street
21, 2001	11-8-01	Closing the 200 block of Blanton Street
22, 2001	11-8-01	Closing Workhouse Alley
3, 2002	1-10-02	Closing Fort Hill Court
4, 2002	1-10-02	Closing a port of High Street
2, 2008	1-28-08	Closing an unnamed alley intersecting Holmes Street between Collins Street and

		Hudson Street
1, 2009	1-26-09	Closing a proposed extension to Flamingo Drive, Cardinal Hills Subdivision that was dedicated but never constructed

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6-75, 1975	- -75	Renaming of certain streets
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Ord. No.	*Date Passed*	*Description*
36-63, 1963	- -63	Rezoning certain property
39-63, 1963	- -63	Rezoning certain property
37-64, 1964	- -64	Rezoning certain property
42-64, 1964	- -64	Rezoning certain property
43-64, 1964	- -64	Rezoning certain property
51-64, 1964	- -64	Rezoning certain property
52-64, 1964	- -64	Rezoning certain property
53-64, 1964	- -64	Rezoning certain property
5-65, 1965	- -65	Rezoning certain property
23-65, 1965	- -65	Rezoning certain property
32-65, 1965	- -65	Rezoning certain property
33-65, 1965	- -65	Rezoning certain property
39-65, 1965	- -65	Rezoning certain property

4-65, 1965	- -65	Rezoning certain property
6-66, 1966	- -66	Rezoning certain property
16-66, 1966	- -66	Rezoning certain property
46-66, 1966	- -66	Rezoning certain property

Ord. No.	*Date Passed*	*Description*
8-67, 1967	- -67	Rezoning certain property
16-67, 1967	- -67	Rezoning certain property
17-67, 1967	- -67	Rezoning certain property
20-67, 1967	- -67	Rezoning certain property
23-67, 1967	- -67	Rezoning certain property
5-68, 1968	- -68	Rezoning certain property
20-68, 1968	- -68	Rezoning certain property
30-68, 1968	- -68	Rezoning certain property
6-69, 1969	- -69	Rezoning certain property
11-69, 1969	- -69	Rezoning certain property
12-69, 1969	- -69	Rezoning certain property
15-69, 1969	- -69	Rezoning certain property
23-69, 1969	- -69	Rezoning certain property
34-69, 1969	- -69	Rezoning certain property
40-69, 1969	- -69	Rezoning certain property

7-70, 1970	- -70	Rezoning certain property
13-70, 1970	- -70	Rezoning certain property
14-70, 1970	- -70	Rezoning certain property
16-70, 1970	- -70	Rezoning certain property
20-70, 1970	- -70	Rezoning certain property
32-70, 1970	- -70	Rezoning certain property

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Ord. No.	*Date Passed*	*Description*
1-71, 1971	- -71	Rezoning certain property
10-71, 1971	- -71	Rezoning certain property
14-71, 1971	- -71	Rezoning certain property
1-72, 1972	- -72	Rezoning certain property
5-72, 1972	- -72	Rezoning certain property
7-72, 1972	- -72	Rezoning certain property
8-72, 1972	- -72	Rezoning certain property
9-72, 1972	- -72	Rezoning certain property
14-72, 1972	- -72	Rezoning certain property
26-72, 1972	- -72	Rezoning certain property
30-72, 1972	- -72	Rezoning certain property
5-73, 1973	- -73	Rezoning certain property
6-73, 1973	- -73	Rezoning certain property
7-73, 1973	- -73	Rezoning certain property
8-73, 1973	- -73	Rezoning certain property

13-73, 1973	- -73	Rezoning certain property
26-73, 1973	- -73	Rezoning certain property
31-73, 1973	- -73	Rezoning certain property
32-73, 1973	- -73	Rezoning certain property
14-74, 1974	- -74	Rezoning certain property
23-74, 1974	- -74	Rezoning certain property

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Ord. No.	*Date Passed*	*Description*
28-74, 1974	- -74	Rezoning certain property
31-74, 1974	- -74	Rezoning certain property
5-75, 1975	- -75	Rezoning certain property
14-75, 1975	- -75	Rezoning certain property
21-75, 1975	- -75	Rezoning certain property
22-75, 1975	- -75	Rezoning certain property
4-76, 1976	- -76	Rezoning certain property
12-76, 1976	- -76	Rezoning certain property
29-76, 1976	- -76	Rezoning certain property
30-76, 1976	- -76	Rezoning certain property
31-76, 1976	- -76	Rezoning certain property
1-77, 1977	- -77	Rezoning certain property
8-77, 1977	- -77	Rezoning certain property
9-77, 1977	- -77	Rezoning certain property
10-77, 1977	- -77	Rezoning certain property

11-77, 1977	- -77	Rezoning certain property
12-77, 1977	- -77	Rezoning certain property
13-77, 1977	- -77	Rezoning certain property
3-78, 1978	- -78	Rezoning certain property
5, 1978	- -78	Rezoning certain property
6, 1978	- -78	Rezoning certain property

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Ord. No.	*Date Passed*	*Description*
7, 1978	- -78	Rezoning certain property
8, 1978	- -78	Rezoning certain property
15, 1978	- -78	Rezoning certain property
16, 1978	- -78	Rezoning certain property
17, 1978	- -78	Rezoning certain property
31, 1978	- -78	Rezoning certain property
33, 1978	- -78	Rezoning certain property
37, 1978	- -78	Rezoning certain property
1-79, 1979	- -79	Rezoning 111 E. Second Street from R-4 to CC
6-79, 1979	- -79	Rezoning Riverbend Subdivision from P-1 to R-3
1-80, 1980	- -80	Zoning newly annexed land
2-80, 1980	- -80	Rezoning certain property
7-80, 1980	- -80	Rezoning certain property
18-80, 1980	- -80	Rezoning certain property

36-80, 1980	- -80	Rezoning certain property
37-80, 1980	- -80	Rezoning certain property
38-80, 1980	- -80	Zoning newly annexed land
39-80, 1980	- -80	Zoning newly annexed land
41-80, 1980	- -80	Rezoning certain property
42-80, 1980	- -80	Rezoning certain property

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Ord. No.	*Date Passed*	*Description*
43-80, 1980	- -80	Rezoning certain property
20-81, 1981	- -81	Rezoning certain property
26-81, 1981	- -81	Rezoning certain property
27-81, 1981	- -81	Rezoning certain property
11-82, 1982	- -82	Rezoning certain property
17-82, 1982	- -82	Rezoning certain property
23-82, 1982	- -82	Rezoning certain property
11-83, 1983	- -83	Rezoning certain property
12-83, 1983	- -83	Rezoning certain property
2-84, 1984	- -84	Rezoning certain property
8-84, 1984	- -84	Rezoning Bluegrass Park Subdivision on Schenkel Lane
9-84, 1984	- -84	Rezoning the northwest quadrant of Schenkel Lane and Ridgeview Drive
9-84, 1984	- -84	Rezoning Versailles Road and US 60
23-84, 1984	- -84	Rezoning property on the east-west

		connector between Maryland Avenue and Versailles Road
29-84, 1984	- -84	Rezoning 13.3 acres on US 60 West, adjacent to the State Police Academy
7-85, 1985	- -85	Rezoning 216 West Second Street
34-85, 1985	- -85	Rezoning a tract of land on the east side of Parkside Drive, adjacent to Juniper Hill Golf Course

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Ord. No.	*Date Passed*	*Description*
35-85, 1985	- -85	Rezoning a tract of land on the north side of the east-west connector, adjacent to Wilson Landscaping
2-86, 1986	- -86	Rezoning 19 lots on East Main Street
3-86, 1986	- -86	Rezoning land located behind Arby's Restaurant
4-86, 1986	- -86	Rezoning land located at 750 Louisville Road
10-86, 1986	- -86	Rezoning the Brighton Park Mall
12-86, 1986	- -86	Rezoning Wilkinson Boulevard
14-96, 1986	- -86	Rezoning the east side of Kings Daughters Drive
21-86, 1986	- -86	Rezoning the Brighton Park Mall
1-87, 1987	- -87	Rezoning Wilkinson Boulevard and Schenkel Lane
4-87, 1987	- -87	Rezoning 241 Wright Street, 305, 307, 309, 311 through 313 and 315 through 319 of Wallace Avenue
8-87, 1987	- -87	Rezoning Ridgeview Estates, Unit G

19-87, 1987	- -87	Rezoning 8.6 acres of land on the east-west connector, adjacent to Franklin Square Shopping Center
36-87, 1987	- -87	Rezoning 11.25 acres of land at the intersection of the east-west connector and Galbraith Road
1-88, 1988	- -88	Rezoning 6.3063 acres of land in the Cedar Subdivision, Phase II
17-88, 1988	- -88	Rezoning certain property

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Ord. No.	*Date Passed*	*Description*
26-88, 1988	- -88	Rezoning certain property
3-89, 1989	- -89	Rezoning certain property
7-89, 1989	- -89	Rezoning certain property
24-89, 1989	- -89	Rezoning certain property
27-89, 1989	- -89	Rezoning certain property
28-89, 1989	- -89	Rezoning certain property
30-89, 1989	- -89	Rezoning certain property
2-90, 1989	- -89	Rezoning certain property
10-90, 1990	- -90	Rezoning 189.089 acres of land located on the east-west connector, known as the Carpenter Farm
13-90, 1990	- -90	Rezoning property located at 941 East Main Street
1-91, 1991	- -91	Rezoning 29 acres along Glenn's Creek Road
21-91, 1991	- -91	Rezoning 4.48 acres at 1090 Lawrenceburg Road

29-91, 1991	- -91	Rezoning property located at 925 East Main Street
32-91, 1991	- -91	Rezoning property located on Versailles Road and Thompson Street
3-92, 1992	- -92	Rezoning property at 931 East Main Street
7-92, 1992	- -92	Rezoning property located at 404 Kentucky Avenue
8-93, 1993	- -93	Rezoning 110 Rouse Avenue from IG to IC

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Ord. No.	*Date Passed*	*Description*
9-93, 1993	- -93	Rezoning Lot R-2 of the commercial section on US 127 South from RH to CH
10-93, 1993	- -93	Rezoning a parcel of land adjacent to 193 Versailles Road from RH to CH
1-94, 1994	- -94	Rezoning Silver Lake Farm Subdivision
5-94, 1994	- -94	Rezoning Lot 186, Winston Way in the Cloverdale Subdivision from RB to RD
6-94, 1994	- -94	Rezoning 52 acres at the northwest intersection of US 127 and I-64 from PO to PC
21-94, 1994	- -94	Rezoning 114 Thompson Street from RC to PO
22-94, 1994	- -94	Rezoning 7.33 acres in Silver Lake Farm Subdivision from RB to RS
2-95, 1995	- -95	Rezoning property located off Versailles Road at Thompson Street from RC to PO
6-95, 1995	- -95	Rezoning property located at the corner of Flynn Avenue and Sower Boulevard from SG to CL
13-95, 1995	- -95	Rezoning property located at the northeast

		quadrant of I-64 and US 127 from PC to CH
9-96, 1996	- -96	Rezoning Tracts 4 and 5, Rouse Avenue, of the North Industrial Park from IG to IC
24-96, 1996	- -96	Rezoning the property located at 807 Holmes Street from RH to CG
6-97, 1997	- -97	Rezoning property at the intersection of Glenn's Creek Road and the east-west connector

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Ord. No.	*Date Passed*	*Description*
17-97, 1997	- -97	Rezoning property located east of the existing Leonardwood Drive stub and behind Poplar Creek Plaza
4-98, 1998	- -98	Rezoning and closing a portion of property
11-98, 1998	- -98	Rezoning property located at 104 Battle Alley
17-98, 1998	- -98	Rezoning property located off Leonardwood Drive, adjacent to Ashwood Place Retirement Home
23, 2000	9-11-00	Rezoning 11.4553 acres of property, adjacent to Wilson's Nurseries from RB to AG
3, 2001	2-8-01	Rezoning 2.43 acres of property on Fair Oaks Lane, off Wilkinson Boulevard, from IG to PC
12, 2001	7-5-01	Rezoning 52.332 acres of property off the east-west connector and Sower Boulevard from SG to PO
18, 2001	10-17-01	Rezoning 39.06 acres of property located at the intersection of Holmes Street and the Thornhill Bypass from IG and IC to PC

6, 2003	4-21-03	Rezoning property located at 116 E. Second St. from SC to CG and 122, 124, and 126 E. Second St. from SC to CL
11, 2003	6-16-03	Rezoning property located at lot 4 of West Ridge Subdivision from AG and CH to CH
12, 2003	7-21-03	Rezoning property located at 1401 Louisville Rd. being Tract C of the Mattie Sue True Estate Subdivision Plat, from RL to CL

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Ord. No.	*Date Passed*	*Description*
13, 2003	8-18-03	Rezoning 39.06 acres of property located at the intersection of Holmes Street and the Thornhill bypass from IG and IC to PC
24, 2004	12-20-04	Rezoning 0.23 acres of property located at 519 Ann Street from RH to SH
25, 2004	12-20-04	Rezoning 8.72 acres of property located at 107 Sea Hero Road from PC to RS
5, 2005	4-25-05	Rezoning 1.81 acres of property located at the intersection of U.S. Highway 60 and Meadow View Drive from RL to CL
6, 2005	5-23-05	Rezoning 2.16 acres of property located at the intersection of Hudson Hollow Road and Honey Court from CH to RL
17, 2005	8-22-05	Rezoning a 0.4803 acre of property located at the intersection of Leonardwood Drive and Kings Daughters Drive from RH to CL
28, 2005	12-15-05	Rezoning a 0.87 acre of property located at 114 and 118 Thompson Avenue off Versailles Road and fronting on both Thompson Avenue and Greenhill Avenue from PO to CH

29, 2005	12-15-05	Rezoning a 0.32 acre of property identified as Lot 5A of the Ridgeview Estates subdivision located on Ridgeview Drive from PO to RH
2, 2006	3-27-06	Rezoning an 11.25 acre parcel of property located at the intersection fo Galbraith Road and KY 676 (east-west connector) from PR to RL
7, 2006	5-22-06	Rezoning a 3.061-acre parcel of property located at 117 Old Soldiers Lane from RB to PO

Ord. No.	*Date Passed*	*Description*
8, 2006	5-22-06	Rezoning a 2.769-acre parcel of property located at 117 Leonardwood Drive from PO to PC
29, 2006	11-27-06	Rezoning a 1.59-acre parcel of property located at 113 Old Soldiers Lane from RB to PO
33, 2006	12-14-06	Rezoning a 0.48-acre property located at 611 Kings Daughters Drive from RL to PO
11, 2007	4-23-07	Rezoning a 5.686 acre property located at 770 Wilkinson Boulevard from IG to PC
15, 2007	6-25-07	Rezoning property identified by the parcel map number of #050-00-00-019.00 and #063-00-00-033.01 from AG to PC (52 acres), RS (30 acres) and RB (159 acres)
16, 2008	7-28-08	Rezoning property for a 29.08 acre parcel of property located at 8000 John Davis Drive, from RD to RL
19, 2009	9-28-09	Rezoning property for a 1.52 acres of property located at 700-730 Wilkinson Boulevard, described as PVA Map #061-00-00-101.00 from SG to RH
22, 2009	11-23-09	Rezoning property located at the

		intersection of Ann and Clinton Streets with the address of 124 Clinton Street and containing 0.16 acres, more specifically described as PVA map #061-42-06-011.00 from RH to CB
15, 2010	10-25-10	Rezoning property for a 1.471 acre parcel of property formerly known as the Pink Pig Restaurant, being 581 E. Main Street, more specifically described as PVA map #074-23-05-044.00 from CG, RH and RC to only CG.

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TABLE VII: ANNEXATIONS; BOUNDARY REDUCTIONS

Ord. No.	*Date Passed*	*Description*
35-63, 1963	- -63	Reduction of boundaries
27-64, 1964	- -64	Annexation of Indian Hill 1B
28-64, 1964	- -64	Annexation of Tierra Linda Subdivision
38-64, 1964	- -64	Annexation of Indian Hill 1C
17-65, 1965	- -65	Annexation of tract in Bellepoint
18-65, 1965	- -65	Annexation of two tracts near Westgate
25-65, 1965	- -65	Annexation of land in Westgate #3
7-66, 1966	- -66	Annexation of Indian Hill's #2
8-66, 1966	- -66	Annexation of Indian Hill's #3
25-66, 1966	- -66	Annexation of Meadows' Subdivision Section I
16-69, 1969	- -69	Annexation of Colony Subdivision
17-69, 1969	- -69	Annexation of Collins Lane School and Immanuel Baptist Church

35-69, 1969	- -69	Annexation of Meadows' Subdivision 2A and 2B
36-69, 1969	- -69	Annexation of Woodplane Annex
6-70, 1970	- -70	Annexation of Cardinal Hill Subdivision and adjacent properties
7-17, 1971	- -71	Annexation of Meadows' Subdivision #3

Ord. No.	*Date Passed*	*Description*
21-71, 1971	- -71	Annexation of two tracts of land adjacent to Capital City Airport
17-72, 1972	- -72	Annexation of three tracts of land in the west part of the city
18-72, 1972	- -72	Annexation of Buttimer Hill Subdivision
27-72, 1972	- -72	Annexation of new hospital site
2-73, 1973	- -73	Annexation of tract of land, adjacent to Juniper Hills Subdivision
3-73, 1973	- -73	Annexation of tract of land near Colony Subdivision
27-73, 1973	- -73	Annexation of tract of land on Schenkel Lane
2-74, 1974	- -74	Annexation of Meadows' Subdivision #5
8-74, 1974	- -74	Annexation of portion of Daily Avenue
13-75, 1975	- -75	Annexation of portion of Holly Hill Drive
20-75, 1975	- -75	Annexation of portion of Holly Hill Drive
10-76, 1976	- -76	Annexation of land

13-76, 1976	- -76	Annexation of land
33-76, 1976	- -76	Annexation of land
34-76, 1976	- -76	Annexation of land
35-76, 1976	- -76	Annexation of land
39-76, 1976	- -76	Annexation of land
22-78, 1978	- -78	Annexation of land
30-78, 1978	- -78	Annexation of land

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Ord. No.	*Date Passed*	*Description*
40-78, 1978	- -78	Annexation of property adjacent to the southern and eastern city limits, bounded on the southwest by the Kentucky River, on the north by the present city limits, on the east by Hanley Lane and on the south by I-64
27-79, 1979	- -79	Annexation of 915.4 acres of land
27-80, 1980	- -80	Annexation of land
28-80, 1980	- -80	Annexation of land
29-80, 1980	- -80	Annexation of land
30-80, 1980	- -80	Annexation of land
14-85, 1984	- -84	Annexation of the Riverbend Subdivision, Section B, Signal Ridge
16-84, 1984	- -84	Deannexation of land east of Glenn's Creek Road and north of the corporate limits of the city (Trumbo Bottom)
22-84, 1984	- -84	Annexation of the Riverbend Subdivision, Section B, Signal Ridge
5-85, 1985	- -85	Deannexation of land east of Glenn's Creek Road and north of the corporate limits of

		the city (Trumbo Bottom)
24-87, 1987	- -87	Annexation of land
25-87, 1987	- -87	Annexation of land
26-87, 1987	- -87	Annexation of land
27-87, 1987	- -87	Annexation of land
9-89, 1989	- -89	Annexation of land
12-89, 1989	- -89	Annexation of land

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Ord. No.	*Date Passed*	*Description*
15-89, 1989	- -89	Annexation of land
16-89, 1989	- -89	Annexation of land
31-89, 1989	- -89	Annexation of land
35-89, 1989	- -89	Annexation of land
29-89, 1989	- -89	Annexation of land
22-90, 1990	- -90	Annexation of three tracts of land, adjacent to the western corporate limits
17-93, 1993	- -93	Annexation of a tract of land known as the Leestown Square, Tracts A and B to the present northern city limits and US 421
23-93, 1993	- -93	Annexation of a tract of land, adjacent to the present western city limits and Riverbend Subdivision
29-93, 1993	- -93	Annexation of a tract of land known as Leestown Square
1-96, 1996	- -96	Annexation of a tract of land located at the southeast corner of US 60 and Hanley Lane
26, 2000	9-25-00	Annexation of 2.43 acres of land

33, 2000	11-22-00	Reduction of 22.97 acres of land in the city
02, 2002	1-10-02	Annexation a 213.59 acre tract of land located along US Highway 127 North
30, 2002	12-5-02	Reduction of approximately 31.4 acres of land lying along US 421 North from the northern boundary of Bellepoint Subdivision
1, 2005	1-20-05	Annexing 13.986 acres of land lying along Highway 127 North
9, 2006	6-14-06	Annexing approximately a 92 acre tract of land lying along Highway US 60

Ord. No.	*Date Passed*	*Description*
32, 2006	12-14-06	Amending the description of land annexed by Ord. 32, 2006 to state that the location of the property is adjacent to the intersection of Highway US 60 and Interstate 64
35, 2007	9-24-07	Amending the property description in Ord. 32, 2006
14, 2009	8-24-09	Decreasing the width of the right-of-way for Canty Way and abandoning property to M & W, LLC

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TABLE VIII: ACCEPTING STREETS; DEDICATIONS

Ord. No.	*Date Passed*	*Description*
25-96, 1996	- -96	Accepting Collins Landing, White Water Court, and a portion of Signal Ridge Road as public streets
26-96, 1996	- -96	Accepting HMB Circle as a public street
29-96, 1996	- -96	Accepting Pinnacle Court as a public streets
2-97, 1997	- -97	Accepting a portion of Oakmont Drive as a public street
3-97, 1997	- -97	Accepting an extension of Leawood Drive as a public street
4-97, 1997	- -97	Accepting portions of Silver Lake Boulevard, Man-O-War Drive, Equine Way and Dressage Court as public streets
25, 2000	9-25-00	Accepting Leonard Drive as a public street
30, 2000	10-23-00	Accepting the access road to Thornhill Baptist Church as a public street
2, 2003	1-9-03	Accepting Debbie Drive, Jason Drive, Majority Court, Murdock Court, Commodore

		Drive, Skipper Drive, Ensign drive and Imperial Drive as Public Streets
14, 2003	8-18-03	Accepting a Portion of C. Michael Davenport Boulevard, a portion of to be announced avenue, and Diagnostic Drive as public streets
21, 2004	11-15-04	Accepting Brighton Court as a public street
22, 2004	11-15-04	Accepting Turnberry Drive as a public street

Ord. No.	*Date Passed*	*Description*
2, 2005	1-20-05	Accepting Moore Drive as a public street
27, 2006	10-30-06	Accepting Sonoma Drive, Goodman Way and Charleston Court as a public street
1, 2008	1-28-08	Accepting Berry Hill Drive and a portion of Leawood Drive as a public street
14, 2008	8-28-08	Accepting West Ridge Drive and Vandalay Lane as public streets

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PARALLEL REFERENCES

References to Kentucky Revised Statutes

References to 1970 Code

References to Ordinances

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REFERENCES TO KENTUCKY REVISED STATUTES

KRS Reference	*Code Section*
15.410 ▪ 15.510	40.53
15.520	37.50
17.150	40.53
18A.225(2)	111.37
39A ▪ 39F	36.095, 97.04
39B.070	97.01
45A.345	38.02
45A.365	38.02
45A.370	38.02
45A.380	38.02
61.165	98.03
61.251	39.06
61.252	39.06
61.592	37.11
61.805 ▪ 61.850	36.197
61.810	39.18
61.870 ▪ 61.884	34.01
61.872 ▪ 61.884	39.09
65.003	39.03, 39.04
65.067	31.01
65.120	Ch. 72
65.8801	36.016
65.8801 ▪ 65.8839	36.015
65.881(5)	36.018
65.8839	36.016

66.660	91.20
Ch. 67	53.01, 54.01, 55.01
67.753	110.01
68.180	110.24, 110.27
68.197	110.24, 110.27
79.080	37.10
Ch. 80	150.05
82.082	39.03
82.090	110.03

KRS Reference	*Code Section*
82.605 ▪ 82.640	70.06
83A.010(5)	10.02
83A.010(8)	10.02
83A.040(9)	31.35
83A.075	32.02, 37.33
83A.080	39.04
83A.080(1), (2)	31.35
83A.080(2)	31.35
83A.085	31.36, 34.02
83A.150	31.38, 32.01, 37.01
83A.150(1)	30.01
83A.150(2), (8)	30.02
83A.150(3), (9)	30.02, 31.20, 31.21
83A.150(7)(a) - (h)	31.38
84.010	11.01
91.200	110.24, 110.27
91A.010(8)	10.02
91A.350	36.129
91A.390	36.133
92.281	110.24
Ch. 95	37.11
95.450	37.50, 40.36, 40.37
95.500	40.36, 40.37
95.858	40.19
95.881 ▪ 95.885	40.05
96.160	Ch. 51, 93.32
96.171 ▪ 96.188	51.01
96.171(3)	39.04
96.183	39.04

Ch. 100	36.066, 36.067, 53.01, 54.01, 55.01
100.133	36.066
100.133(2)	36.066
100.147	36.066
131.010(6)	111.37
132.285	35.01
134.800	35.04
134.810	35.04
Ch. 149	130.09

KRS Reference	*Code Section*
154.50-301 ■ 154.50-346	36.197, 36.198
154.50-336	36.198
154.50 ■ 154.310	36.195
164.720	130.04
174.100	91.35
174.100(1)	91.36
174.100(2), (3)	91.37
174.100(4)	91.38
174.100(5)	91.39
174.100(6), (7)	91.40
177.041 ■ 177.047	91.03
177.044(3)	91.03
178.290	91.20
189.330	Ch .74
189.338	70.15
189.570	112.07
189.751	72.12, 72.25
189.910	112.07
189.990	72.99
189.990(1)	72.99
198B.110	150.01
224.01 - 224.400	97.02
Ch. 224	53.04
227.200 ■ 227.500	93.99
Ch. 241	Ch. 115, 115.01
241.010(29)	115.21
Ch. 242	Ch. 115
Ch. 243	Ch. 115, 115.01
Ch. 244	Ch. 115, 115.01

244.290	115.09
244.480	115.09
247.4015	90.01
248.010(4)	98.02
257.100	90.06
257.100(4)	90.01
258.135	90.29
258.165	90.29
Ch. 281	72.26
344.200 ■ 344.290	96.10, 96.11

KRS Reference	*Code Section*
351.320	93.54
351.330	93.54
351.340	93.54
375.275	95.05
376.275(1), (2)	72.26
376.275(3)	72.27
411.500 ▪ 411.570	Ch. 92
424.260	38.02
435.230(1)	40.54
436.600	90.04
446.010(1)	10.02
446.010(7)	10.02
446.010(8)	10.02
446.010(10)	10.02
446.010(11)	10.02
446.010(13)	10.02
446.010(14)	10.02
446.010(18)	10.02
446.010(20)	10.02
446.010(21)	10.02
446.010(22)	10.02
446.010(24)	10.02
446.010(25)	10.02
446.010(27)	10.02
446.010(29)	10.02
446.010(30)	10.02
446.010(33)	10.02
446.010(35)	10.02
446.010(36)	10.02

446.010(38)	10.02
446.010(44)	10.02
446.020(1)	10.03
446.020(2)	10.03
446.030	10.04
446.050	10.05
446.060	10.06
446.080(1)	10.03
446.080(3)	10.03
446.080(4)	10.03
446.090	10.07

KRS Reference	*Code Section*
446.140	10.01
519.040	38.34
525.125	90.03
525.130	90.03
527.020	131.03

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REFERENCES TO 1970 CODE

1970 Code Section	*Code Section*
1.04.010	11.01
1.08.010	11.02
1.12.010	11.03
2.03.010	36.001
2.06.010	32.02
2.15.010	31.38
2.21.010	36.050
2.21.020	36.051
2.27.010	40.01
2.27.020	40.02
2.27.030	40.03
2.27.040	40.04
2.27.050	40.05
2.27.060	40.05
2.30.010	40.15
2.30.020	40.15
2.30.030	40.15
2.30.040	40.16
2.30.050	40.16
2.30.055	40.16
2.30.060	40.16
2.30.070	40.16
2.30.080	40.16
2.30.090	40.16
2.30.100	40.17

2.30.110	40.17
2.30.123	40.17
2.30.125	40.17
2.30.130	40.17
2.30.140	40.17
2.30.150	40.17
2.30.160	40.18
2.30.170	40.19
2.33.010	40.30
2.33.020	40.31

1970 Code Section	*Code Section*
2.33.030	40.32
2.33.040	40.33
2.33.050	40.34
2.33.060	40.35
2.36.010	40.45
2.36.030	40.46
2.36.040	40.47
2.36.050	40.48
2.36.060	40.49
2.36.070	40.50
2.36.090	40.52
2.36.120	40.53
2.36.130	40.54
2.36.140	40.55
2.36.160	40.56
2.45.010	40.36
2.45.030	40.36
2.48.010	36.065, 36.066
2.48.030	36.066
2.48.040	36.066
2.48.050	36.066
2.48.055	36.066
2.48.060	36.067
2.48.070	36.067
2.48.080	36.067
2.48.090	36.068
2.48.100	36.069
2.51.010	36.080
2.51.020	36.081

2.54.010	31.02
2.54.020	31.03
2.57.010	31.01
2.63.010	36.095
2.63.020	36.096
2.67.010	36.125
2.67.020	36.126
2.67.030	36.127
2.67.040	36.128
2.67.050	36.129

1970 Code Section	*Code Section*
2.67.060	36.130
2.67.070	36.131
2.67.080	36.132
2.67.090	36.133
2.67.100	36.133
2.67.110	36.133
2.67.120	36.133
2.67.130	36.133
2.67.140	36.133
2.75.010	36.145
2.75.170	36.146
2.75.180	36.146
2.75.190	36.146
2.75.200	36.146
2.78.010	36.160
2.78.020	36.161
2.78.030	36.162
2.78.040	36.163
2.78.050	36.164
2.81.010	36.175
2.81.020	36.176
2.81.070	36.178
2.81.080	36.179
2.81.090	36.179
2.81.100	36.180
2.96.010	96.01
2.96.020	96.02
2.96.030	96.03
2.96.040	96.04

2.96.050	96.05
2.96.060	96.06
2.96.070	96.07
2.96.080	96.08
2.96.090	96.09
2.96.100	96.10
2.96.110	96.11, 96.99
2.96.120	96.12, 96.99

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1970 Code Section	*Code Section*
2.96.140	96.12
2.98.010	38.30
2.98.020	38.31
2.98.030	38.32
2.98.040	38.33
2.98.050	38.34
2.99.010	36.195
2.99.020	36.196
2.99.030	36.197
2.99.040	36.198
2.99.050	36.199
2.100.010	39.01
2.100.020	39.02
2.100.030	39.03
2.100.040	39.04
2.100.050	39.05
2.100.060	39.06
2.100.070	39.07
2.100.080	39.08
2.100.090	39.09
2.100.100	39.10
2.100.110	39.11
2.100.120	39.12
2.100.130	39.12
2.100.140	39.13
2.100.150	39.13
2.100.160	39.13
2.100.170	39.14, 39.99
2.100.180	39.15

2.100.190	39.16
2.100.200	39.16
2.100.210	39.16

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2.100.220	39.17
2.100.230	39.18
2.100.240	39.18
2.100.250	39.19
2.100.260	39.20
2.100.270	39.21
2.100.280	39.22
2.100.290	39.99
3.20.010	38.01
3.20.020	38.02
3.20.030	38.03
3.20.040	38.04
5.08.010	111.15
5.08.020	111.16
5.08.025	111.17
5.08.030	111.18
5.08.040	111.19
5.08.050	111.20
5.08.060	111.21
5.08.070	111.22
5.08.080	111.23
5.08.090	111.24
5.08.100	111.25
5.08.110	111.26
5.08.120	111.27
5.08.130	111.28
5.08.140	111.29
5.08.160	111.30
5.08.170	111.31

5.08.180	111.32
5.08.190	111.33
5.08.200	111.34
5.08.210	111.35
5.08.240	111.37
5.08.250	111.38
5.08.260	111.39
5.08.270	111.40
5.08.280	111.41
5.08.290	111.42
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5.08.310	111.44
5.08.320	111.99
5.12.010	115.01
5.12.020	115.02
5.12.030	115.03
5.12.040	115.04
5.12.050	115.05
5.12.060	115.06
5.12.070	115.07
5.12.080	115.99
5.12.090	115.08
5.12.100	115.09
5.20.010	117.01
5.20.020	117.02
5.20.030	117.03
5.20.040	117.03
5.20.050	117.03
5.20.060	117.04
5.20.070	117.05, 117.99
5.24.010	111.01, 111.99
5.24.020	111.02, 111.99
5.24.030	111.03, 111.99
5.24.040	111.04, 111.99
5.24.050	111.05, 111.99
5.28.010	118.01
5.28.020	118.02
5.28.030	118.03
5.28.040	118.04
5.28.050	118.05

5.28.060	118.99
6.12.010	50.01
6.12.020	50.02
6.12.030	50.02
6.12.050	50.03
6.12.060	50.03
6.12.070	50.03
6.12.080	50.03
6.12.090	50.03
6.12.110	50.03
6.12.120	50.03

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6.12.140	50.02, 50.03
6.12.150	50.02
6.12.160	50.05
6.12.170	50.06
6.12.180	50.06
6.12.190	50.07
6.12.230	50.10
6.12.240	50.11
6.12.250	50.99
6.12.260	50.12
8.04.010	90.20
8.04.020	90.21
8.04.030	90.22
8.04.040	90.23
8.04.050	90.24
8.04.060	90.25
8.04.070	90.26
8.04.080	90.27
8.04.090	90.28
8.04.100	90.29
8.04.110	90.30
8.04.120	90.31
8.04.130	90.32
8.04.140	90.99
8.04.150	90.33
8.04.160	90.34
8.12.010	90.07
8.12.020	90.07
8.12.030	90.99

9.08.080	131.01
9.24.010	130.01
9.24.020	130.02
9.24.030	130.03
9.24.040	130.04

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1970 Code Section	*Code Section*
9.28.010	130.05
9.28.020	130.06
9.28.030	130.07
9.28.040	130.08
9.28.050	130.09
9.36.070	131.02
9.36.080	131.03
9.36.090	131.03
9.36.095	131.03
9.36.100	131.03
9.36.110	131.03
9.40.010	131.04
9.40.015	131.04
9.40.020	131.04
9.40.025	131.04
9.48.010	131.05
9.48.020	131.06
9.48.030	131.07
9.52.010	38.15
9.52.020	38.16
9.52.030	38.17
9.52.040	38.18
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10.04.040	71.30
10.04.060	71.30
10.04.080	71.03
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10.08.190	72.04
10.08.200	72.05
10.08.210	72.06
10.08.230	72.07
10.08.240	72.08

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10.08.280	72.11
10.12.010	72.55
10.12.030	72.56
10.12.050	72.57
10.12.060	72.58
10.12.070	72.59
10.12.080	72.60
10.20.040	70.06
10.24.020	95.01
10.24.030	95.02
10.24.050	95.03
10.24.060	95.04
10.24.080	95.05
10.24.090	95.06
12.08.010	91.65
12.08.020	91.66
12.08.030	91.67
12.08.040	91.68
12.08.050	91.69
12.08.060	91.70
12.08.070	91.71
12.08.080	91.72
12.08.090	91.99
12.16.010	90.99
12.20.010	91.02
12.24.010	91.03
13.04.010	52.01

13.04.020	52.02
13.04.030	52.02
13.04.040	52.02

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13.04.060	52.04
13.04.070	52.05
13.04.080	52.04
13.04.090	52.04
13.04.100	52.04
13.04.110	52.06
13.04.120	52.99
13.04.140	52.08
13.04.150	52.09
13.04.160	52.10
13.04.170	52.11
13.04.180	52.04
13.08.010	51.01
13.08.020	51.02
13.08.030	51.03
13.12.010	52.25, 52.33
13.12.020	52.26
13.12.030	52.26
13.12.040	52.27
13.12.050	52.28
13.12.060	52.29
13.12.070	52.30
13.12.080	52.31
13.12.090	52.31
13.12.100	52.32
13.20.010	52.45, 52.46, 52.47
13.20.020	52.48
13.20.030	52.49

13.20.040	52.50
13.20.050	52.51
13.20.060	52.52
13.20.070	52.53
15.20.010	150.04
15.04.010	150.01
15.04.030	150.01
15.04.040	150.01
15.04.050	150.01
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15.08.030	93.99
15.12.010	150.02
15.12.020	150.02
15.16.010	150.03
15.16.030	150.03
15.16.040	150.03
15.16.050	150.03
15.16.060	150.03
15.16.070	150.03
15.16.080	150.03
15.16.090	150.03
15.16.100	150.03
15.16.130	150.03
15.16.140	150.03
15.16.150	150.03
15.16.160	150.03
15.16.170	150.03
15.16.180	150.03
15.16.210	150.03
15.16.220	150.03
15.16.250	150.03
15.16.260	150.03
15.16.270	150.03
15.16.280	150.03
15.16.290	150.03
15.16.020	150.03
15.16.110	150.03
15.16.190	150.03

15.24.010	150.05
15.30.010	93.54
15.30.020	93.54
15.30.030	93.54
15.30.040	93.54
15.30.050	93.99
15.34.010	150.06
15.34.020	150.06

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15.46.030	93.32
15.46.040	93.33
15.46.050	93.34
15.46.060	93.35
15.46.070	93.36
15.46.080	93.37
15.46.090	93.38
15.46.100	93.39
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15.46.130	93.42
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15.46.160	93.45
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REFERENCES TO ORDINANCES

Ord. No.	*Date Passed*	*Code Section*
10, 1960	5-13-60	10.15
36-63, 1963	- -63	T.S.O. VI
39-63, 1963	- -63	T.S.O. VI
3-64, 1964	- -64	93.01
11-64, 1964	5-25-64	36.001
12-64, 1964	5-25-64	150.01
13-64, 1964	5-29-64	150.03
14-64, 1964	5-25-64	36.069
30-64, 1964	- -64	111.38
32-64, 1964	- -64	T.S.O. II
34-64, 1964	- -64	T.S.O. II
35-64, 1964	- -64	T.S.O. IV
37-64, 1964	- -64	T.S.O. VI
42-64, 1964	- -64	T.S.O. VI
43-64, 1964	- -64	T.S.O. VI
51-64, 1964	- -64	T.S.O. VI
52-64, 1964	- -64	T.S.O. VI
53-64, 1964	- -64	T.S.O. VI
56-64, 1964	- -64	T.S.O. IV
3-65, 1965	2-8-65	131.03
4-65, 1965	2-8-65	150.03, T.S.O. VI
5-65, 1965	- -65	T.S.O. VI
6-65, 1965	- -65	T.S.O. III
11-65, 1965	- -65	95.01
23-65, 1965	- -65	T.S.O. VI

30-65, 1965	10-11-65	40.46
32-65, 1965	- -65	T.S.O. VI
33-65, 1965	- -65	T.S.O. VI
37, 1965	12-27-65	40.32
39-65, 1965	- -65	T.S.O. VI
3-66, 1966	- -66	111.37
4-66, 1966	- -66	111.28
6-66, 1966	- -66	T.S.O. VI
12-66, 1966	- -66	95.02, 95.03
16-66, 1966	- -66	T.S.O. VI

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23-66, 1966	- -66	111.15 ▪ 111.35
26-66, 1966	- -66	115.04
27-66, 1966	7-18-66	150.01
31-66, 1966	- -66	T.S.O. IV
33-66(A), 1966	10-10-66	36.065 ▪ 36.068
36-66, 1966	- -66	T.S.O. IV
46-66, 1966	- -66	T.S.O. VI
5-67, 1967	2-13-67	40.47, 40.48
7-67, 1967	3-13-67	131.03
8-67, 1967	- -67	T.S.O. VI
15-67, 1967	- -67	T.S.O. IV
16-67, 1967	- -67	T.S.O. VI
17-67, 1967	- -67	T.S.O. VI
18-67, 1967	- -67	150.04
20-67, 1967	- -67	T.S.O. VI
23-67, 1967	- -67	T.S.O. VI
28-67, 1967	- -67	T.S.O. I
29-67, 1967	- -67	T.S.O. IV
31-67, 1967	- -67	T.S.O. I
32-67, 1967	- -67	T.S.O. I
5-68, 1968	- -68	T.S.O. VI
9-68, 1968	- -68	130.02
11-68, 1968	- -68	T.S.O. III
14-68, 1968	6-10-68	40.36
17-68, 1968	- -68	91. 65 ▪ 91.72, 91.99
20-68, 1968	- -68	T.S.O. VI
22-68, 1968	- -68	95.04 ▪ 95.06
26-68, 1968	- -68	111.33, 111.34
29-68, 1968	- -68	T.S.O. III

30-68, 1968	- -68	T.S.O. VI
3-69, 1969	- -69	95.02, 95.03
6-69, 1969	- -69	T.S.O. VI
11-69, 1969	- -69	T.S.O. VI
12-69, 1969	- -69	T.S.O. VI
15-69, 1969	- -69	T.S.O. VI
18-69, 1969	- -69	T.S.O. IV
23-69, 1969	- -69	T.S.O. VI
27-69, 1969	- -69	91.02
31-69, 1969	7-29-69	36.001
34-69, 1969	- -69	T.S.O. VI

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38-69, 1969	9-8-69	111.42
40-69, 1969	- -69	T.S.O. VI
46-69, 1969	11-24-69	40.55
3-70, 1970	- -70	T.S.O. I
4-70, 1970	- -70	T.S.O. I
7-70, 1970	- -70	T.S.O. VI
10-70, 1970	4-13-70	71.31, 71.56
11-70, 1970	- -70	T.S.O. IV
13-70, 1970	- -70	T.S.O. VI
14-70, 1970	- -70	T.S.O. VI
15, 1970	1-1-70	10.15
16-70, 1970	- -70	T.S.O. VI
17-70, 1970	6-22-70	36.125 ▪ 36.133
20-70, 1970	- -70	T.S.O. VI
21-70, 1970	- -70	T.S.O. IV
24-70, 1970	- -70	T.S.O. IV
25-70, 1970	- -70	T.S.O. IV
30-70, 1970	- -70	T.S.O. IV
31-70, 1970	- -70	T.S.O. II
32-70, 1970	- -70	T.S.O. VI
33-70, 1970	12-14-70	40.54
34-70, 1970	- -70	T.S.O. IV
1-71, 1971	- -71	T.S.O. VI
9-71, 1971	- -71	T.S.O. V
10-71, 1971	- -71	T.S.O. VI
14-71, 1971	- -71	T.S.O. VI
16-71, 1971	- -71	T.S.O. II
17-71, 1971	- -71	T.S.O. IV
1-72, 1972	- -72	T.S.O. VI

3-72, 1972	- -72	T.S.O. IV
5-72, 1972	- -72	T.S.O. VI
7-72, 1972	- -72	T.S.O. VI
8-72, 1972	- -72	T.S.O. VI
9-72, 1972	- -72	T.S.O. VI
14-72, 1972	- -72	T.S.O. VI
26-72, 1972	- -72	T.S.O. VI
30-72, 1972	- -72	T.S.O. VI

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5-73, 1973	- -73	T.S.O. VI
6-73, 1973	- -73	T.S.O. VI
7-73, 1973	- -73	T.S.O. VI
8-73, 1973	- -73	T.S.O. VI
9-73, 1973	4-9-73	40.53
13-73, 1973	- -73	T.S.O. VI
26-73, 1973	- -73	T.S.O. VI
31-73, 1973	- -73	T.S.O. VI
32-73, 1973	- -73	T.S.O. VI
33-73, 1973	- -73	T.S.O. IV
34-73, 1973	12-20-73	32.02
6-74, 1974	3-11-74	115.09
14-74, 1974	- -74	T.S.O. VI
23-74, 1974	- -74	T.S.O. VI
27-74, 1974	7-8-74	32.02
28-74, 1974	- -74	T.S.O. VI
29-74, 1974	8-9-74	71.31, 71.99
31-74, 1974	- -74	T.S.O. VI
33-74, 1974	- -74	T.S.O. IV
1-75, 1975	- -75	T.S.O. IV
4-75, 1975	2-10-75	71.31, 71.99
5-75, 1975	- -75	T.S.O. VI
6-75, 1975	- -75	T.S.O. V
14-75, 1975	- -75	T.S.O. VI
21-75, 1975	- -75	T.S.O. VI
22-75, 1975	- -75	T.S.O. VI
23-75, 1975	8-25-75	150.01
24-75, 1975	8-25-75	150.03
2-76, 1976	1-26-76	150.03

4-76, 1976	- -76	T.S.O. VI
12-76, 1976	- -76	T.S.O. VI
16-76, 1976	5-24-76	52.04
22-76, 1976	- -76	T.S.O. V
26-76, 1976	7-26-76	93.54, 93.99
29-76, 1976	- -76	T.S.O. VI
30-76, 1976	- -76	T.S.O. VI
31-76, 1976	- -76	T.S.O. VI
1-77, 1977	- -77	T.S.O. VI
4-77, 1977	2-14-77	111.38
6-77, 1977	2-14-77	111.17

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8-77, 1977	- -77	T.S.O. VI
9-77, 1977	- -77	T.S.O. VI
10-77, 1977	- -77	T.S.O. VI
11-77, 1977	- -77	T.S.O. VI
12-77, 1977	- -77	T.S.O. VI
13-77, 1977	- -77	T.S.O. VI
17-77, 1977	6-17-77	40.47
19-77, 1977	- -77	T.S.O. IV
21-77, 1977	- -77	T.S.O. IV
22-77, 1977	9-26-77	72.55 ▪ 72.60
23-77, 1977	9-26-77	150.03
3-78, 1978	- -78	T.S.O. VI
5, 1978	- -78	T.S.O. VI
6, 1978	- -78	T.S.O. VI
7, 1978	- -78	T.S.O. VI
8, 1978	- -78	T.S.O. VI
10-78, 1978	4-27-78	150.01
11-78, 1978	4-27-78	93.02
15, 1978	- -78	T.S.O. VI
16, 1978	- -78	T.S.O. VI
17, 1978	- -78	T.S.O. VI
18-78, 1978	5-8-78	111.04, 111.99
23-78, 1978	6-12-78	111.38
27-78, 1978	6-26-78	40.47
31, 1978	- -78	T.S.O. VI
33, 1978	- -78	T.S.O. VI
37, 1978	- -78	T.S.O. VI
42-78, 1978	11-21-78	40.52
1-79, 1979	- -79	T.S.O. VI

3-79, 1979	1-8-79	131.03
6-79, 1979	- -79	T.S.O. VI
10-79, 1979	5-14-79	150.01
11-79, 1979	5-14-79	150.03
12-79, 1979	5-14-79	71.04, 71.99
1-80, 1980	- -80	T.S.O. VI
2-80, 1980	- -80	T.S.O. VI
5-80, 1980	2-13-80	150.06
7-80, 1980	- -80	T.S.O. VI
10, 1980	1-17-80	10.15, 31.38

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11-80	4-28-80	72.03
12-80	4-28-80	72.09
14-80	4-28-80	72.10
15-80	4-28-80	72.04
26-80	6-30-80	72.05
18-80, 1980	- -80	T.S.O. VI
20, 1980	1-1-80	10.15
25-80, 1980	6-30-80	40.48
32-80, 1980	9-8-80	40.15 ▪ 40.19, T.S.O. VI
5-81, 1981	2-9-81	131.05
6-81, 1981	2-9-81	40.32
7-81, 1981	2-9-81	36.067
10-81, 1981	5-4-81	118.01 ▪ 118.05, 118.99
20-81, 1981	- -81	T.S.O. VI
26-81, 1981	- -81	T.S.O. VI
27-81, 1981	- -81	T.S.O. VI
6-82, 1982	6-14-82	36.146
11-82, 1982	- -82	T.S.O. VI
16-82, 1982	9-28-82	150.03
17-82, 1982	- -82	T.S.O. VI
23-82, 1982	- -82	T.S.O. VI
2-83, 1983	2-28-83	40.52
9-83, 1983	8-28-83	72.11
11-83, 1983	- -83	T.S.O. VI
12-83, 1983	- -83	T.S.O. VI
2-84, 1984	- -84	T.S.O. VI
3-84, 1984	4-9-84	40.52
8-84, 1984	- -84	T.S.O. VI
9-84, 1984	- -84	T.S.O. VI
23-84, 1984	- -84	T.S.O. VI

29-84, 1984	- -84	T.S.O. VI
30-84, 1984	12-10-84	40.32
6-85, 1985	1-28-85	40.17
7-85, 1985	- -85	T.S.O. VI
20, 1985	1-1-85	10.15
21-85, 1985	6-24-85	52.02
22-85, 1985	6-24-85	52.99
25, 1985	1-1-85	10.15
28-85, 1985	9-23-85	150.01
34-85, 1985	- -85	T.S.O. VI

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35-85, 1985	- -85	T.S.O. VI
2-86, 1986	- -86	T.S.O. VI
3-86, 1986	- -86	T.S.O. VI
4-86, 1986	- -86	T.S.O. VI
8-86, 1986	5-28-86	40.48
12-86, 1986	- -86	T.S.O. VI
14-96, 1986	- -86	T.S.O. VI
16-86, 1986	10-13-86	52.25 ▪ 52.32
21-86, 1986	- -86	T.S.O. VI
1-87, 1987	- -87	T.S.O. VI
4-87, 1987	- -87	T.S.O. VI
7-87, 1987	2-23-87	130.09
8-87, 1987	- -87	T.S.O. VI
13-87, 1987	4-27-87	93.99
19-87, 1987	- -87	T.S.O. VI
20-87, 1987	7-13-87	93.30 ▪ 93.53, 93.99
21-87, 1987	- -87	T.S.O. IV
23-87, 1987	8-10-87	52.33
36-87, 1987	- -87	T.S.O. VI
1-88, 1988	- -88	T.S.O. VI
3-88, 1988	3-28-88	150.06
4-88, 1988	3-28-88	150.01
6-88, 1988	3-28-88	150.06
13-18, 1988	6-27-88	36.125 ▪ 36.130, 36.132, 36.133
17-88, 1988	- -88	T.S.O. VI
20-88, 1988	9-26-88	40.17
26-88, 1988	- -88	T.S.O. VI
2-90, 1989	- -89	T.S.O. VI
3-89, 1989	- -89	T.S.O. VI

5-89, 1989	2-27-89	36.065 ▪ 36.068
7-89, 1989	- -89	T.S.O. VI
14-89, 1989	5-8-89	52.02, 52.04
17-89, 1989	5-22-89	40.35
21-89, 1989	6-12-89	93.30, 93.33, 93.35, 93.38, 93.40, 93.48, 93.51
22-89, 1989	6-12-89	40.36
24-89, 1989	- -89	T.S.O. VI
26-89, 1989	8-18-89	38.30 ▪ 38.34
27-89, 1989	- -89	T.S.O. VI
28-89, 1989	- -89	T.S.O. VI
30-89, 1989	- -89	T.S.O. VI

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4-90, 1990	5-14-90	150.01
5-90,1990	5-14-90	150.03
10-90, 1990	- -90	T.S.O. VI
13-90, 1990	- -90	T.S.O. VI
18-90, 1990	10-22-90	36.175, 36.176, 36.178 - 36.180
1-91, 1991	- -91	T.S.O. VI
3-91, 1991	1-29-91	38.15 ▪ 38.18
8-91, 1991	2-25-91	40.32
17-91, 1991	6-6-91	40.48
18-91, 1991	7-8-91	131.06
21-91, 1991	- -91	T.S.O. VI
29-91, 1991	- -91	T.S.O. VI
31-91, 1991	11-25-91	40.17
32-91, 1991	- -91	T.S.O. VI
1-92, 1992	4-27-92	52.04
3-92, 1992	- -92	T.S.O. VI
7-92, 1992	- -92	T.S.O. VI
9-92, 1992	10-12-92	90.26
9-92, 1992	10-12-92	90.23
9-92, 1992	10-12-92	90.29
9-92, 1992	10-12-92	90.20 ▪ 90.34, 90.99
10-92, 1992	10-12-92	70.06, 72.04, 72.05, 72.09, 72.10, 72.11, 72.55, 72.57, 72.59, 72.60
2-93, 1993	1-25-93	36.066
3-93, 1993	2-22-93	131.05
5-93, 1993	3-22-93	40.17
8-93, 1993	- -93	T.S.O. VI
9-93, 1993	- -93	T.S.O. VI

10-93, 1993	- -93	T.S.O. VI
18-93, 1993	- -93	T.S.O. IV
1-94, 1994	- -94	T.S.O. VI
5-94, 1994	- -94	T.S.O. VI
6-94, 1994	- -94	T.S.O. VI
10-94, 1994	7-18-94	38.30 ■ 38.34
16-94, 1994	- -94	T.S.O. III
17-94, 1994	11-11-94	52.45 ■ 52.53
21-94, 1994	- -94	T.S.O. VI
22-94, 1994	- -94	T.S.O. VI
23-94, 1994	12-22-94	39.01 ■ 39.22
2-95, 1995	- -95	T.S.O. VI

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5-95, 1995	5-22-95	131.04
6-95, 1995	- -95	T.S.O. VI
7-95, 1995	6-12-95	36.195 ▪ 36.199
12-95, 1995	- -95	T.S.O. IV
13-95, 1995	- -95	T.S.O. VI
17-95, 1995	11-15-95	40.56
5-96, 1996	3-18-96	52.04
9-96, 1996	- -96	T.S.O. VI
13-96, 1996	6- 17-96	40.17
15-96, 1996	8-20-96	40.15, 40.16
24-96, 1996	- -96	T.S.O. VI
27-96, 1996	12-9-96	96.01 ▪ 96.12, 96.99
1-97, 1997	1-2-97	131.03
5-97, 1997	2-6-97	130.04
6-97, 1997	- -97	T.S.O. VI
8-97, 1997	5-8-97	36.160 ▪ 36.164
11-97, 1997	9-4-97	131.07
17-97, 1997	- -97	T.S.O. VI
1-98, 1998	1-12-98	52.01, 52.04
3-98, 1998	2-9-98	150.05, 150.06
4-98, 1998	- -98	T.S.O. VI
5-98, 1998	- -98	T.S.O. II
6-98, 1998	3-5-98	111.23
7-98, 1998	3-5-98	117.05, 117.99
10-98, 1998	4-2-98	38.01 ▪ 38.04
11-98, 1998	- -98	T.S.O. VI
	15-98, 1998	8-6-98 36.095, 36.096
16-98, 1698	8-6-98	93.01, 93.02, 93.99, 150.06
17-98, 1998	- -98	T.S.O. VI
18-98, 1998	9-3-98	40.52

	1, 1999	1-7-99 36.015 ■ 36.026
10, 1999	5-10-99	119.02 ■ 119.06, 119.99
14, 1999	6-14-99	150.05
15, 1999	6-14-99	36.015 ■ 36.18, 36.21, 36.23, 36.25
7, 2000	2-28-00	52.12
9, 2000	2-28-00	39.15
10, 2000	2-28-00	111.38, 111.39
11, 2000	2-8-00	40.16, 40.17
12, 2000	3-27-00	111.45
	18, 2000	7-17-00132.01, 132.99
23, 2000	9-11-00	T.S.O. VI

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29, 2000	10-9-00	119.01 ▪ 119.06, 119.99
34, 2000	12-11-00	115.09
35, 2000	12-11-00	38.30
3, 2001	2-8-01	T.S.O. VI
4, 2001	5-10-01	93.30 ▪ 93.53, 93.99
5, 2001	5-10-01	32.03
12, 2001	7-5-01	T.S.O. VI
13, 2001	7-5-01	38.17
16, 2001	10-11-01	50.01 ▪ 50.13, 50.99
18, 2001	10-17-01	T.S.O. VI
20, 2001	11-8-01	T.S.O. IV
21, 2001	11-8-01	T.S.O. IV
22, 2001	11-8-01	T.S.O. IV
23, 2001	12-20-01	130.09
24, 2001	12-20-01	150.05
1, 2002	1-10-02	40.17
3, 2002	1-10-02	T.S.O. IV
4, 2002	1-10-02	T.S.O. IV
5, 2002	2-7-02	40.37, 40.42
7, 2002	2-21-02	40.16
8, 2002	2-21-02	50.02
10, 2002	3-21-02	38.30
12, 2002	4-4-02	40.16
13, 2002	5-23-02	36.016 ▪ 36.018
	23, 2002	10-10-02 T.S.O. II
24, 2002	10-24-02	52.04
25, 2002	10-24-02	52.04
26, 2002	10-24-02	52.02
28, 2002	11-7-02	40.16

2, 2003	1-9-03	T.S.O. VIII
3, 2003	2-20-03	32.03
5, 2003	4-21-03	152.01
6, 2003	4-21-03	T.S.O. VI
10, 2003	6-16-03	40.38
11, 2003	6-16-03	T.S.O. VI
12, 2003	7-21-03	T.S.O. VI
13, 2003	8-18-03	T.S.O. VI
14, 2003	8-18-03	T.S.O. VIII
15, 2003	8-18-03	150.01
16, 2003	8-18-03	150.01
17, 2003	9-15-03	152.01

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19, 2003	9-15-03	150.05
22, 2003	10-20-03	115.09
24, 2003	11-06-03	150.05
1, 2004	1-15-04	52.04
2, 2004	1-15-04	93.54
3, 2004	2-16-04	151.01, 153.01
4, 2004	2-16-04	150.03
7, 2004	5-17-04	152.01
9, 2004	6-21-04	97.01
10, 2004	6-21-04	97.02 - 97.06
13, 2004	6-21-04	Adopting Ordinance
19, 2004	10-18-04	111.47
21, 2004	11-15-04	T.S.O. VIII
22, 2004	11-15-04	T.S.O. VIII
24, 2004	12-20-04	T.S.O. VI
25, 2004	12-20-04	T.S.O. VI
1, 2005	1-20-05	T.S.O. VII
2, 2005	1-20-05	T.S.O. VIII
3, 2005	8-22-05	152.01
4, 2005	2-3-05	32.03
5, 2005	4-25-05	T.S.O. VI
6, 2005	5-23-05	T.S.O. VI
7, 2005	6-27-05	53.01 - 53.09, 53.99
8, 2005	6-27-05	54.01 - 54.08, 54.99
9, 2005	6-27-05	55.01 - 54.06
12, 2005	6-27-05	52.04
13, 2005	6-27-05	52.04
17, 2005	8-22-05	T.S.O. VI
18, 2005	8-22-05	152.01

19, 2005	8-22-05	152.01
20, 2005	9-26-05	131.01, 131.99
23, 2005	11-28-05	151.01
24, 2005	11-28-05	40.36, 40.37
25, 2005	11-28-05	37.42
26, 2005	11-28-05	115.09
27, 2005	12-15-05	150.05
28, 2005	12-15-05	T.S.O. VI
29, 2005	12-15-05	T.S.O. VI
30, 2005	12-15-05	52.01 - 52.12, 52.25 - 52.33, 52.45 - 52.53, 52.99
1, 2006	1-28-06	54.08

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2, 2006	3-27-06	T.S.O. VI
	5, 2006	4-24-06 152.01
6, 2006	4-24-06	36.051
7, 2006	5-22-06	T.S.O. VI
8, 2006	5-22-06	T.S.O. VI
9, 2006	6-14-06	T.S.O. VII
11, 2006	6-26-06	152.01
14, 2006	7-24-06	111.40
15, 2006	7-24-06	152.01
16, 2006	7-24-06	152.01
17, 2006	7-24-06	98.01 - 98.08, 98.99
18, 2006	8-14-06	152.01
19, 2006	8-28-06	Adopting Ordinance
20, 2006	9-25-06	151.01
22, 2006	9-25-06	40.36
23, 2006	9-25-06	115.09
26, 2006	10-30-06	152.01
27, 2006	10-30-06	T.S.O. VIII
29, 2006	11-27-06	T.S.O. VI
30, 2006	11-27-06	36.195 - 36.198
32, 2006	12-14-06	T.S.O. VII
33, 2006	12-14-06	T.S.O. VI
1, 2007	1-22-07	111.37
5, 2007	3-26-07	152.01
7, 2007	4-23-07	52.60, 52.61
8, 2007	4-23-07	93.52
9, 2007	4-23-07	150.05

10, 2007	4-23-07	72.12 - 72.14, 72.25, 72.58, 72.99
11, 2007	4-23-07	T.S.O. VI
13, 2007	5-21-07	130.09
15, 2007	6-25-07	T.S.O. VI
19, 2007	6-25-07	38.30
20, 2007	6-25-07	52.62
22, 2007	6-25-07	115.20 - 115.23
24, 2007	8-27-07	52.02
25, 2007	8-27-07	52.04

Ord. No.	*Date Passed*	*Code Section*
26, 2007	8-27-07	151.01
27, 2007	8-27-07	152.01
29, 2007	8-27-07	Ch. 74, Sch. I
30, 2007	8-27-07	Ch. 75, Sch. I
35, 2007	9-24-07	T.S.O. VII
36, 2007	10-22-07	152.01
37, 2007	10-22-07	99.01
39, 2007	11-26-07	152.01
41, 2007	12-17-07	151.01
1, 2008	1-28-08	T.S.O. VIII
2, 2008	1-28-08	T.S.O. IV
3, 2008	1-28-08	71.50
4, 2008	1-28-08	71.52
5, 2008	1-28-08	71.53
8, 2008	4-28-08	112.01 - 112.07, 112.99
9, 2008	5-19-08	151.01
10, 2008	5-19-08	151.01
12, 2008	6-23-08	110.01 - 110.28
14, 2008	7-28-08	T.S.O. VIII
15, 2008	7-28-08	152.01
16, 2008	7-28-08	T.S.O. VI
17, 2008	8-25-08	36.017, 36.066, 36.067
18, 2008	8-25-08	150.01, 150.06
21, 2008	8-25-08	35.35
24, 2008	9-22-08	50.10
25, 2008	11-24-08	152.01
26, 2008	11-24-08	152.01
27, 2008	11-24-08	150.05
28, 2008	11-24-08	40.16

1, 2009	1-26-09	T.S.O. IV
2, 2009	1-26-09	152.01
3, 2009	3-23-09	32.03
7, 2009	6-22-09	50.01
	10, 2009	7-27-09 40.17
11, 2009	7-27-09	112.03 - 112.07
12, 2009	8-24-09	52.02, 52.04, 52.05, 52.08, 52.46, 52.48, 52.50 - 52.53, 52.99
14, 2009	8-24-09	T.S.O. VII
17, 2009	9-28-09	31.11
18, 2009	9-28-09	90.01, 90.07, 90.27
19, 2009	9-28-09	T.S.O. VI

Ord. No.	*Date Passed*	*Code Section*
20, 2009	9-28-09	40.32
21, 2009	11-23-09	100.01
22, 2009	11-23-09	T.S.O. VI
23, 2009	12-17-09	150.05
24, 2009	12-17-09	91.19, 91.20
26, 2009	12-22-09	52.04
1, 2010	1-25-10	40.01
2, 2010	1-25-10	91.21
3, 2010	1-25-10	152.01
6, 2010	6-28-10	37.01 - 37.07, 37.10 - 37.20, 37.30 - 37.42, 37.50 - 37.53
10, 2010	9-27-10	152.01
11, 2010	9-27-10	152.01
12, 2010	9-27-10	152.01
15, 2010	10-25-10	T.S.O. VI
16, 2010	11-22-10	150.01 - 150.06
17, 2010	12-16-10	152.01
18, 2010	12-16-10	93.01, 93.02
19, 2010	12-16-10	90.31, 90.99

2011 S-7

ORDINANCE NO. 13, 2004 SERIES

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE
FOR THE CITY OF FRANKFORT, KENTUCKY; ESTABLISHING THE SAME;
PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN;
AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE

Be It ordained by the City of Frankfort, Kentucky as follows:

Section 1. The ordinances of the City of Frankfort, Kentucky as compiled and published by American Legal Publishing Corporation are hereby adopted and enacted as the ■Code of Ordinances of the City of Frankfort, Kentucky,• which Code shall supersede all general and permanent ordinances of the city passed on or before September 1, 2004, to the extent provided in section 2 hereof.

Section 2. All provisions of the Code shall be in full force and effect from and after final reading and publication of this ordinance, and all ordinances of a general and permanent nature enacted on final passage on or before September 1, 2004, and not included in the Code, or recognized and continued in force by reference therein are hereby repealed from and after the effective date of the Code.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. The repeal of ordinances as provided in section 2 hereof shall not affect:

Any ordinance of a temporary nature, or any ordinance pertaining to subjects not enumerated and embraced in the Code of Ordinances;

Any offense or act committed or done, or any penalty of forfeiture incurred, or any contact or right established or accruing before the effective date of this ordinance;

Any ordinance, order, or resolution promising or guaranteeing the payment of money to or by

the City, authorizing the issuance of any bonds or notes of the City, or any other evidence of City indebtedness, or any contract or obligation assumed by the City;

Any right or franchise conferred by any ordinance, order or resolution;

Any ordinance levying or imposing taxes, assessments, or charges;

Any prosecution, suit or other proceeding pending, or any judgement rendered on or prior to the effective date of this ordinance;

Any administrative ordinances, orders or resolutions not in conflict or inconsistent with provisions of this code;

Any ordinances which may be adopted by the City after the effective date of this ordinance.

Section 5. Any and all additions and amendments to the Code, when passed in the form as to indicate the intention of the governing body to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code shall be understood and intended to include the additions and amendments.

Section 6. Any ordinances adopted after September 1, 2004, which amend or refer to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

First reading on the 17 day of May, 2004.
Final adoption on the 21 day of June, 2004.

/s/William I. May, Jr.
T/Mayor

Attest:
/s/ Shirley Brown
T/City Clerk

Summary: This ordinance adopts and enacts the ■Code of Ordinances of the City of Frankfort, Kentucky• as compiled and published by American Legal Publishing Corporation, which Code supersedes all general and permanent ordinances of the City passed on or before September 1, 2004.

/s/Robert C. Moore
T/City Solicitor

Published by summary 6/25/2004.

2006

ORDINANCE NO. 19, 2006 SERIES

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE
FOR THE CITY OF FRANKFORT, KENTUCKY; ESTABLISHING THE SAME;
PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN;
AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE

Be It ordained by the City of Frankfort, Kentucky as follows:

Section 1. The ordinances of the City of Frankfort, Kentucky as compiled and published by American Legal Publishing Corporation are hereby adopted and enacted as the ■Code of Ordinances of the City of Frankfort, Kentucky,• which Code shall supersede all general and permanent ordinances of the city passed on or before December 31, 2005, to the extent provided in section 2 hereof.

Section 2. All provisions of the Code shall be in full force and effect from and after final reading and publication of this ordinance, and all ordinances of a general and permanent nature enacted on final passage on or before December 31, 2005, and not included in the Code, or recognized and continued in force by reference therein are hereby repealed from and after the effective date of the Code.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. The repeal of ordinances as provided in section 2 hereof shall not affect:

a. Any ordinance of a temporary nature, or any ordinance pertaining to subjects not enumerated and embraced in the Code of Ordinances;

b. Any offense or act committed or done, or any penalty of forfeiture incurred, or any contract or right established or accruing before the effective date of this ordinance;

c. Any ordinance, order, or resolution promising or guaranteeing the payment of money

to or by the City, authorizing the issuance of any bonds or notes of the City, or any other evidence of City indebtedness, or any contract or obligation assumed by the City;

d. Any right or franchise conferred by any ordinance, order or resolution;

e. Any ordinance levying or imposing taxes, assessments, or charges;

f. Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the effective date of this ordinance;

g. Any administrative ordinances, orders or resolutions not in conflict or inconsistent with provisions of this code;

h. Any ordinances which may be adopted by the City after the effective date of this ordinance.

Section 5. Any and all additions and amendments to the Code, when passed in the form as to indicate the intention of the governing body to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code shall be understood and intended to include the additions and amendments.

Section 6. Any ordinances adopted after December 31, 2005, which amend or refer to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

First reading on the 14th day of August, 2006.
Final adoption on the 28th day of August, 2006.

/s/William I. May, Jr.
T/Mayor

Attest:
/s/ Ramona W. Newman
T/City Clerk

Summary: This ordinance adopts and enacts the ■Code of Ordinances of the City of Frankfort, Kentucky• as compiled and published by American Legal Publishing Corporation, which Code supersedes all general and permanent ordinances of the City passed on or before December 31, 2005.

/s/Robert C. Moore
T/City Solicitor

Published by summary September 3, 2006.

2007 S-3

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

11. CITY STANDARDS

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

10.01 Short titles
10.02 Definitions
10.03 Rules of construction
10.04 Computation of time
10.05 Majority may act for all; authorized agent
10.06 Writings and signatures
10.07 Severability
10.08 Construction of section references
10.09 Ordinances repealed
10.10 Ordinances unaffected
10.11 Ordinances saved
10.12 Amendments to code; amendatory language
10.13 Conflicting provisions
10.14 Reference to offices
10.15 Historical and statutory references

10.99 General penalty

• 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 Frankfort Code, for which designation ■codified ordinances• or ■code• may be substituted. Code, title, chapter and section headings 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 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. All proceedings in any court of the Commonwealth. (KRS 446.010(1))

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

AVIS. The automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boat and information on holders of motor vehicle operator•s licenses and personal identification cards. (KRS 446.010(44))

BOARD OF COMMISSIONERS. The city legislative body. (KRS 83A.010(5))

CITY, MUNICIPAL CORPORATION or *MUNICIPALITY.* When used in this code, the City of Frankfort, Kentucky, except as otherwise provided.

COMPANY. May extend and be applied to any corporation, company, person, partnership, joint stock company or association. (KRS 446.010(7))

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

COUNTY. Franklin County, Kentucky.

DIRECTORS. When applied to corporations, includes managers or trustees. (KRS 446.010(10))

DOMESTIC. When applied to a corporation, partnership, business trust, or limited liability,

means all those incorporated or formed by authority of the state. (KRS 446.010(11))

EXECUTIVE AUTHORITY. The Board of Commissioners.

FEDERAL. The United States. (KRS 446.010(13))

FOREIGN. When applied to a corporation, partnership, business trust, or limited liability includes all those incorporated or formed by authority of any other state. (KRS 446.010(14))

KEEPER or *PROPRIETOR.* All persons, whether acting by themselves or as a servant, agent or employee.

KRS. Kentucky Revised Statutes.

LAND or *REAL ESTATE.* Lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest. (KRS 446.010(18))

LEGISLATIVE BODY. The Board of Commissioners. (KRS 91A.010(8))

LEGISLATIVE BODY MEMBER. The Mayor and a Commissioner. (KRS 83A.010(8))

MAY. The act referred to is permissive. (KRS 446.010(20))

MONTH. Calendar month. (KRS 446.010(21))

MUNICIPALITY. The City of Frankfort, Kentucky.

OATH. Includes *AFFIRMATION* in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(22))

PARTNERSHIP. Includes both general and limited partnerships (KRS 446.010(24))

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(25))

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(27))

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.

SHALL. The act referred to is mandatory. (KRS 446.010(30))

SWORN. Includes *AFFIRMED* in all cases in which an affirmation may be substituted for an oath. (KRS 446.010(33))

SIDEWALK. The 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. 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*.

VIOLATE. Failure to comply with. (KRS 446.010(36))

YEAR. Calendar year. (KRS 446.010(38))

• 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 the Board of Commissioners. (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 the 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 Saturday or 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, the 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 the 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 the Board of Commissioners 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 the Board of Commissioners 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 the Board of Commissioners.
(KRS 446.090)

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• 10.08 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.

• 10.09 ORDINANCES REPEALED.

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

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

• 10.10 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.

• 10.11 ORDINANCES SAVED.

Whenever an ordinance, by its nature, either authorizes or enables the Board of Commissioners 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.

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• 10.12 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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 the Board of Commissioners shall adopt a new code of ordinances.

• 10.13 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.

• 10.14 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.

• 10.15 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, 1960, passed 5-13-60; Am. Ord. 15, 1970, passed 1-1-70; Am. Ord. 20, 1980, passed I-1-80; Am. Ord. 25, 1985, passed 1-1-85)

(B) If a KRS cite is included in the history, this indicates that the text of the section reads

word-for-word the same as the statute. Example: (KRS 83A.090) (Ord. 10, 1980, passed 1-17-80; Am. Ord. 20, 1985, passed 1-1-85). 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:

• 31.38 CITY MANAGER.

The executive authority of the city shall be vested in and exercised by the City Manager. (Ord. 10, 1980, passed 1-1-80)

Statutory reference:

Powers and duties of the City Manager, see KRS 83A.150

• 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.

2006

CHAPTER 11: CITY STANDARDS

Section

11.01 City seal
11.02 Official song
11.03 Official flag

• 11.01 CITY SEAL.

The seal for the city shall contain a replica of the Capitol Building.
(♣70 Code, • 1.04.010)

Statutory reference:

Adoption of a common seal, see KRS 84.010

• 11.02 OFFICIAL SONG.

(A) A certain song titled ■(My Home in Old) Frankfort, KY,• with words and music by Colonel Richard H. (Dick) Sturges, of Atlanta, Georgia, is hereby named, designated and adopted as the official song of the city, to be sung and played at appropriate times and places as the official song of the city.

(B) The song is in words as follows:

I've been dreaming today of Kentucky,
It's the grandest old state that I've known,
And I'm certainly happy and lucky,
That I always can call it my home.

In my dreams I can see, all the friends dear to me,
And I long to go back there and stay.
So each moment I yearn, for the day I'll return,
To my old southern home far away.

CHORUS:
Where the Blue Grass grows high
Round old Frankfort, K - Y,
Near the forks of the old Elkhorn.

I've been dreaming of when I can go back again,
To that old city where I was born.
Tell the gang that's around,
On the capitol ground,
That I'm coming home bye n' bye.
For I long to be there,
Down at Main and St. Clair,
At my home in old Frankfort, K - Y.

(•70 Code, • 1.08.010)

• 11.03 OFFICIAL FLAG.

(A) The official flag of the city shall be as described herein:

(1) A gold, silhouetted bust of Daniel Boone within a gold circle is in the upper, left-hand corner representing the past. In the upper right-hand corner is a gold, silhouetted bust of a boy scout within a gold circle to represent the future. (The first Boy Scout Troop in America was in the city.)

(2) Centered on the flag is a circle outlined with the Kentucky Blue Grass. Within the circle is ■Frankfort• printed in blue at the top and the name ■Kentucky• printed in blue at the bottom. Since the Confederacy was in the city for only a short time, a grey star is on the left side within the circle. To represent the Union, a blue star is on the right side within the circle. An inner, gold circle has the ■S• curve of the Kentucky River which divides replicas of the Old State Capitol Building, representing the past, and the New State Capitol Building, representing the present.

(3) Centered at the bottom of the flag is ■1786,• which is the date when the city was settled.

(B) The City Manager is hereby authorized and directed to have a flag made, conforming to the

above description, and cause the flag to be placed on the flag pole at the Municipal Building. (♣70 Code, ● 1.12.010)

2006

TITLE III: ADMINISTRATION

Chapter

30. FORM OF GOVERNMENT

31. CITY OFFICIALS

32. BOARD OF COMMISSIONERS

33. [RESERVED]

34. PUBLIC RECORDS

35. TAXATION

36. AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS

37. PERSONNEL; CITY EMPLOYEES

38. CITY POLICIES

39. CODE OF ETHICS

40. POLICE DEPARTMENT AND FIRE DEPARTMENT

CHAPTER 30: FORM OF GOVERNMENT

Section

30.01 Form of government
30.02 Governing officers

• 30.01 FORM OF GOVERNMENT.

The form of government provided for the city shall be known as the ■City Manager Plan.•
(KRS 83A.150(1))

• 30.02 GOVERNING OFFICERS.

(A) The legislative body shall be composed of the Mayor and four Commissioners, and shall be known as the Board of Commissioners. All legislative and executive authority of the city shall be vested in and exercised by the Board.

(B) The Board shall appoint the City Manager by a majority vote of all its members. The City Manager shall be the chief administrative officer and exercise those executive powers and duties delegated to him or her by ordinance and statute.
(KRS 83A.150(2), (3), (8), (9))

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

31.01 Oath; bond
31.02 Obligation of officers
31.03 Duty to surrender property

Elected Officials

31.20 Board of Commissioners
31.21 Mayor

Nonelected City Officials

31.35 Establishment of nonelected city offices
31.36 City Clerk
31.37 City Solicitor
31.38 City Manager
31.39 Fire Chief
31.40 Chief of Police

Cross-reference:

City Engineer, see • 36.081

City Solicitor, see • 36.040

• 31.01 OATH; BOND.

(A) *Oath.* Each officer of the city shall, before entering upon the discharge of duties of his or her office, take the oath of office as established by Section 228 of the Kentucky Constitution. (♣70 Code, • 2.57.010)

(B) *Bond.* All officers of the city who handle public funds in the execution of their duties shall give a good and sufficient bond to the city for the faithful and honest performance of their duties and as security for all money coming into the officer•s hands or under the officer•s control. The amount of the bond shall be established based on the amount of public funds the officer handles at any point in time during the fiscal year and may be satisfied by a blanket or umbrella bond covering all or a group of city officers and employees. The cost of the bond shall be paid by the city. (•70 Code, •• 3.53 and 3.54)

Statutory reference:

Bonding of officers, officials and employees who handle money, see KRS 65.067

• 31.02 OBLIGATION OF OFFICERS.

(A) Each officer, by accepting an office, undertakes to perform the duties as result from the nature of the office or from law or ordinance whether enacted before or after he or she becomes an officer. No officer shall become interested, while in office, in any contract with the city, the making or execution of which is connected with his or her official duty, and no member of the Board of Commissioners shall have any interest, direct or indirect, in any contract with the city, during his or her continuance in his or her office.

(B) Any violation of official duty or failure to perform it shall be sufficient cause for the removal of an officer and shall likewise be a breach of his or her official bond whether so expressed therein or not.

(•70 Code, • 2.54.010)

• 31.03 DUTY TO SURRENDER PROPERTY.

Each officer of the city, on the termination of his or her official employment, whether by lapse of time, removal or otherwise, shall immediately deliver to the City Manager, his or her successor or other officer as may be authorized to receive them, all moneys, maps, property and papers,

connected with his or her office or in his or her custody belonging to the city.
(*70 Code, • 2.54.020)

ELECTED OFFICIALS

• 31.20 BOARD OF COMMISSIONERS.

The Board of Commissioners shall be comprised of the Mayor and four City Commissioners.

• 31.21 MAYOR.

The duties of the Mayor shall be as prescribed in KRS 83A.150(3) and (9). The Mayor shall perform all other duties as may be prescribed by law or that may be required of him or her by ordinance or resolution of the Board of Commissioners.

Cross-reference:

Mayor salary rates, see • 37.33

NONELECTED OFFICIALS

• 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

(A) All nonelected city officers shall be appointed by the Board of Commissioners.

(B) All nonelected city officers may be removed by the Board of Commissioners at will in accordance with KRS 83A.040(9) and 83A.080(2). The Board of Commissioners shall give the removed officer a written statement of the reason(s) for removal, as required under KRS 83A.080.

(C) The following are nonelected city offices:

(1) City Clerk;

(2) City Solicitor;

(3) City Manager;

(4) City Treasurer;

(5) Fire Chief; and

(6) Chief of Police.

Statutory reference:

Nonelected city offices, see KRS 83A.080(1),(2)

• 31.36 CITY CLERK.

(A) The city hereby establishes the Office of the City Clerk.

(B) The Office of City Clerk may, by ordinance, be combined with any other nonelected city office by inclusion of the title and duties of the office.

(C) The duties and responsibilities of the Clerk shall include, but are not limited to the following:

(1) Maintenance and safekeeping of the permanent records of the city;

(2) Performance of the duties required of the ■official custodian• or ■custodian,• pursuant to KRS 61.870 through 61.882;

(3) Possession of the seal of the city; and

(4) Performance of all other duties and responsibilities required of the City Clerk by statute or ordinance.
(KRS 83A.085)

• 31.37 CITY SOLICITOR.

(A) There is hereby established the Office of City Solicitor.

(B) The Board of Commissioners shall appoint the City Solicitor who shall be the general law officer and legal counsel of the city. The Board may remove the City Solicitor at will. He or she shall be an attorney licensed to practice in the commonwealth. He or she shall be chosen solely on the basis of his or her legal qualifications, with special emphasis on actual experience in or knowledge of state municipal and administrative law. The City Solicitor may also engage in the private practice of law and may hold other public or private employment.

(C) The City Solicitor shall have and exercise all powers and duties assigned to him or her by statute, this section and other municipal responsibilities delegated from time to time. He or she shall attend all meetings of the Board of Commissioners, if so requested, shall advise the Board of

Commissioners, the City Manager and all other city officers and employees in all legal matters pertaining to their municipal duties or affecting the interests of the city, shall appear for and defend the city in all legal actions and administrative proceedings in which the city is a party or on behalf of the city wherever necessary for protection or enforcement of rights or interests of the city, shall prepare and examine ordinances, resolutions, orders and legal instruments as the Board of Commissioners may direct and generally shall attend to all legal business of the city.

(D) The City Solicitor shall receive compensation as an employee for all services, in accordance with the city•s pay plan. For extraordinary services, the City Solicitor shall be paid reasonable fees commensurate with the amount and value of time devoted thereto, based upon charges made by other attorneys for comparable legal services or may retain outside counsel to represent the city in the matter.

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• 31.38 CITY MANAGER.

(A) The Board of Commissioners shall select and employ the City Manager. He or she shall be selected solely on the basis of his or her executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. His or her compensation shall be fixed by the Board of Commissioners.

(B) The City Manager shall be removable at will by a majority of the Board of Commissioners.

(C) The City Manager shall perform the duties as prescribed in KRS 83A.150(7)(a) through (h).

(D) The City Manager shall be the executive agent of the Mayor and Board of Commissioners. He or she shall be responsible to the Board of Commissioners to perform the following duties:

(1) See that all laws and ordinances are enforced;

(2) Recommend to the Board of Commissioners for appointment all directors or heads of departments, and all subordinate employees of the city, but the Board shall be the appointing authority (he or she may, however, fill vacancies pending the appointment by the Board and may employ personnel for temporary positions);

(3) Attend all regular meetings of the Board of Commissioners, with the right to take part in their discussion (he or she shall be entitled to notice of all special meetings);

(4) Recommend to the Board of Commissioners for adoption the measures as he or she may deem necessary or expedient;

(5) Perform all other duties as may be prescribed by law or that may be required of him or her by ordinance or resolution of the Board of Commissioners.

(♣70 Code, • 2.15.010)

• 31.39 FIRE CHIEF.

For provisions concerning the Fire Chief, see Chapter 40.

• 31.40 CHIEF OF POLICE.

For provisions concerning the Chief of Police, see Chapter 40.

CHAPTER 32: BOARD OF COMMISSIONERS

Section

32.01 Powers and duties
32.02 Salary
32.03 Meetings

• 32.01 POWERS AND DUTIES.

The powers and duties of the Board of Commissioners shall be as prescribed in KRS 83A.150.

• 32.02 SALARY.

(A) Effective January 1, 1997, each of the four Commissioners of the city shall be paid an annual salary of $9,600, payable in equal biweekly installments.

(B) Effective July 1, 1995, the yearly cost of living increase applied to the compensation of city employees shall also be applied to the compensation of each Commissioner, subject to the limitation contained in KRS 83A.075.

(*70 Code, • 2.06.010) (Ord. 34-73, 1973, passed 12-20-73; Am. Ord. 27-74, 1974, passed 7-8-74)

Cross-reference

Mayor and commissioner salary rates, see • 37.33

• 32.03 MEETINGS.

(A) The Board of Commissioners shall hold work session meetings at the City Hall at 5:00 p.m. prevailing time on the second Monday of each calendar month and on the Thursday following the second Monday, and a voting meeting to be held at the City Hall at 5:00 p.m. prevailing time on the fourth Monday of each calendar month, provided that a majority of the Board of Commissioners in writing may reschedule any regularly scheduled meeting to avoid a holiday or to accommodate the attendance of the members of the Commission. This meeting schedule becomes effective April 1, 2009.

(B) Meetings may be cancelled only by a majority of the Board of Commissioners.
(Ord. 5, 2001, passed 5-10-01; Am. Ord. 3, 2003, passed 2-20-03; Am. Ord. 4, 2005, passed 2-3-05; Am. Ord. 4, 2005, passed 2-3-05; Am. Ord. 3, 2009, passed 3-23-09)

CHAPTER 33: [RESERVED]

CHAPTER 34: PUBLIC RECORDS

Section

34.01 Public records
34.02 Custodian
34.03 Office hours
34.04 Request for records inspection

• 34.01 PUBLIC RECORDS.

The Open Records Law, KRS 61.870 to 61.884, is hereby adopted as an ordinance of the City of Frankfort, Kentucky by reference.

• 34.02 CUSTODIAN.

The City Clerk is the official custodian of the city•s public records.
(KRS 83A.085)

• 34.03 OFFICE HOURS.

The regular office hours and work days of the city are from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

• 34.04 REQUEST FOR RECORDS INSPECTION.

Any person shall have the right to inspect public records provided that person submits a written request or completes a public records inspection application describing the records to be inspected. Applications may be delivered by hand, mail or facsimile to the appropriate city office. The mailing address for the city is P.O. Box 697, Frankfort, Kentucky 40602-0697.

[Text continues on page 25]

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CHAPTER 35: TAXATION

Section

35.01 County assessment adopted
35.02 Due date; payment
35.03 Delinquency
35.04 Ad valorem taxes on motor vehicles
35.05 Disposition of funds

Cross-reference:

Transient Room Tax, see • 36.133

• 35.01 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 Board of Commissioners.

(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.

• 35.02 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 Finance Director shall allow the discount and give a

receipt in full to the taxpayer.

• 35.03 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 of the second class.

• 35.04 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.

• 35.05 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 Board of Commissioners.

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CHAPTER 36: AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS

Section

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36.016 Creation and membership
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36.018 Organization of Board; meetings, staff and the like
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36.127 Vacancies
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36.129 Officers; contracted authority
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36.145 Director of Parks and Recreation
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36.197 Terms
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36.199 Dissolution of the Authority; distribution of assets

36.999 Penalty

Cross-reference:

Board of Ethics created, see • 39.16

Police Department and Fire Department, see Chapter 40

GENERAL PROVISIONS

• 36.001 ADMINISTRATIVE DEPARTMENTS.

For the efficient, orderly and economical administration of the business affairs of the city, the following administrative departments are hereby created:

(A) Department of General Government, which shall include:

(1) Mayor and Commissioners;

(2) City Manager;

(3) City Clerk; and

(4) City Solicitor.

(B) Department of Finance, which shall include Central Purchasing Division.

(C) Department of Public Works, which shall include:

(1) Street Department; and

(2) Refuse disposal.

(D) Department of Parks and Recreation;

(E) Department of Public Safety, which shall include:

(1) Police Department; and

(2) Fire Department.

(F) Department of Planning and Building Codes.

(•70 Code, • 2.03.010) (Ord. 11-64, 1964, passed 5-25-64; Am. Ord. 31-69, 1969, passed 7-29-69)

CODE ENFORCEMENT BOARD

• 36.015 DEFINITIONS.

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

CODE ENFORCEMENT BOARD or *THE BOARD.* An administrative body created and acting under the authority of KRS 65.8801 to 65.8839.

CODE ENFORCEMENT OFFICER. A city police officer, safety officer, citation officer, county police officer, sheriff, deputy sheriff, university police officer, airport police officer or other public law enforcement officer with the authority to issue a citation and employees of the City Planning and Building Codes Department designated as ■code officials,• pursuant to the Property Maintenance Code. These ■code officials• hold the following positions within the Planning and Building Codes Department: Director, Senior Staff Planner, Staff Planner, Electrical Inspector, Building Inspector, Code Enforcement Inspector and Codes Compliance Officer.

ORDINANCE. An official action of the city, 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 Board of Commissioners which embodies all or part of an ordinance.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99)

• 36.016 CREATION AND MEMBERSHIP.

There is hereby created, pursuant to KRS 65.8801 to KRS 65.8839 with the city, the Code Enforcement Board which shall be composed of five members, all of whom shall be residents of the city for at least one year prior to their appointment, shall reside there throughout their term in office and shall meet all qualifications and requirements imposed by law.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 13, 2002, passed 5-23-02)

• 36.017 APPOINTMENT OF MEMBERS; TERM, COMPENSATION AND THE LIKE.

(A) Members of the Code Enforcement Board shall be appointed by the Board of Commissioners.

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

(a) One member appointed for a term of one year;

(b) One member appointed for a term of two years;

(c) One member appointed for a term of three years; and

(d) Two alternate members for terms of two years each.

(2) The terms of the three regular members heretofore appointed to the Board shall not be affected by Ordinance 13, 2002 Series.

(3) One additional Board member shall be appointed for a term of two years and one additional Board member shall be appointed for a term of three years.

(4) The terms of alternate Board members appointed shall expire upon adoption of Ordinance 13, 2002 Series.

(5) All subsequent appointments shall be for a term of three years.

(C) (1) Any vacancy on the Board shall be filled by the Board of Commissioners within 60 days of the vacancy.

(2) If the vacancy is not filled within that time period, the remaining Code Enforcement Board members shall fill the vacancy.

(D) (1) A Code Enforcement Board member may be removed from office by the Board of Commissioners for misconduct, inefficiency or willful neglect of duty.

(2) The Board of Commissioners must submit a written statement to the member setting forth the reasons for removal.

(E) 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.

(F) Members of the Code Enforcement Board shall be compensated in the amount of $50 per meeting.

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(G) 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.

(H) (1) The appointed Code Enforcement Board member acting on behalf of the city shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as result of any act made in relation to conducting Code Enforcement Board activities. Any suit instituted against a Code Enforcement Board member brought about because of an act performed by that Code Enforcement Board member in the lawful accomplishment of duties and under the legal authority of the Code Enforcement Board shall be defended by the legal representative of the city until the final termination of the proceedings.

(2) The Code Enforcement Board member shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this subchapter and the Property Maintenance Code.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 13, 2002, passed 5-23-02; Am. Ord. 17, 2008, passed 8-25-08)

• 36.018 ORGANIZATION OF BOARD; MEETINGS, STAFF AND THE LIKE.

(A) (1) The Board shall annually elect the Chair from among its members. The Chair shall be the presiding officer and a full voting member of the Board.

(2) In the absence of the Chair, the remaining members of the Board shall select one of their number to preside in place of the Chair and exercise the powers of the Chair.

(B) The Code Enforcement Board shall hold a regularly scheduled meeting on the fourth Tuesday
of each month at 5:00 p.m. in the City Hall Chamber or another place as the Chair may designate. Meetings other than those regularly scheduled shall be special meetings held in accordance with the

requirements of the State Open Meetings Act.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.881(5) and the State 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. A quorum shall consist of three or more members.

(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.

(F) The city may provide clerical, administrative and legal staff as reasonably required by its Code Enforcement Board for the proper conduct of its duties.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99; Am. Ord. 13, 2002, passed 5-23-02)

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• 36.019 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. 1, 1999, passed 1-7-99)

• 36.020 JURISDICTION.

The Code Enforcement Board shall have jurisdiction to issue remedial orders and impose civil fines as a method of enforcing a city ordinance when a violation of the ordinance has been classified as a civil offense.
(Ord. 1, 1999, passed 1-7-99)

• 36.021 POWERS.

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 Chair shall have the authority to administer oaths to witnesses prior to their testimony before the Board on any matter);

(E) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board has jurisdiction to enforce and to enforce its remedial orders by imposition of a civil penalty in an amount not to exceed, per day of noncompliance with the term of the remedial order, the maximum civil penalty prescribed in the ordinance which has been violated;

(F) To impose civil fines, in its discretion, on any person found to have violated an ordinance that the Board has jurisdiction to enforce in amounts which the Board deems appropriate within the range authorized by the ordinance; and

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(G) The Code Enforcement Board shall not have the authority to enforce any ordinance as a civil offense if the same conduct that is regulated by the ordinance would also, under provisions of state statutes, constitute either a criminal offense or a moving motor vehicle offense.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99)

• 36.022 ENFORCEMENT PROCEEDINGS.

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

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

(B) Where a code enforcement officer has reasonable cause to believe, based upon personal observations or investigation, that a person has committed a violation of an ordinance, which the Code Enforcement Board has jurisdiction to enforce, the code enforcement officer shall issue a code citation to that person. However, if the code enforcement officer knows that it is that person's first violation of the ordinance at that address, the officer may, in lieu of immediately issuing a citation, issue a notice of violation allowing the offender a specified period of time to remedy the violation without code citation. If the person fails or refuses to remedy the violation within the specified time, the code enforcement officer shall issue a code citation.

(C) Nothing in this subchapter 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 code 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 code 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;

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(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 code citation;

(9) The procedure for the person to follow in order to pay the civil fine or to contest the code citation; and

(10) A statement that if the person fails to pay the civil fine set forth in the code citation or contest the code 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) The person to whom the code citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine, as provided herein, or requesting, in writing, a hearing before the Code Enforcement Board to contest the code citation. If the person pays the civil penalty or fails to respond to the code 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 and the Code Enforcement Board shall enter a final order determining that the violation was committed and shall impose the civil fine set forth in the code citation. A copy of the final order shall be served on the person guilty of the violation.
(Ord. 1, 1999, passed 1-7-99)

• 36.023 HEARINGS; NOTICE AND FINAL ORDER.

(A) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing.

(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 code citation and the determination that a violation was committed shall be final. The Code Enforcement Board shall enter a final order determining the violation was committed and shall impose the civil fine set forth in the code citation. A copy of the final order shall be served upon the person guilty of the violation.

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(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) At the hearing, 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 code citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the code citation and either imposing a fine up to the maximum authorized by the ordinance or requiring the offender to remedy a continuing violation within a specified time, or both.

(F) Every final order of a Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued and a copy of the order shall be served upon the person named in the code citation. If the person named in the citation is not present at the time a final order of the Code Enforcement Board is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that 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 order.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99)

• 36.024 APPEALS; FINAL JUDGMENT.

(A) An appeal from any final order of the Code Enforcement Board may be made to the 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 ■State Rules of Civil Procedure.• The appeal shall be limited to a review of the record created before the Code Enforcement Board.

(B) If no appeal from a final order of the Code Enforcement Board is filed within the time period

set in division (A) above, the Code Enforcement Board's order shall be deemed final for all purposes. (Ord. 1, 1999, passed 1-7-99)

• 36.025 PREPAYMENT OF CIVIL PENALTIES.

A person receiving his or her first citation for an applicable ordinance at a specific address may pay a civil penalty, if uncontested, without appearing before the Code Enforcement Board by paying 50% of the established penalty within seven days of the issuance of the code citation. Civil penalties for subsequent citations of that applicable ordinance for that specific address may be prepaid by paying 75%

of the civil penalty prescribed in the ordinance within the seven-day period. Section 36.022 addresses situations arising from persons not paying the civil penalty or persons not requesting a hearing, both within the seven-day period.
(Ord. 1, 1999, passed 1-7-99; Am. Ord. 15, 1999, passed 6-14-99)

• 36.026 LIENS, FINES AND THE LIKE.

(A) The city shall possess a lien on property owned by the person found by a final, non-appealable 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 the 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 by enforced by judicial proceedings.

(D) In addition to the remedy prescribed in division (A) above, 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. 1, 1999, passed 1-7-99)

DEPARTMENT OF FINANCE

• 36.050 POSITION OF DIRECTOR CREATED.

(A) There is hereby created the position of Director of the Department of Finance, who shall have general supervision and control over the affairs and work of the Department.

(B) He or she shall be responsible to the Board of Commissioners and the City Manager for the proper execution of all duties assigned by law to the Department and to all the positions in the Department.

(÷70 Code, • 2.21.010)

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• 36.051 SIGNING CHECKS.

The Director of Finance is hereby authorized to sign any and all checks or warrants as they become necessary. The Director of Finance may personally sign the checks or warrants or use an approved stamp authorizing payment. The approved stamp shall be maintained in a secure location.
(‡70 Code, • 2.21.020) (Ord. 6, 2006, passed 4-24-06)

DEPARTMENT OF PLANNING AND BUILDING CODES

• 36.065 PLANNING UNIT.

(A) The city and the county do hereby form a joint planning unit by combining their planning operations into a joint city-county planning program.

(B) The area of jurisdiction of the joint city-county planning operation shall include all of the city and the county.
(‡70 Code, • 2.48.010) (Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 5-89, 1989, passed 2-27-89)

• 36.066 CREATION; MEMBERSHIP.

(A) (1) The Joint Planning Commission is hereby created which shall be known as the ■Frankfort/Franklin Planning Commission.• The city and county shall have equal representation on the Commission, and at least two-thirds of the members shall be citizens who are not elected officials, appointed officials or public employees of the city or county. The Mayor and County Judge-Executive shall appoint the members with the approval of their respective legislative bodies.

(a) The Planning Commission shall consist of a total of 11 members.

(b) The city▲s representation shall total five members of which at least four shall be citizen members and one may be a non-citizen member.

(c) The county▲s representation shall total five members of which at least four shall be citizen members and one may be a non-citizen member.

(d) The Governor of the Commonwealth, under authority of KRS 100.133(2), shall appoint one person to the Commission who shall serve until replaced.

(e) The term of office shall be four years ending on July 1 of the designated year, and terms of those first appointed shall be staggered so that a proportionate number serve one, two, three

and four years respectively, with later appointments or reappointments continuing the staggered pattern and July 1 date.

(2) The term of office for any person appointed to the Commission and designated as an ex officio or non-citizen member by the responsible legislative body shall serve until the conclusion of their term in office or until replaced by the legislative body.

(3) Vacancies on the Planning Commission shall be filled within 60 days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
(♣70 Code, • 2.48.010)

(B) All members shall be reimbursed for any necessary expenses authorized by the Planning Commission, but only citizen members may be compensated for their meeting time. For official Commission meetings attended during any one month, each citizen member shall be compensated a sum
of $75 per month, with the total compensation for each member in any one year not to exceed $900 or $75 per month. (♣70 Code, • 2.48.030)

(C) The Commission shall have the right to receive, hold and spend funds which it may legally receive from any and every source, including applicant fees. As for the proration of city and county contributions, it is agreed that the County Fiscal Court will appropriate one-half and that the Board of Commissioners of the city shall appropriate one-half. Request for contributions must be submitted no later than February 1, and approved by the respective legislative bodies each fiscal year. (♣70 Code, • 2.48.040)

(D) (1) All other details for the Joint Planning Commission operation which are necessary for the establishment and administration of the commission, for the preparation of plans and for the assistance to help implement the plans shall be as described in KRS Chapter 100.

(2) The Planning Commission shall adopt by-laws not inconsistent with KRS Chapter 100, this agreement and ordinances and regulations approved by the Board of Commissioners and the Fiscal Court.

(•70 Code, • 2.48.050)

(E) The Planning Commission shall have legal advice and guidance through services of an attorney. Employment of legal counsel shall be detailed in a contract subject to the approval of the city and county legislative bodies. Should the Commission•s attorney disqualify himself or herself on any subject matter pending before the Commission, the Commission shall request counsel from either the City Solicitor or

County Attorney. The City Solicitor or County Attorney may act consistent with the request of the Planning Commission or recommend outside counsel. (•70 Code, • 2.48.055)
(Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 5-89, 1989, passed 2-27-89; Am. Ord. 2-93, passed 1-25-93; Am. Ord. 17, 2008, passed 8-25-08)

Statutory reference:

Similar provisions, see KRS 100.133

Vacancies, see KRS 100.147

• 36.067 BOARD OF ADJUSTMENT.

(A) The Joint Board of Adjustment is hereby created which shall be known as the ■City/County Board of Adjustment.• The Mayor and the County Judge-Executive shall appoint members with approval of their respective legislative bodies.

(1) The Board of Adjustment shall consist of a total of seven members.

(2) The city•s representation shall total three members who shall be citizens, freeholders, taxpayers and legal voters of the city.

(3) The county•s representation shall total three members who shall be citizens, freeholders, taxpayers and legal voters of the county.

(4) The Mayor of the city shall appoint one member, who shall be a citizen, freeholder, taxpayer and legal voter of the city. This member shall be chosen from a list of not less than three candidates provided by the Planning Commission and shall not be a member of the Planning Commission.

(5) The term of office of all members shall be four years, ending on July 1 of the designated year. Appointments or reappointments shall be in staggered pattern.
(•70 Code, • 2.48.060)

(B) All members shall be compensated for any authorized expenses and compensated for their meeting time. For each official meeting attended, each member shall be paid a sum of a sum of $50, with the total compensation in any one year not to exceed $600.
(♣70 Code, ● 2.48.070)

(C) All other details for the Board of Adjustment operation which are necessary for the establishment and administration of the Board shall be as described in KRS Chapter 100, and as may be amended in the future, and the planning and zoning ordinances and regulations not inconsistent herewith. (♣70 Code, ● 2.48.080) (Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 7-81, 1981, passed 2-9-81; Am. Ord. 5-89, 1989, passed 2-27-89; Am. Ord. 17, 2008, passed 8-25-08)

• 36.068 AMENDMENT.

This subchapter may be amended, from time to time, by the mutual consent of the Board of Commissioners and the Fiscal Court, with the amended subchapter filed in the County Clerk•s Office. (•70 Code, • 2.48.090) (Ord. 33-66(A), 1966, passed 10-10-66; Am. Ord. 5-89, 1989, passed 2-27-89)

• 36.069 DIRECTOR OF PLANNING AND BUILDING CODES.

(A) There is hereby created, in the Department of Planning and Building Codes, the position of Director. He or she shall, under the supervision of the City Manager, be authorized and empowered, and it shall be his or her duty to perform all acts and things authorized or required by general laws and ordinances of the city to be performed by the Director of Planning and Building Codes.

(B) He or she shall be responsible for the preparation of all studies, reports and other documents relating to the planning and zoning of land within the city.

(C) He or she shall advise the Planning and Zoning Commission and Board of Adjustments and Appeal. He or she shall attend all of their meetings and enforce their regulations.

(D) He or she shall be responsible for the enforcement of all zoning ordinances of the city.

(E) He or she shall be responsible for the supervision of all inspections, the collection of all fees and enforcement of the provisions of regulations adopted under the city housing, plumbing, building and electrical codes.

(F) He or she shall, monthly, turn all fees collected by the Department over to the City Treasurer, to be deposited in the general fund.

(G) He or she shall submit a monthly report of the activities of the Department of Planning and Building Codes to the Board of Commissioners of the city in the form as the Board may require. (•70 Code, • 2.48.100) (Ord. 14-64, 1964, passed 5-25-64)

DEPARTMENT OF PUBLIC WORKS

• 36.080 DIRECTOR.

(A) There is hereby created the position of Director of the Department of Public Works, who shall have general supervision of work in the Department and any other duties which may be assigned to him or her.

(B) He or she shall be responsible to the City Manager and the Board of Commissioners for the proper execution of all duties assigned to him or her and the Department.
(♣70 Code, • 2.51.010)

• 36.081 CITY ENGINEER.

(A) There is hereby created, in the Department of Public Works, the position of City Engineer.

(B) The City Engineer shall be Director of the Department of Public Works and, as such, shall have general supervision over the affairs and work of the Department.

(C) The City Engineer shall be authorized and empowered and it shall be his or her duty, to do and perform all acts and things authorized and required by general laws and/or ordinances of the city, and it shall be his or her duty to supervise and superintend the general condition of all streets and sidewalks and the laying out, construction, maintenance and repair of the same, and to report to the City Manager all encroachments, nuisances and obstructions thereon; to make plans, surveys and estimates and establish the grades as may be necessary from time to time for the construction of streets and sidewalks and for the development of the city; to inspect all work of a public character, involving engineering principals, and the materials used therein, to see that the same conforms to the contracts and specifications therefor, and he or she will report in writing to the City Manager his or her acceptance or rejection of the work; to provide for the orderly and efficient collection and disposal of refuse; and he or she shall perform other duties as may be required of him or her by the Board of Commissioners or by the ordinances.
(♣70 Code, • 2.51.020)

DISASTER AND EMERGENCY SERVICES AGENCY

• 36.095 AGENCY CREATED; DIRECTOR.

A local organization for emergency management in the city is hereby established which shall be known as the Disaster and Emergency Services Agency, which agency shall have all the duties and powers conferred upon the agencies by KRS 39A through 39F, and may operate jointly with any agency for the county. The Mayor is authorized to appoint the Director for the Disaster and Emergency Services Agency, who may be the same person appointed by the Judge of the County Court for the Agency for the county.

(♣70 Code, • 2.63.010) (Ord. 15-98, 1998, passed 8-6-98)

• 36.096 ACQUISITION OF SURPLUS PROPERTY.

(A) The Director representing the city disaster and emergency services on behalf of the Commission is hereby authorized to sign any documents required by the division of surplus property for the selection and receipt of surplus property from the federal government.

(B) A certified copy of this section shall be filed with the division of surplus property and the same shall remain in full force and effect until revoked by written notice.
(✣70 Code, • 2.63.020) (Ord. 15-98, 1998, passed 8-6-98)

TOURIST AND CONVENTION COMMISSION

• 36.125 CREATED; PURPOSE.

(A) There is hereby created the Joint City and County Tourist and Convention Commission.

(B) The Commission is established for the purpose of promoting convention and tourist activity in the city and county.
(✣70 Code, • 2.67.010) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.126 COMPOSITION; QUALIFICATIONS AND APPOINTMENTS.

The Commission shall be composed of seven members who shall serve without compensation, who shall be citizens and voters of the county and who shall be appointed by the Mayor of the city and the County Judge-Executive, jointly, as follows:

(A) Two Commissioners from a list of not less than four names submitted by the Local City Hotel and Motel Association;

(B) One Commissioner from a list of not less than two names submitted by the Local County Hotel and Motel Association;

(C) One Commissioner from a list of not less than two names submitted by the Local Restaurant Association or Associations;

(D) One Commissioner from a list of not less than two names submitted by the Frankfort-Franklin County Chamber of Commerce;

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(E) One Commissioner by the Mayor of the city; and

(F) One Commissioner by the County Judge-Executive.

(♣70 Code, • 2.67.020) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.127 VACANCIES.

Vacancies shall be filled in the manner that original appointments are made.

(♣70 Code, • 2.67.030) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.128 TERMS OF OFFICE.

The Commissioners shall be appointed for terms of three years, provided that, in making the initial appointments, the Mayor and County Judge-Executive shall appoint two Commissioners for a term of three years, two Commissioners for a term of two years, and three Commissioners for a term of one year.

(♣70 Code, • 2.67.040) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.129 OFFICERS; CONTRACTED AUTHORITY.

(A) (1) The Commission shall annually elect from its membership the Chairperson, the Secretary and the Treasurer, and may employ personnel and make contracts as are necessary to effectively carry out the purposes of KRS 91A.350, which is adopted as a part hereof by reference.

(2) The contracts may include, but shall not be limited to the procurement of promotional

services, advertising services and other services and materials relating to the promotion of tourist and convention business.

(B) Contracts of the type enumerated shall be made only with persons, organizations and firms with experience and qualifications for providing promotional services and materials such as advertising firms, Chamber of Commerce, publishers and printers.
(70 Code, • 2.67.050) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.130 MEETINGS; QUORUM.

(A) The Commission shall meet at least monthly in regular session and may hold other meetings as are necessary to transact its business.

(B) Special meetings may be called by the Chairperson or written call of any two Commissioners.

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(C) A majority of the membership of the Commission shall constitute a quorum for transacting business, but a majority vote, in person, of the entire membership of the Commission shall be required to take any official action or to approve any contract.
(♣70 Code, • 2.67.060) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.131 ANNUAL AUDIT OF BOOKS; REPORT.

The books of the Commission shall be audited annually by an independent auditor who shall make a report to the Commission, to the organization submitting names from which Commission members are selected, and to the Mayor and the County Judge-Executive.
(♣70 Code, • 2.67.070) (Ord. 17-70, 1970, passed 6-22-70)

• 36.132 ANNUAL REQUEST FOR FUNDS.

The Commission shall annually, prior to April 1, submit to the Board of Commissioners of the city and the County Fiscal Court, a request for funds for the operation of the Commission for the ensuing year.
(♣70 Code, • 2.67.080) (Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

• 36.133 TRANSIENT ROOM TAX.

(A) For the purpose of operation of the Tourist and Convention Commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a transient room tax of 3%. For the purpose of meeting the operating expenses of a convention center, in accordance with KRS 91A.390, an additional 1% is hereby imposed and levied. The proceeds from

the collection of an additional 1% of the transient room tax shall be paid by the city toward the operating expenses of the Civic Center. (•70 Code, • 2.67.090)

(B) (1) Every person, company, corporation or other like or similar persons, groups or organizations doing business as motor courts, motel courts, motels, hotels, inns or like or similar accommodations businesses in the city or county, depending upon the location of the business or businesses, shall pay quarterly into the city or county treasury, whichever is applicable, for periods ending September 30, December 31, March 31 and June 30 of each year, a transient room tax of 3% of the gross rent for every occupancy of a suite, room or rooms charged and collected by them during the quarterly periods.

(2) The tax shall be due and payable on or before the last day of the month next following the last day of each quarterly period, together with a return on a form furnished by or obtained from the

city♣s Finance Department or County Treasurer, as applicable, setting forth an aggregate amount of gross rentals charged and collected during the preceding quarter for every occupancy to which the transient room tax applies, together with other pertinent information as the city treasurer may require. (♣70 Code, • 2.67.100)

(C) Any tax imposed by this subchapter which shall remain unpaid after it becomes due, as set forth herein, shall have added to it a penalty of 10%, together with interest at the rate of ½ of 1% for each month of delinquency, or fraction thereof, until paid. (♣70 Code, • 2.67.110)

(D) The tax imposed by this chapter shall not apply to rentals paid on occupancies of 90 consecutive days or longer. (♣70 Code, • 2.67.120)

(E) Any person who shall knowingly file a false or fraudulent return required by division (B) of this section shall, upon conviction, be fined not more than $100 or imprisoned for not more then 30 days, or both such fine and imprisonment. (♣70 Code, • 2.67.130)

(F) The tax imposed by this subchapter shall be in addition to other general taxes and the occupational or business license tax. (♣70 Code, • 2.67.140)
(Ord. 17-70, 1970, passed 6-22-70; Am. Ord. 13-18, 1988, passed 6-27-88)

PARKS AND RECREATION

• 36.145 DIRECTOR OF PARKS AND RECREATION.

There is hereby created in the Department of Parks and Recreation the position of Director. He or she shall operate and supervise the public parks and playgrounds, athletic fields and recreation centers and other recreational facilities owned, controlled, leased or loaned to the city.
(♣70 Code, • 2.75.010)

• 36.146 BOARD; PURPOSE, MEETINGS AND THE LIKE.

(A) There is hereby created a board to be known as the Board of Park Commissioners. (♣70 Code, • 2.75.170)

(B) The purpose of the Board is to advise the Board of Commissioners on matters of policy and budget pertaining to the operation and conduct of the recreational facilities in the city. (♣70 Code, • 2.75.180)

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(C) The Board shall consist of seven members who shall each be citizens, residents, taxpayers and legal voters of the county and at least 18 years of age, one of which shall be an ex officio member, the Director of Parks and Recreation. The Board shall be appointed by the Mayor, subject to the approval of the Board of Commissioners. Term of membership shall be four years commencing on May 1, with the exception of the ex officio member. (♣70 Code, • 2.75.190)

(D) The Board shall, annually at its first meeting each year, elect the President to conduct the meetings and select an agenda. The agenda shall be prepared in advance of the meetings and dispersed to each member at least three days before the meeting. The Vice-President shall be elected annually to conduct the meetings in the absence of the President and to see that the minutes are properly recorded

and sent to the Board of Commissioners. The Secretary of the Parks and Recreation Department shall record the minutes and they will be approved at the end of the meeting. Meetings shall be held at least once every two months at the Board♣s discretion. (♣70 Code, • 2.75.200)
(Ord. 6-82, 1982, passed 6-14-82)

URBAN FORESTRY ADVISORY BOARD

• 36.160 DEFINITIONS.

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

PARK TREES. Trees in individual public parks and all areas owned by the city or to which the public has free access as a park.

PUBLIC TREES. Trees within the public street right-of-way or trees in individual public parks

and all areas owned by the city or to which the public has free access as a park.

STREET TREES. Trees within the public street right-of-way.
(•70 Code, • 2.78.010) (Ord. 8-97, 1997, passed 5-8-97)

• 36.161 CREATION AND ESTABLISHMENT.

(A) There is hereby created and established the Forestry Advisory Board to the city, which shall consist of seven voting members who shall be appointed by the Mayor, with the approval of the Board of Commissioners, and who shall reside within the city limits of the city. The following characteristics or attributes may serve as guidelines in making appointments to the Board.

(1) Members of the public interested in trees as a major component of the city•s environment (these might be members of civic organizations, garden clubs, electric and other utilities, educational groups, corporate groups and the like);

(2) Arborists, ornamental horticulturists, foresters, landscape architects and designers, or those with a technical background in a related field (if available, at least two members of the Board should have a professional background); and

(3) Representatives of the Department of Public Works, Planning and Zoning or other city officials may also serve as ex-officio members at the discretion of the appointing authority.

(B) Terms of office shall be three years and until their successors are appointed, except that the initial terms shall be staggered according to the direction of the appointing authority. The members shall serve without compensation, but all necessary expenses shall be paid by appropriate action of

the Board of Commissioners.

(C) The Board shall hold regular quarterly meetings, but may hold additional meetings as it deems necessary.

(D) The Board shall adopt rules of procedure for regular and special meetings. The Board shall annually elect from its voting members the Chairperson and Secretary. A majority of its voting members shall constitute a quorum for the transaction of business. Any member who fails to attend more than three regular meetings within a 12-month period may be replaced for the balance of his or her term by the appointing authority.

(E) The Secretary of the Board shall keep a record of all proceedings, resolutions, findings, determinations and transactions of the Board, which records shall be maintained as a public record.

(F) Vacancies on the Board shall be filled by appointment by the Mayor, subject to approval of the Board of Commissioners.

(G) (1) The duties of the Forestry Advisory Board shall be to assist and advise the Board of Commissioners as follows:

(a) Study problems involving the city•s urban forest, determine needs and compose, within one year of the adoption of this subchapter, an urban forest management plan, update the plan annually thereafter, and seek ways to implement needed work;

(b) Develop standards and plans concerning tree planting designs, tree selection, planting, maintenance and removal such as to foster the city•s tree population and diversity, protect persons and property against injury, provide for safe and efficient passage of persons, vehicles and utilities through recognized rights-of-way and in public parks;

(c) Advise and consult the city's Public Works Director and the Parks and Recreation Director as relates to trees;

(d) Provide educational opportunities for citizens and assist the community and its officials in disseminating information about protection, maintenance and improvement of the city's tree population;

(e) Plan and coordinate an annual celebration of Arbor Day, in cooperation with local civic organizations, schools and other interested parties;

(f) Propose legislation as may be needed and practicable to pursue any ends for which the Forestry Advisory Board was created; and

(g) Promote the planting and replacement of trees in the city.

(2) For divisions (G)(1)(d) through (g) above, any budget requirements shall be submitted as a request through the city's annual budget process.

(H) The Forestry Advisory Board may undertake and participate in cooperative projects, to include but not be limited to the following:

(1) Develop and recommend tree-planting projects in conjunction with other public and/or private agencies;

(2) Education of the public concerning tree maintenance;

(3) Provide information to developers, builders, contractors and the like, in the selection and protection of naturally-occurring trees, during the development of wooded areas, not to conflict with the landscape ordinance requirements;

(4) Provide advice on securing professional and/or technical services and consultations to

the Board of Commissioners; and

(5) Recommend programs to further find ways to recycle leaves, chips, logs and other by-products of tree maintenance.

(I) The Forestry Advisory Board shall compose annually, and present to the Board of Commissioners, a report on work and activities carried out under the provisions of this subchapter. (✣70 Code, • 2.78.020) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see • 36.999

• 36.162 COMPREHENSIVE PLAN.

(A) The Forestry Advisory Board shall prepare for adoption by the Board of Commissioners an urban forest management plan. The city shall thereafter use its best efforts to ensure that activities related to the urban forest are guided by the plan.

(B) The plan shall be updated annually and incorporate the following elements:

(1) A clear, concise and comprehensive statement of policies and objectives for urban forestry management in the city;

(2) An inventory and inspection program to identify planting site opportunities and maintenance requirements of existing trees and other information necessary or usable in the long-range planning or day-to-day planting and maintenance of the city•s urban forest;

(3) A map delineating the city into urban forestry management areas and outlining sites with potential planting opportunities, together with a program, schedule and suggested budget for implementing the planting plan design phase; and

(4) A set of standards for the city, and the public for tree selection, planting, maintenance and removal as deemed necessary to carry out the purposes of this subchapter and the urban forest management plan.

(•70 Code, • 2.78.030) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see • 36.999

• 36.163 TREE CARE PRACTICES.

(A) Any person, firm or corporation hired by the city to prune, trim or remove trees on city property shall comply with city tree pruning standards which shall be established by the Forestry Advisory Board. The practice of tree topping is prohibited on all public trees and is strongly discouraged as a practice for private trees. Proper pruning with branch removal at branch or trunk

junctures is the best practice for limb removal.

(B) Trees severely damaged by storms, disease or other causes or trees under or near utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Public Works Director.

(♣70 Code, • 2.78.040) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see • 36.999

• 36.164 STREET TREE PLANTING.

Citizens may plant trees on the city rights-of-way in accordance with the city♣s zoning regulations.

(♣70 Code, • 2.78.050) (Ord. 8-97, 1997, passed 5-8-97) Penalty, see • 36.999

SEWER DEPARTMENT

• 36.175 DEPARTMENT FUNCTIONS.

All functions of the Municipal Sewer Board shall now be vested in the city and any references thereto contained in any ordinance, order, resolution, regulation or procedure shall be deleted and/or amended to read ■City of Frankfort.• Existing ordinances referencing the operation of the system shall continue in effect until specifically repealed.
(*70 Code, • 2.81.010) (Ord. 18-90, 1990, passed 10-22-90)

• 36.176 SEWER DEPARTMENT CREATED.

There is hereby created the Sewer Department, which is responsible for the improvement, control, operation and management of the municipal sewer system of the city.
(*70 Code, • 2.81.020) (Ord. 18-90, 1990, passed 10-22-90)

• 36.177 DIRECTOR OF THE SEWER DEPARTMENT.

(A) There is hereby created the position of Director of the Sewer Department, who shall have general supervision of the work in the Department and any other duties which may be assigned to him or her.

(B) He or she shall administer rules and regulations for management and operation of the system as approved by the Board of Commissioners.

(C) He or she shall be responsible to the City Manager and the Board of Commissioners for the proper execution of all duties assigned to him or her and the Department.

• 36.178 APPLICABILITY.

(A) (1) All employees of the Sewer Department are employees of the city and shall be subject to all ordinances, regulations, policies and procedures applicable to other city personnel.

(2) The employees shall continue at the same salary as received prior to the abolishment of the Municipal Sewer Board, subject to further action of the Board of Commissioners to bring the employees in line with other city employees. Employees performing sewer system duties shall be paid from sewer revenue funds.

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(B) Benefits for former Sewer Department personnel shall be in accordance with benefit/policy report recommendations dated October 2, 1990, until further action of the Board of Commissioners. (♣70 Code, • 2.81.070) (Ord. 18-90, 1990, passed 10-22-90)

• 36.179 FUNDS.

(A) Pending further action on the subject by the Board of Commissioners, funds of the Sewer Department shall be maintained separately from the general fund of the city subject to the control of the Director of Finance and in compliance with sewer revenue bond covenants. (♣70 Code, • 2.81.080)

(B) All income and revenue derived from the municipal sewer system, including, but not limited to that billed and collected by the Electric and Water Plant Board of the city, shall be accounted for and paid over to the Sewer Department of the city, deposited by it in the bank in the city, which is a member of the Federal Deposit Insurance Corporation, as may be designated by the Department, to the credit of the Department in an account designated as the ■Sewer Revenue Fund• and thereafter deposited. (♣70 Code, • 2.81.090)
(Ord. 18-90, 1990, passed 10-22-90)

• 36.180 COMPLIANCE WITH BOND CONTRACTS.

The Department shall perform any and all covenants and agreements contained in any contract or obligation between the city and the holder of any municipal sewer revenue bonds now existing or hereafter created by the city.
(♣70 Code, • 2.81.100) (Ord. 18-90, 1990, passed 10-22-90)

• 36.195 TITLE.

(A) The Authority shall be named the Capital Community Economic/Industrial Development Authority, hereinafter referred to as ■the Authority.•

(B) *AUTHORITY* shall have the same meaning as set forth in KRS 154.50 through 154.310. (✣70 Code, • 2.99.010) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

• 36.196 MEMBERS.

The Authority shall consist of six members, with the Mayor to appoint three members and three members to be appointed by the County Judge-Executive.
(•70 Code, • 2.99.020) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

• 36.197 TERMS.

(A) The initial term of the Authority members shall be staggered so that one county and one city member are appointed for two years; one county and one city member are appointed for three years; and one county and one city member are appointed for a four year term. The county and city member appointed for the initial four year term and thereafter, as long as this subchapter remains in effect, shall be appointed from a list of six nominations made by the private contributors. Upon the expiration of these staggered terms, the members shall serve for a term of four years, or until his or her successor is appointed and qualified.

(B) The Mayor and County Judge-Executive shall be ex officio, non-voting members of the Authority for coordination between governments.

(1) An Authority member may be replaced by the appointing executive upon a showing by the appointed executive of misconduct of the Authority member or upon conviction of a felony.

(2) The County Judge-Executive and Mayor shall appoint the members and designate the initial term to be served by each on the authority, subject to the foregoing provisions.

(3) (a) The members of the Authority shall elect officers, hold meetings and establish rules and regulations as they deem necessary and proper to carry out the authority•s functions under KRS 154.50-301 through KRS 154.50-346.

(b) The Authority shall adopt by-laws covering such matters as election of officers; hiring of staff; establish the place and time of regular meetings, and the procedure, including notice to the members to be followed for special meetings including compliance with KRS 61.805 through 61.850; and adopting standards of conduct by the Authority members and staff; and setting the operating procedure for handling business inquiries. The by-laws may be adopted or amended at any regular meeting or special meeting by the appropriate vote of two-thirds of the voting members of the authority.

(c) Otherwise, two-thirds of the membership of the authority at a regular or duly noticed special meeting shall be a quorum for the purpose of conducting business.

(4) Should any Authority member become a candidate for public office, his or her position on the authority shall forthwith be deemed vacant.

(5) The Authority through its Chairperson, who shall be elected by the authority members, shall act in a supervisory capacity to the Authority Director.

(6) The role of the Authority shall be to:

(a) Develop and periodically update a strategic plan for economic development;

(b) Establish goals and objectives based upon community and professional input;

(c) Set policy for operations;

(d) Rent office space;

(e) Determine the type and frequency of the staff liaison to be mounted between meetings to keep the authority members informed of the progress;

(f) Assemble advisory committees; and

(g) Periodically report progress to the appointing authorities.

(7) The Authority Director shall implement the plan and program. He or she shall have the latitude to additionally provide staff support for the County Development Corporation and the Industrial Foundation.

(8) Expenses of the Authority shall be paid by the Authority including cost of office space, equipment, salaries, benefits, health insurance, worker•s compensation, industrial surveys, report preparation, audits and the like.
(•70 Code, • 2.99.030) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

• 36.198 PURPOSE, DUTIES AND POWERS; FUNDS.

(A) The Authority shall have the purpose, duties and powers provided in KRS 154.50-301 through KRS 154.50-346.

(B) The Authority shall not incur indebtedness in excess of its approved operating budget without the prior approval of the Board of Commissioners and the County Fiscal Court.

(1) There is hereby created a fund to be known as the Industrial Fund, which shall be used for the purposes of financing and exercising the powers provided for in this subchapter. The Fund shall consist of sums of money as may be hereafter appropriated by the city, the county or other government sources and private contributors; and all of rentals, interest, income, dividends, earnings and monies
available from the sale, lease, conveyance or other disposition of any property acquired pursuant to the

powers exercised by the authority under the terms of this subchapter; and other sums as may be provided by ordinance or state statutes or the laws of the country.

(2) The share of the appropriated/contributed funds for the Authority's operating budget shall not exceed $60,000 each per year for the first five years by the Fiscal Court and Board of Commissioners and shall not be less than $40,000 per year from the private sector. Private sector contributions shall be nonrefundable. If private sector contributions are less than $40,000 for any fiscal year period, the Board of Commissioners and the County Fiscal Court may elect to withhold public funding for the following fiscal year. Appropriation for any partial year will be appropriated.

(3) The Authority shall function on a fiscal year basis of July 1 to June 30. However, the first year of operation shall be considered to start upon receipt of the contributed funds and shall continue through the next following June 30.

(4) The Authority shall cause all accounts, records and books concerning the management, operation and disbursement of the Fund and of properties acquired thereby to be accounted for in the manner provided for by KRS 154.50-336. In addition thereto, the appointing authorities shall require an annual audit, the expense of which shall be borne by the authority.

(5) The Authority shall prepare an operating budget for each fiscal year, and shall submit the budget to the Board of Commissioners and County Fiscal Court for approval not less than three months prior to the commencement of the fiscal year.

(6) The Authority shall work affirmatively with the Planning Commission and the city and County Planning Department and shall rely on what the agencies provide in such areas as:

(a) The comprehensive plan;

(b) Zoning designed to identify potential industrial and commercial sites and protect them against types of development that would lessen their attractiveness or their compatibility with surrounding uses; and

(c) Provision of adequate governmental facilities to serve industrial sites.

(7) Unless and until superseded by a more comprehensive occupation tax sharing agreement between the city and county, all occupational taxes received by the city from the Parkside Development after June 30, 2006, and all other occupational taxes received by the city and/or county from new businesses and new industries obtaining business licenses after September 30, 2006, shall be deemed to be generated by the authority's recruitment effort, regardless of where located, shall be shared by the city and county on a 50-50 basis. Such tax sharing, however, shall apply only to new businesses and new industries. Expansions by existing businesses/industries shall not apply. Likewise, governmental expansions or shifts of state governmental office locations between the city and county shall not come under the tax sharing requirement. However, in the event that governmental office locations change due

to annexation by the city or are in a location de-annexed by the city in favor of the county, the city and county shall share the occupational taxes generated from the effected state governmental office on a 50-50 basis. For purposes of this section, ■new businesses and new industries• shall be defined as those which, after September 30, 2006:

(a) Are created in the city or county;

(b) Obtain or are required to obtain a business license in the respective jurisdiction because of a move by the business or industry into either the city or county from another jurisdiction; or

(c) Because the location of the business or industry changed jurisdictions due to an annexation, de-annexation or expansion by the city or county.

(8) The Authority shall keep minutes of the meetings including the number of inquiries received and the actions taken. Details of the inquiries together with executive session minutes shall be subject to the confidentiality requirements specified by the clients or prospects, not inconsistent with the State Open Meetings and Open Records laws and copies of minutes and the monthly report of receipts and disbursements shall be furnished to the city and county by the tenth day following the month reported upon.
(*70 Code, • 2.99.040) (Ord. 7-95, 1995, passed 6-12-95; Am. Ord. 30, 2006, passed 11-27-06)

• 36.199 DISSOLUTION OF THE AUTHORITY; DISTRIBUTION OF ASSETS.

(A) By appropriate resolution, the Board of Commissioners or the County Fiscal Court may request forthwith dissolution of the Authority, whereupon all funds, property and other assets held by the Authority shall be divided between the city and the county in the same proportions as the cumulative aggregate contributions of each to the authority, including interest paid on any indebtedness of the Authority.

(B) No dissolution shall be made until all legal obligations of the Authority shall be satisfied and all existing commitments fulfilled.

(♣70 Code, • 2.99.050) (Ord. 7-95, 1995, passed 6-12-95)

• 36.999 PENALTY.

Any person who deliberately, recklessly or wantonly mutilates or destroys any tree on public property or violates • 36.163(A) shall be guilty of a misdemeanor, and shall, upon conviction or a plea of guilty, be fined not less than $10 nor more than $500.

(♣70 Code 2.78.060) (Ord. 8-97, 1997, passed 5-8-97)

CHAPTER 37: PERSONNEL; CITY EMPLOYEES

Section

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GENERAL PROVISIONS

• 37.01 SCOPE.

(A) The purpose of this chapter is to provide a framework of personnel administration that enhances the city's ability to recruit, retain and motivate an efficient and effective workforce, as well as to assure that a high level of service is provided to the city's citizens and visitors. The ordinances and policies governing the city's personnel administration should be based upon sound and accepted human resources principles that recognize the performance and loyalty of the workforce, and that assure decisions are made that comply with all applicable federal and state laws and rules, including equal opportunity for all applicants and employees.

(B) The annual appropriation/budget ordinance, or any amendment or supplemental appropriation ordinance, approved by the Board of Commissioners will set the maximum number of full-time employees for City Government.

(C) Pursuant to KRS 83A.150, •• 30.02 and 31.38 the Board of Commissioners authorizes the City Manager to administer the sections of this chapter, as well as to adopt policies and procedures that clarify any section of the chapter.

(D) The term of employment of each and all, employees of the city shall be at the pleasure of the Board of Commissioners and no employee provided for in this chapter shall be deemed an officer of the city, except as set forth in • 37.02.
(Ord. 6, 2010, passed 6-28-10)

• 37.02 DEFINITIONS.

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

ACTIVE SERVICE. Being present for the performance of the duties to which an officer or employee of the city has been assigned.

ALLOCATION. The official determination of the class to which a position in the city service belongs.

APPOINTING AUTHORITY. The City Manager, with the confirmation of the Board of Commissioners or such other officer, board, agency, or commission having the power to make appointments to positions in the city service as established by ordinance or statute.

APPOINTMENT. The designation of a person by due authority, to become an officer or employee in a position, and his induction into employment in that position.

CALENDAR MONTH. From the first day to and including the last day, of any one of the 12 calendar months.

CALENDAR WEEK. Seven consecutive calendar days.

CLASS. A position, or group of positions, having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by the same descriptive title and to which the same scale of compensation can be made to apply with equity.

CLASSIFICATION PLAN. The collection of job classifications utilized to denote all full-time positions.

CONTINUOUS SERVICE. Service shall be considered continuous for an employee except where interrupted for more than 60 days, by resignation, retirement, or discharge for cause. Absence while on approved family medical leave (FMLA), or paid or unpaid Military Leave, shall not be considered as an interruption of service. Resignation in order to immediately accept another position in the city service shall not be considered as an interruption of service.

DEMOTION. A change from a position in one class to a position in a different class having a lower pay grade. A demotion may be involuntary, and based upon job performance, employee conduct, and/or disciplinary action. A demotion may be voluntary, and of mutual benefit to the employee and the city.

DEPARTMENT HEAD. The employee designated by the City Manager to manage and supervise one of the following departments: Finance, Information Technology, Planning and Building Codes, Parks and Recreation, Public Works, Police, Fire and EMS and Sewer.

EMPLOYEE. A person appointed to a position in city government, and who is compensated on a full-time, part-time or seasonal basis.

FULL-TIME EMPLOYMENT. Active service in a position of employment, which is scheduled for work at least 37.5 hours per week, or 40 hours per week, or for fire fighters working on a platoon schedule (24 hours on, followed by 48 hours off).

INITIAL PROBATIONARY PERIOD. The 12-month period following appointment. The Department Head, with the written approval of the City Manager may extend the probationary period an additional six months.

OFFICERS. The Mayor, members of the Board of Commissioners, the City Manager, the City Clerk, the City Solicitor, the Chief of Police and the Chief of the Fire Department.

ORIGINAL APPOINTMENT. Initial appointment of a person to a position in the city service, or appointment after service has been interrupted by resignation, retirement or discharge.

PAID STATUS. Includes time when compensation is received for work performed for employment, and when on authorized leave with pay.

PART-TIME EMPLOYMENT. Active service in a position of employment, which is to be performed less than on a full-time basis. Part-time employment shall not exceed 99 hours worked in any calendar month.

PAY PLAN. The city ordinances that determine the classes of positions in the city service and salary schedule for those positions.

PAY RANGE. The minimum and maximum pay rates, together with the intermediate rates, if any, established for a class. The term pay grade means the same.

PLATOON SCHEDULE. A work schedule whereby the employee is scheduled to work 24 hours, followed by 48 hours off the work schedule.

POSITION. Any specific office, employment or job calling for the performance of certain duties, either full time or part time and for the exercise of certain responsibilities by an individual. A position may be either occupied or vacant.

PROMOTION. A change from a position in one pay grade to a different position having a higher maximum rate of pay.

PROMOTIONAL PROBATIONARY PERIOD. The six-month period following promotion. The Department Head, with the written approval of the City Manager may extend the probationary period an additional six months.

PROVISIONAL APPOINTMENT. Appointment of an individual without confirmation by the Board of Commissioners, not to exceed 180 days.

RECLASSIFICATION. A change to a position by assigning the position to a different job classification due to a change in the duties and responsibilities of the position, or to correct an error in the original classification.

REEMPLOYMENT. Return to duty of a person laid off on account of lack of work or lack of funds.

REGULAR STATUS. The status of an employee who has been appointed to a position and successfully completed the initial probationary period.

RESIGNATION. The voluntary termination of employment of an employee.

SALARY SCHEDULE. A chart of salary grades and the minimum, midpoint and maximum salaries payable to employees in a job class assigned to a particular pay grade.

SEASONAL EMPLOYMENT. Active service in a position or employment, which is to be performed on a temporary or seasonal basis. Seasonal employment can be either full-time or part-time, but shall not exceed nine months in any fiscal year. An employee hired in a seasonal position must take a minimum three calendar month break between seasonal appointments.

TRANSFER. The movement of an employee from a position in one department to another position in the same or different department, with the job classification having the same pay grade.

WORK WEEK. In accordance with the Fair Labor Standards Act (FLSA) for payroll and, overtime calculation purposes the work for the city begins on Tuesday and runs through the following Monday.

(Ord. 6, 2010, passed 6-28-10)

• 37.03 DUTIES OF DEPARTMENT HEADS AND EMPLOYEES.

(A) Any employee designated as the head of the department shall perform the duties of any position in the department when the position created is vacant, as allowed or limited by applicable statutes or regulations or as specified in this section.

(B) The department head, in consultation with the HR Director, subject to the approval of the City Manager, shall be authorized to set and modify the duties and responsibilities assigned to each position in the department. When an employee or group of employees is absent from work, or positions are vacant, the department head may realign duties and responsibilities to assure the work priorities of the department are performed.

(C) The department heads, subject to the written approval of the City Manager, shall be authorized to set and modify the work schedules for employees in his or her department. In addition to modifying

the days, worked and assigned shifts, the recommendation may include flexible schedules and/or modified work weeks (e.g. four-day work week). Any schedule change from the standard city schedule should improve or maintain the level of service provided to the public, and the schedule should not be modified only for the convenience of the employee.
(Ord. 6, 2010, passed 6-28-10)

• 37.04 CONTRACTS FOR SERVICES.

Any of the duties imposed on any city department by this title may be performed by contract entered into between the city and the person or organization performing the duties. All contracts shall be approved by the Board of Commissioners and shall be paid out of the appropriation made for the operation of the department involved by the annual appropriation ordinance, or any emergency appropriation ordinance.
(Ord. 6, 2010, passed 6-28-10)

• 37.05 WAGE GARNISHMENTS OR ATTACHMENTS.

The filing of two garnishments or attachments of wages, in connection with two separate debts, of or by or with respect to any city employee may be sufficient cause for disciplinary action, up to and including dismissal, of any city employee who has been a party to any of the aforementioned proceedings. Any action taken regarding this section will be in compliance with related federal and state laws and regulations.
(Ord. 6, 2010, passed 6-28-10)

• 37.06 TRAVEL EXPENSES OF ELECTED OFFICIALS.

The city shall not pay the travel expenses of the Mayor or a Commissioner attending the National League of Cities Conferences, State Municipal League Conferences or other conventions or

meetings following the date of the general election at which the officials have not been re-elected. (Ord. 6, 2010, passed 6-28-10)

• 37.07 APPOINTMENTS/PROMOTIONS.

(A) The city shall make every effort to assure that the most qualified, most suitable candidate is selected to fill city job vacancies.

(B) The City Manager is authorized to establish policies and procedures regarding the posting of job vacancies and the filling of vacancies, including any provisions related to fluid positions.

(C) The City Manager may make a provisional appointment to a full-time position. If the appointment is not confirmed by the Board of Commissioners within 180 days the employee shall be terminated.
(Ord. 6, 2010, passed 6-28-10)

INSURANCE AND BENEFITS

• 37.10 HEALTH, DENTAL, LIFE INSURANCE AND DEFERRED COMPENSATION.

(A) Pursuant to KRS 79.080, the city hereby establishes a program of hospitalization and group health and/or dental insurance benefits for all regular full time city employees and elected officials. The city may choose to self insure these benefits or may purchase insurance products from external vendors and/or providers.

(B) It is the policy of city government to provide group coverage including major medical and dental insurance under the following terms and conditions:

(1) Initial coverage.

(a) Full-time regular employees and elected officials will be enrolled in hospitalization and major medical health insurance on the first day of the next month following 45 days of service after appointment. The employee or elected official must complete and submit appropriate documents to the HR Department in a timely manner in order to enroll or to waive coverage. The City Manager, Human Resources Director and Finance Director are responsible for administering these provisions, negotiating with insurance carriers and/or third party administration vendors; or for purchasing plans or coverage under this section. In addition, the city has the right to structure or change benefits and coverage at any time pursuant to federal stale laws and regulations.

(b) Health insurance coverage may require employees and elected officials to make monthly contributions, and the amount may vary depending upon the type of policy/coverage the employee chooses. The amounts of required employee contributions will be set by the city's budget or order. The city reserves the right to modify the amounts for employee contribution by annual budget or by budget amendment.

(c) Single dental insurance for the employees and elected officials may be provided by the city in accordance with any restrictions of the carrier. Employees shall be responsible for any deductible or copay as established with the carrier.

(d) Dental coverage may require employees and elected officials to make monthly contributions, and the amount may vary dependent, upon the type of policy/coverage the employee

chooses. The amount, of required employee contributions will be set by the city's budget or order. The city reserves the right to modify the amounts for employee contribution by annual budget or by budget amendment or order.

(2) Continuation of coverage.

(a) Covered employees and eligible dependents who have participated in the program for at least three months prior to termination may continue coverage after separation under certain terms and conditions set by the carrier and in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) regulations.

(b) Continuation of coverage is dependent on signing of proper notice and prompt payment of premiums in accordance with COBRA requirements.

(C) It is the policy of the city government to provide its employees and qualified retirees with term life insurance as follows. Extent of coverage is defined in annual budget procedures.

(1) Regular full-time employees will be covered as of date of hire.

(2) Coverage will not be available to seasonal, temporary or part-time employees.

(3) Additional coverage is available to qualified employees and retirees up to age 70 at their option and cost.

(4) A qualified retiree is defined as a regular full-time employee who retired after July 1, 1987, and receives retirement benefits from either the Kentucky Retirement Systems/County Employees Retirement System (CERS) or the Police and Firefighters Retirement Fund of the city and a regular full-time employee in good standing at the time of his or her voluntary separation with 20 years of actual city service or one who has attained age 60 and has been employed by the city continuously for the past ten years (time purchased by the employee for retirement purposes shall not be calculated as part of the ten-years' City service requirement for retiree life insurance).

(D) Under the City's deferred compensation plan for all regular full-time employees and elected officials, and in accordance with federal regulations, each employee and elected official may allocate a portion of his or her salary into an account. In addition, the City, may appropriate an amount annually to all regular full-time employees and elected officials to be allocated. The amount may vary based upon an employee's participation level in the City's employee benefits program. Any appropriation by the City may be changed, modified or eliminated through the annual budget process.

(E) By written policy, and within the constraints of the annual City budget, the City may make a contribution to a Flexible Spending Account (FSA), a Health Savings Account (HSA), or to an employee's individual deferred compensation account if a full-time employee otherwise eligible to participate in the City hospitalization and group health insurance plan waives coverage under the plan.

(Ord. 6, 2010, passed 6-28-10)

• 37.11 RETIREMENT SYSTEM.

(A) The previous pension plans established for city employees under KRS Chapter 95 were frozen effective August 1, 1988, to participation by those existing employees who were then participating therein and who filed with the city on or before November 1, 1988, a written election to continue participating therein in lieu of participating in CERS.

(B) The City shall continue to fund and manage the former pension plan for the benefit of any employees that elected to continue therein, and for those who are entitled to benefits in that pension plan.

(C) The City elected to participate in CERS effective August 1, 1988. Full-time employees hired after August 1, 1988, who are otherwise eligible to participate in the City pension plan, shall participate in CERS pursuant to the applicable state retirement laws and regulations. Neither part-time, nor seasonal employees are eligible for participation in CERS.

(D) The city adopted the terms and provisions of the CERS.

(E) The City Manager is hereby directed to certify to the Board of Trustees the name of all employees deemed to be working in a hazardous position for purposes of KRS 61.592, and all police officers and firefighters employed after August 1, 1988, shall, if otherwise qualified, be eligible for CERS hazardous position coverage. The City Manager and HR Department are directed to comply with CERS requirements and authorized to report data to CERS as is necessary.
(Ord. 6, 2010, passed 6-28-10)

• 37.12 HOLIDAY PAY AND HOLIDAY LEAVE.

(A) All regular full-time employees of the City, shall receive their regular compensation for the following legal holidays or for any other day proclaimed as a holiday by the Board of Commissioners during which the public offices of the city will be closed:

(1) The first day of January, plus one extra day (New Year's Day);

(2) The third Monday in January (Martin Luther King's Birthday);

(3) Good Friday, one-half day;

(4) The last Monday in May (Memorial Day);

(5) The fourth day of July;

(6) The first Monday in September (Labor Day);

(7) Tuesday after the first Monday in November in presidential election years (Election Day);

(8) The eleventh day of November (Veterans Day);

(9) The fourth Thursday in November and the following Friday (Thanksgiving);

(10) The fifth Tuesday following the November election in gubernatorial election years (Inauguration Day); and

(11) The twenty-fifth day of December, plus one extra day (Christmas).

(B) When any of the above-listed holidays fall on a Saturday, the preceding Friday shall be observed as the holiday, and when any of the above-listed days fall on a Sunday, the following Monday shall be observed as the holiday. When one extra day is mentioned above, the City Manager shall designate the extra day.

(C) Public safety departments or other departments or specific work units may be required to remain open and operational regardless of the holiday schedule. Regular full-time employees in these areas shall accrue Holiday leave to allow equal time off, as opposed to holiday pay as specified in section (A) above. Holiday leave shall accrue in an amount to mirror the amount of Holiday Pay granted to other employees, not to exceed eight hours for an all-day holiday. Normal holiday time accrual, except in the years noted in sections (A)(7) or (10) above is 11 1/2 days or 92 hours annually. Holiday accrual is based on an eight-hour maximum working day and shall accrue as per the holiday schedule set forth in section (A) above. Accrued holiday time should be taken as expediently as possible. Maximum accrual shall be 120 hours. Any holiday leave hours in excess of 120 hours as of December 31 each calendar year shall be lost. Any employee who is separated from the service shall be entitled to pay based on his or her rate of pay at time of separation for any unused portion of holiday time, not to exceed 120 hours, except in disciplinary cases which shall be at the discretion of the Board of Commissioners.

(D) The Human Resources Department shall notify all employees of their accrued holiday leave balance as of January 1 of each calendar year, a summary of which shall be sent to the City Manager by February 1 for the previous calendar year.
(Ord. 6, 2010, passed 6-28-10)

• 37.13 OVERTIME PAY AND COMPENSATORY LEAVE.

(A) Accrual and usage of compensatory leave and payment of overtime.

(1) All City departments will comply with the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA), and all amendments to the Act, and to all state wage and hour laws.

(2) An employee who is directed to, or who requests and is authorized to, work in excess of the scheduled hours of duty shall be granted compensatory leave and/or paid overtime subject to the provisions of the Fair Labor Standards Act, the Kentucky Revised Statutes, this chapter and applicable City policies and procedures. Employees shall seek prior approval of their department head or immediate supervisor whenever practical when it becomes necessary for the employee to work any hours in addition to their assigned work schedule.

(3) Unless specified otherwise elsewhere in City Ordinance, only hours actually worked shall be used for computing paid overtime (at the time and one-half rate) or time and one-half compensatory time.

(4) Work over and above an employee's schedule should be kept to a minimum consistent with maintenance of essential City services. Employees that accrue compensatory time under the provisions of this chapter should make every effort to manage their compensatory balance and keep it at a minimum.

(5) Non-exempt employees of the City, upon approval of the City Manager, that are called out to return to work during periods of emergency shall be paid a minimum of two and one-half hours for reporting back to work. These hours shall be considered as hours worked, and count toward the 40 hours per week specified in section (B). This section only applies in situations where the employee is required to report to a work station or incident site during the periods when he or she is not scheduled to work.

(B) An employee deemed to be "nonexempt" by the provisions of the FLSA shall be compensated for hours worked in excess of 40 per week as provided by divisions (1) through (3).

(1) An employee shall have the option to accumulate compensatory leave at the rate of an hour and one-half for each hour worked in excess of 40 per week in lieu of paid overtime.

(2) The election to receive compensatory leave in lieu of paid overtime shall be in writing on an Overtime Compensation Election Form and shall remain in force for a minimum of six months.

The election shall be changed by the submission of a new form. The effective date of a change shall be the first day of the next pay period following receipt of the election.

(3) An employee who does not elect compensatory leave in lieu of paid overtime shall be paid one and one-half times the regular hourly rate of pay for all hours worked in excess of 40 hours per week. Hours worked above the scheduled hours that are not in excess of 40 hours per week shall be compensated at the regular hourly rate.

(C) An employee deemed to be "exempt" under the provisions of the FLSA shall accumulate compensatory time on an hour-for-hour basis for hours worked in excess of the regular work schedule.

Employees deemed to be ■exempt• are not eligible for Block 50 compensatory time payments specified below. However, upon separation from City employment, such ■exempt• employees are eligible to be compensated pursuant to section (H) below.

(D) Compensatory leave shall be accumulated or taken off in one fourth-hour increments.

(E) The maximum amount of compensatory leave that may be carried forward from one pay period to another shall be 240 hours. A ■non-exempt• employee that at the end of a pay period has a balance of 240 hours or more of compensatory leave will be paid for 50 hours at the regular hourly rate of pay. The employee's leave balance shall be reduced accordingly upon payment. An ■exempt• employee that has a balance greater than 240 hours would not be compensated, but the balance would be reduced to 240 hours.

(F) An employee who is transferred or otherwise moved from one department of the City to another department shall retain the compensatory leave in the receiving department.

(G) Reductions in compensatory leave balances.

(1) The City may require an employee who has accrued at least 100 hours compensatory leave to use compensatory leave before using vacation leave and shall otherwise allow the use of compensatory leave if it will not unduly disrupt the operations of the department.

(2) The City may require an employee who has accrued more than 150 hours of compensatory leave to take off work using compensatory leave in an amount sufficient to reduce the compensatory leave balance below 100 hours.

(H) Upon separation from City employment, an employee shall be paid for all unused compensatory leave at the greater of his; regular hourly rate of pay, or the average regular rate of pay for the final three years of employment.

(I) Special considerations for employees assigned to work platoon schedules

(1) Platoon schedules, for purposes of this section, are defined as a schedule where the employee is scheduled for a repeating cycle of 24 hours on duty and 48 hours off duty.

(2) Hours worked as part of a time trade, pursuant to 803 KAR 1:063, are only counted toward the 40 hours worked in a week as defined in section (B) for the employee originally scheduled for duty.

(3) Compensatory leave, or other approved leave (e.g. vacation, sick, military and/or holiday) hours taken off in lieu of regularly scheduled hours (48 or 72 hour week) that would have been compensated at the employee's overtime rate, shall also be paid at the employee's overtime rate. Hours worked outside of the employee's regular schedule will only be compensated at the overtime rate when the employee has actually worked more than 40 hours in the week pursuant to paragraph (A)(3) of this section.

(4) Non-exempt employees assigned to a platoon schedule are not eligible to elect to accrue compensatory leave in lieu of overtime pay pursuant to paragraph (B)(1) of this section. However, if an employee has previously accrued compensatory leave in another position, it may be utilized under the terms of paragraph (I)(3).
(Ord. 6, 2010, passed 6-28-10)

• 37.14 VACATION LEAVE.

(A) Accrual of vacation leave.

(1) Vacation leave will be accrued by eligible employees on the fifteenth day of every month, provided the employee is in a paid status on that date. Neither part-time nor seasonal employees are eligible to accrue vacation leave. Every full-time employee, except police officers and firefighters, shall accrue vacation leave at the following rates:

Continuous Months of City Service	*Days/Month*	*Days/Year*
1 -59	1.00	12
60 - 119	1.25	15
120-179	1.50	18
180 +	1.75	21

(2) Hours/month or days/year accrued are not affected by flexible or alternative work schedules. For employees scheduled to work 37.5 hours per week, one day equals 7.5 hours. For employees scheduled to work 40 hours per week, one day equals eight hours.

(3) Vacation leave for Firefighters on platoon schedules shall accrue as follows:

Continuous Mos. of City Service	*Hours/Month*	*Days/Year*
1 - 59	8.00	4
60-119	12.00	6
120-179	16.00	8
180+	20.00	10

(4) Vacation leave for Police Officers shall accrue as follows:

Continuous Mos. of City Service	*Hours/Month*	*Days/Year*
1-119	10.00	15
120- 170	12.00	18
180 +	14.00	21

(B) Retention and use of vacation leave.

(1) Maximum vacation leave credit that may be carried over into any new calendar year shall be not more than 240 hours for employees with less than ten years of City service, not more than 270 hours for those employees with more than ten years of service but less than 20 years, and not more than 300 hours for employees with more than 20 years of City service. Vacation leave in excess of these maximum amounts shall be converted to sick leave at the end of each calendar year.

(2) Vacation leaves shall be approved or scheduled by heads of departments to accord with operating, requirements and insofar as practicable with the requests of employees. Employees should provide adequate notice of the need to use vacation leave whenever possible. Vacation leave may be used in quarter hour increments.

(3) Police officer and firefighter vacation leaves shall be scheduled by the Chief of their respective departments in accordance with operating requirements and insofar as practicable, with the requests of employees. Employees should schedule vacations early in the calendar year. Rank and seniority will determine members whose requests take precedence.

(4) Absence on account of sickness, injury or disability in excess of the amount of sick leave an employee has available may at the request of the employee be charged against vacation

leave credit.

(5) An employee who is separated from the service shall be entitled to be paid for any unused portion, of his or her accumulated annual vacation leave, except in disciplinary cases. In disciplinary cases, the Board of Commissioners shall determine whether or not the employee is entitled to pay under this section.

(6) An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall be entitled to retain his or her accumulated vacation leave in the employing department of the city.

(7) Upon the death of any employee, his or her estate shall be entitled to the payment for the unused portion of the employee's accumulated vacation leave.

(8) Before an employee may be placed on leave of absence without pay, except for unpaid military leave or absence due to a work-related injury, he or she must have used any accrued vacation leave.

(9) An officer or employee who is absent from duty shall report the reason for such absence to his or her department head immediately on the day of absence where possible and in no case later than noon after the first day of absence. All unauthorized and unreported absence shall be considered absence without leave and deduction of pay shall be made for each period of the absence. The absence may be made the ground for disciplinary action and will serve to interrupt continuous service, as defined in these rules. In addition, failure to make a timely request for vacation leave pursuant to policies and procedures may result in disciplinary action.
(Ord. 6, 2010, passed 6-28-10)

• 37.15 SICK LEAVE.

(A) Accrual of sick leave.

(1) Sick leave will be accrued by eligible employees on the fifteenth day of every month, provided the employee is in a paid status on that date. Neither part-time nor seasonal employees are eligible to accrue sick leave. Full-time employees shall accrue sick leave at the following rates:

Employee Schedule	*Hours/Month*
37.5 hours/week	7.50 hours
40 hours/week	8.00 hours
Platoon/56 hours/week	24.00 hours

(B) Retention and use of sick leave.

(1) Unused sick leave shall be cumulative, and retained at the end of each calendar year with no maximum accrual.

(2) An employee that has accrued and maintained a balance of sick leave may use the leave, upon approval of his or her department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees, medical appointments, or to assist a sick immediate family member or take the immediate family member to a medical appointment, or for bereavement leave in the case of a death in the immediate family. Sick leave may be used in quarter hour increments.

(3) Any employee fraudulently obtaining or using sick leave, or any department head falsely certifying to sick leave usage for absence from work for reasons not consistent with paragraph (B)(2) may

be subject to disciplinary action. The HR Department shall keep records of sick leave allowance, sick leave taken and balance of sick leave allowance for the individual employees.

(4) An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall be entitled to retain his or her accumulated Sick Leave in the employing department of the city.

(5) An employee who is separated from the service shall not be entitled to pay for any unused portion of his or her accumulated sick leave. If an employee retires, any accrued and unused sick leave may be utilized for service credit under the applicable laws and rules governing the County Employees Retirement System.

(6) An employee desiring to use sick leave shall inform his or her department head or immediate supervisor of the fact and the reason as soon as possible in accordance with • 37.14(B)(9), and failure to do so within a reasonable time may be cause for denial of sick leave with pay for the period of absence. In addition, failure to make a timely request for sick leave pursuant to policies and procedures may result in disciplinary action.

(7) The HR Director or an employee's department head may require periodic medical certificates or other suitable documentation to support any use of sick leave.

(C) Sick leave sharing. The City Manager is authorized to develop and administer a policy that establishes a sick leave sharing program for full-time employees.
(Ord. 6, 2010, passed 6-28-10)

• 37.16 MILITARY LEAVE.

(A) Regular full-time employees of the city who also are members of the National Guard or any reserve component of the armed forces of the United States will be granted annual military leave up to 15 work days per federal fiscal year pursuant to applicable federal and state laws and regulations.

If allowable under the applicable laws, Military Leave earned but not used in a federal fiscal year will roll over one time into the subsequent federal fiscal year.

(B) If an employee is required to miss a shift due to military commitments, the employee shall utilize Military Leave for that shift if it is available. If the employee has exhausted his or her allotment of military leave then the employee may substitute any accrued vacation, compensatory or holiday leave instead.

(C) To qualify for approved military leave, employees are required to file a request to his or her department head no less than two calendar weeks prior to the commencement of the required leave. Failure to comply with this provision will not result in a denial of the request for Military Leave, but may subject the offending employee to disciplinary action for failure to observe an administrative rule.

(D) Wage and benefit continuation, as well as job security while on Military Leave are hereby recognized as provided by applicable federal or state law or regulation.
(Ord. 6, 2010, passed 6-28-10)

• 37.17 VOTING LEAVE.

All full-time city employees who are registered to vote shall be allowed up to four hours of paid voting leave for the purpose of voting in a city, county, state or national election. The voting leave absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Eligible employees who are permitted or required to work in lieu of taking voting leave shall be allowed to accrue compensatory leave on an hour-for-hour basis.
(Ord. 6, 2010, passed 6-28-10)

• 37.18 CIVIL LEAVE.

(A) A full-time employee shall be entitled to paid Civil Leave for absence from his or her scheduled working hours for the amount of time necessary to serve as a juror.

(B) Court Leave shall include necessary travel time and compensation received by the employee from the court shall be turned in to the City Finance Department.

(C) When an employee is subpoenaed in private litigation by some party other than the City to testify not in an official capacity, but as an individual, or if the employee or a member of his family is a party to the proceeding, he or she must take Vacation, Compensatory or Holiday Leave, or leave without pay for the period of absence. Since Vacation Leave or other accrued leave is required in these cases, compensation received by the employee from the court is not to be turned in to the City Finance Department.

(D) If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work or may request to use Vacation Leave, Holiday Leave, or Compensatory Leave for the remainder of the missed shift.

(E) An employee shall not be required to report as Civil Leave attendance at a proceeding that is part of his or her normal assigned duties. Compensation received by the employee from the court shall be turned in to the City Finance Department.
(Ord. 6, 2010, passed 6-28-10)

• 37.19 SPECIAL LEAVE OF ABSENCE: PERSONAL LEAVE.

(A) In addition to other leave as herein provided in this chapter the City Manager, upon the recommendation of a Department Head, may authorize an employee to be absent without pay for personal reasons not to exceed 15 working days in any calendar year.

(B) The Board of Commissioners may authorize a special leave of absence not to exceed 12 months for the following purposes:

(1) For assignment to and attendance at college, university or business school for the purpose of training in subjects related to the work of the employee and which will benefit the employee and the city service;

(2) For urgent personal business requiring employee's attention for an extended period such as settling estates or liquidating a business; and

(3) For purposes other than those listed above that are deemed beneficial to the city service.

(C) Leave of absence without pay shall be deducted when computing service credit, but will not be considered as an interruption of continuous service.
(Ord. 6, 2010, passed 6-28-10)

• 37.20 UNAUTHORIZED ABSENCE WITHOUT LEAVE.

An officer or employee who is absent from duty shall report the reason to his or her department head immediately on the day of absence where possible. All unauthorized and reported absence shall be considered absence without leave and deduction of pay shall be made for each period of the absence. The absence may be the grounds for disciplinary action and may serve to interrupt continuous service. An employee who has been absent without leave or notice to the supervisor for

a period of two working days shall be considered to have resigned the employment, or may be terminated.

(Ord. 6, 2010, passed 6-28-10)

SALARIES AND WAGES

• 37.30 TITLE.

This subchapter shall be known as ■The Salary Ordinance.•

(Ord. 6, 2010, passed 6-28-10)

• 37.31 PAY PLAN; CLASSIFICATION AND COMPENSATION.

(A) The City Manager and Human Resources Director shall administer a system of classification and compensation applicable to all City employees and described in this subchapter. The system should use sound human resources principles. The system will determine the duties, responsibilities and requirements of each job classification by using, factors such as, but not limited to, knowledge, skill, effort, responsibility, accountability, problem solving, discretion, challenge/complexity, and working conditions to ensure pay equity and fairness.

(B) Job class specifications.

(1) Job class specifications shall describe and explain the job duties and responsibilities typically assigned to a position within a particular class.

(2) Class specifications shall indicate the kinds of positions to be allocated to the various job classifications as determined by their characteristics and duties or responsibilities. Characteristics and duties or responsibilities of a job class shall be general statements indicating the level of responsibility and discretion of positions in that job classification. They do not limit or restrict the range of duties and responsibilities that may be assigned or required of an individual in a particular job classification.

(3) Minimum requirements shall be comprehensive statements of the minimum background as to education, experience and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly.

(4) The HR Director shall maintain a master set of all approved class specifications. These specifications shall constitute the official class specifications in the classification plan. The copies of the specification for each job classification shall indicate the date of adoption or the last revision of the specification. Class specifications shall be available for inspection by an employee under reasonable conditions during business hours.

(5) The job class/title to which a position has been allocated shall be used to designate the position in all payroll and other official records and documents. For informal purposes it is permissible to use working titles or other informal titles.

(6) The HR Director, with the approval of the City Manager, may modify the job title or other information included in a job classification, other than the pay grade to more accurately describe job functions that have been or may be assigned to a job class.

(C) Position descriptions. Position descriptions shall be developed and on file for each City employee and/or position. If the duties and responsibilities assigned to a position are to be changed in a material and permanent way, the department head making the recommendation shall submit to the HR Director a revised position description stating the duties and responsibilities to be assigned. If the

changes to the duties would indicate that the position is not classified appropriately, the position may be reclassified to the most appropriate job classification.

(D) Compensation Plan.

(1) Every job classification utilized by the City, and provided for by division (E) shall be assigned to a particular pay grade in the salary schedule authorized in • 37.32.

(2) Pursuant to • 37.01(C) the City Manager, taking into consideration factors (a) through (j) set forth below, is authorized to establish and administer policies and procedures to fairly and effectively administer the provisions of the chapter. In the administration of the pay plan, the word ■employee• in these sections includes officers, elected officials and employees, unless a specific section otherwise precludes that reading.

(a) Recognize employees that perform at higher levels, and include recognized merit pay principles as a component of the pay plan.

(b) Recognize and value employee loyalty, performance and longevity and have it as a component of the pay plan.

(c) Recognize that due to periodic economic inflation, it may be necessary to grant cost of living salary adjustments (COLAs) as a component of the pay plan.

(d) Recognize that employees are sometimes required to respond to emergencies outside their regular work schedule, and that it may be appropriate, for the Compensation Policy and Procedure to include provisions for employees required to be on call and to respond in these situations.

(e) Recognize that employees may continue to develop their knowledge, skills and abilities after being hired by obtaining professional licenses or certifications. When those licenses or certifications bring value to the City as well as the employee, the employee's salary may be adjusted

to reflect that added value.

(f) Recognize and reward employees that submit ideas for ways to improve efficiency and/or effectiveness and that are implemented and that save the City money.

(g) Recognize that for particular jobs a shift differential may be appropriate for employees required to work night or weekend shifts.

(h) Recognize that City resources should be utilized in a financially responsible way and within budgetary constraints.

(i) Recognize that compensation policy is a key factor in being able to recruit and retain employees with valuable knowledge, skills and abilities.

(j) Other factors the City Manager determines to be relevant.

(E) The following job classifications and their assigned pay grades are authorized, and this list includes the official job code, official job title and the assigned pay grade.

JOB CLASSIFICATIONS

Job Code	*Job Title*	*Pay Grade*
	Administrative Job Family	
1001	Office Assistant	67
1003	Administrative Secretary	68
1005	Administrative Specialist	71
1007	Administrative Aide	73
1009	Office Manager	75
1015	Accounting Clerk	68
1017	Accounting Specialist I	70
1019	Accounting Specialist II	73
1021	License Enforcement Officer I	71
1023	License/Tax Enforcement Officer II	73
1025	License Fee Administrator	76
1027	Account Manager	85
1029	Purchasing Agent/Deputy Director	88

1031	HR Assistant	73
1035	HR Specialist	75
1037	Payroll Specialist	74
1051	E911 Telecommunicator I	71
1052	E911 Telecommunicator I Assistant TAC	72
1053	E911 Telecommunicator I TAC	73

Job Code	*Job Title*	*Pay Grade*
1054	E911 Telecommunicator II	73
1055	E911 Telecommunicator II Assistant TAC	74
1056	E911 Telecommunicator II TAC	75
1057	E911 Mapping Coordinator/Telecommunicator	73
1058	E911 Manager	86
1061	Project Specialist	82
1063	Grants Manager	84
1071	Computer System Technician I	81
1073	Computer System Technician II	82
1074	Network System Administrator	86
1075	GIS Technician	82
1077	GIS Analyst I	84
1078	GIS Analyst II	85
1079	Computer Specialist	90
1081	Engineering Tech I	82
1083	Engineering Tech II	84
1085	Staff Engineer	85
1087	Senior Engineer	87
1088	City Clerk	91
1089	City Solicitor/Attorney	104

1090	HR	97
1091	Finance Director	114
1092	Planning & Building Codes Director	114
1093	Public Works Director/P.E.	114
1094	IT Director	114

Job Code	*Job Title*	*Pay Grade*
1095	Sewer Director/P.E.	114
1096	Parks & Recreation Director	114
1097	Police Chief	114
1098	Fire Chief	114
1099	City Manager	114
Planning and Building Codes Job Family		
2001	Code Enforcement Technician	73
2003	Code Enforcement Inspector I	75
2005	Code Enforcement Inspector II	76
2007	Code Enforcement Suprvr/Bldg Insp	83
2008	Code/Building Inspection Supervisor	84
2011	Building Inspector I	75
2013	Building Inspector II	78
2015	Building Inspector III	80
2021	Electrical Inspector I	79
2023	Electrical Inspector II	81
2031	Staff Planner I	76
2033	Staff Planner II	78
2035	Planning Supervisor	84
Public Works/Sewer Job Family		

3001	Building Maintenance Worker	64
3003	Public Works Tech I	66
3004	Public Works Tech II	67
3005	Public Works Tech III	71
3006	Public Works Tech IV	75

Job Code	*Job Title*	*Pay Grade*
3007	Deputy Director Public Works	90
3011	Mechanic Assistant	69
3012	Mechanic I	73
3013	Mechanic II	75
3014	Mechanic III	77
3016	Recycle Coordinator	71
3017	Transit Driver	71
3021	Street Foreman	78
3022	Sanitation Foreman	78
3023	Transit Foreman	78
3024	Garage Foreman	78
3025	Building Maintenance Foreman	78
3026	Street Superintendent	85
3027	Sanitation Superintendent	85
3028	Transit Superintendent	85
3029	Fleet Maintenance Superintendent	85
3030	Plant Operator Trainee	66
3031	Plant Operator I	68
3032	Plant Operator II	71
3033	Plant Operator III	74

3034	Plant Operator IV	77
3035	Electrician	77
3036	Maintenance Tech I	66
3037	Maintenance Tech II	67
3038	Maintenance Tech III	71

Job Code	*Job Title*	*Pay Grade*
3039	Maintenance Tech IV	75
3040	Sewer Tech I	66
3041	Sewer Tech II	67
3042	Sewer Tech III	71
3043	Sewer Tech IV	75
3044	Field Inspector	77
3051	Lab Tech Trainee	66
3052	Lab Tech I	68
3053	Lab Tech II	71
3054	Lab Tech III	74
3055	Lab Tech IV	77
3056	Pre-Treatment Coordinator/Chemist	85
3060	Pump Maintenance Foreman	78
3061	Pump Maintenance Superintendent	85
3062	Collection Maintenance Foreman	78
3063	Collection Construction Foreman	78
3064	Collection System Superintendent	85
3065	Plant Superintendent	85
3066	Weather Coordinator/Engineer	90
3067	Deputy Director Collection System	90

3069	Deputy Director of Operations	90
Parks/Golf Job Family		
4001	Park/Golf Maintenance Worker	66
4003	Park/Golf Maintenance Specialist	68
4004	Park/Golf Maintenance Spec II	70

Job Code	*Job Title*	*Pay Grade*
4005	Golf Course Superintendent	74
4007	Golf Pro/Supervisor	Set by annual contract
4011	Parks Assistant Curator	72
4013	Parks Curator	76
4021	Parks/Forestry Arborist	72
4031	Parks & Recreation Supervisor	80
4032	Parks & Recreation Deputy Director	85
Public Safety Job Family		
5001	Community Services Specialist	71
5005	Patrol Officer I	75
5007	Patrol Officer II	77
5009	Patrol Officer III	78
5011	Police Sergeant	80
5013	Police Lieutenant/Asst Shift Com	83
5015	Police Captain/Shift Commander	86
5017	Police Major/Division Commander	90
5051	Firefighter I	20
5053	Firefighter/EMT II	22
5055	Firefighter/EMT III	23

5057	Fire Sergeant	24
5059	Fire Lieutenant	28
5061	Fire Captain	30
5063	Fire Battalion Chief	32
5065	Assistant Fire Chief	90
5071	Emergency Preparedness Coordinator	87

(Ord. 6, 2010, passed 6-28-10)

• 37.32 SALARY SCHEDULES; PAY GRADE STRUCTURE.

(A) The Board of Commissioners shall adopt by ordinance a salary schedule applicable for all full-time City employees. The salary schedule should include multiple pay grades. Each pay grade will establish the minimum and maximum salaries to be earned by full-time employees working in a job classification assigned to the specific salary grade.

(B) Any monthly or annual salary rates displayed in the salary schedule are computed based upon full-time service. Salaries for part-time and seasonal employees shall be hourly and set by the HR Director and City Manager.

(C) The pay ranges and pay grades as shown on the attached schedule marked ■Salary Schedule Q• and on file with the City is hereby established, and is to be applied to the several classes of positions as indicated in this chapter, except where otherwise shown in this chapter.
(Ord. 6, 2010, passed 6-28-10)

• 37.33 MAYOR AND COMMISSIONER SALARY RATES.

(A) The Mayor of the city shall be paid an annual salary of $19,219.98, payable in equal biweekly installments. Effective July 1, 2010, the yearly cost of living increase applied to the compensation of city employees shall also be applied to the compensation of the Mayor, subject to the limitation contained in KRS 83A.075.

(B) Each of the four Commissioners of the City shall be paid an annual salary of $14,643.20, payable in equal bi-weekly installments. Effective July 1, 2010, the yearly cost of living increase applied to the compensation of City employees shall also be applied to the compensation of each Commissioner, subject to the limitation contained in KRS 83A.075.
(Ord. 6, 2010, passed 6-28-10)

• 37.34 APPOINTMENT SALARIES; PART-TIME/SEASONAL EMPLOYEE SALARIES.

(A) Upon appointment, starting pay rates for full-time employees will typically be made at the pay grade minimum, but due to labor market conditions, or in the case of a highly qualified candidate, it may be necessary to start a new employee at an in-range pay rate up to the grade midpoint. When a new hire is appointed at a rate greater than the pay grade minimum, it will be necessary to conduct a review to assure the protection of existing full-time employees. If there are regular full-time employees in the same job classification and pay grade making less than the new hire, and the existing employee has a similar level of education and experience, the existing employee's pay rate shall be adjusted to 5% above the pay rate paid to the new hire. All appointments at hourly rates above the minimum salary must be approved in advance by the City Manager and HR Director.

(B) The City Manager is hereby authorized to establish hourly rates of pay, which may be below the full-time salary structure authorized by • 37.32 for part-time or seasonal positions, where it is determined the full-time salary schedule is not appropriate. Hourly rates for seasonal and part-time employees should be set taking into consideration the annual City budget.
(Ord. 6, 2010, passed 6-28-10)

• 37.35 ADVANCEMENT AND PAY FOR FIRE FIGHTERS AND POLICE PATROL OFFICERS.

(A) The rank or position of Patrol Officer I is attained upon appointment. Patrol Officer II shall automatically be attained upon satisfactory completion of three years• service at the rank of Patrol Officer I with the City. The rank or position of Patrol Officer III shall automatically be attained upon satisfactory completion of three years service in the rank of Patrol Officer II. The detective salary grade is in accordance with permanent civil service rank.

(B) Order No. 13, 2000 Series, establishes criteria necessary to achieve and maintain the temporary designation of senior and master under a career development program and sets out temporary incentive compensation for program participation.

(C) The title of Firefighter I is attained upon appointment. Emergency Medical Technical (EMT) certification is not required to be appointed to the rank or position of Firefighter I, however it must be attained within 12 months of appointment as Firefighter I.

(D) The rank or position of Firefighter II - EMT shall automatically be attained upon satisfactory completion of 12 months of service as a Firefighter I with the City and certification as EMT. The rank or position of Firefighter III - EMT shall automatically be attained upon satisfactory completion of five years' service in the rank of Firefighter II - EMT with the City. The EMT certification must remain in effect in order for the employee to retain the rank of Firefighter II or III.

(E) With the exception of the Training Officer, Fire and Safety Inspector/Fire Marshal, and Fire Public Education Officer, all sworn personnel of the fire division at the rank of Captain and below

are required to attain and retain state EMT certification.

(F) The pay for special appointments in the Fire Department is as follows:

(1) Fire and Safety Inspector/Fire Marshal: at pay level of rank plus 9%.

(2) Fire Training Officer: at pay level of rank plus 9%.

(3) Fire Public Education Officer: at pay level of rank plus 9%.

(4) Emergency Medical Services Director: at pay level of rank plus 9%.

(G) A firefighter, regardless of rank, who attains and maintains Kentucky licensure as a paramedic and is authorized by the department and its medical director, as eligible, shall be compensated in addition to regular rate for rank or position at the rate of $4,000 annually. Such employees shall be assigned duty on an ambulance on a continuous rotating basis. Upon attaining the rank of Sergeant or above, or upon special assignment to position noted in division (F) above, he or she shall be required to provide direct patient contact care with documented ALS skills and/or complete monthly educational requirements as established by Fire Department standard operating procedures. A paramedic removed from paramedic status by choice or by not meeting Fire Department or Kentucky requirements shall no longer receive the $4,000 annual compensation. Pursuant to applicable labor laws or rulings the paramedic stipend shall be taken into consideration when calculating overtime pay.
(Ord. 6, 2010, passed 6-28-10)

• 37.36 PERFORMANCE PAY.

(A) Every full-time employee shall have his or her job performance evaluated annually by the immediate supervisor and/or the department head. The performance evaluation instrument used in any department must be approved by the City Manager and HR Director.

(B) Performance evaluations shall be completed each year during the months of January and February.

(C) Beginning with performance evaluations completed in January and February 2012, the evaluations may be utilized to determine salary increases for each full-time employee, The city annual budget starting in Fiscal Year 2012-2013 may include funding to allocate to employees in accordance with performance ratings.

(D) Upon recommendation of a department head the City Manager may authorize specific part-time employees to participate in the performance pay plan under this section.

(E) Part-time or seasonal employees that are not participating in performance pay may have their job performance evaluated on a periodic basis.
(Ord. 6, 2010, passed 6-28-10)

• 37.37 LONGEVITY SALARY ADJUSTMENTS.

Employees are to receive longevity salary adjustments as follows. Longevity for salary adjustment purposes for all full-time employees shall be computed from the date of original employment in a regular full-time budgeted position, unless there has been a break in continuous service as defined in this chapter. When or if there was a break in continuous service, the dates for longevity increases would be based upon the date of rehire. Longevity salary increases may be granted to regular full time employees upon satisfactory completion of three years of service, and in three year service increments thereafter,

up to the maximum rate of their pay range as set forth in • 37.32. If an employee is issued one or two written reprimands in the three years preceding the effective date of a longevity increase, the employee would only be eligible for the increase if the Department Head justifies the increase and the City Manager approves the request. If the employee has received more than two written reprimands, one or more suspensions, or been involuntarily demoted in the prior three year period then the employee shall not be eligible for the longevity increase. For longevity increases granted from July 1. 2009 through June 30, 2012, the increase will be limited to 1%. Effective July 1, 2012, any longevity increases for a fiscal year would be based upon the annual city budget.
(Ord. 6, 2010, passed 6-28-10)

• 37.38 COST OF LIVING ADJUSTMENTS (COLA).

The city's annual budget may allocate funds to grant an across the board COLA salary adjustment to all full-time employees. These increases would not apply to part-time or seasonal employees unless the budget specifically authorizes the COLA increase for those types of employees.
(Ord. 6, 2010, passed 6-28-10)

• 37.39 PERSONNEL ACTIONS AND SALARY ADJUSTMENTS.

(A) Through June 30, 2012, upon satisfactory conclusion of the 12-month initial probationary period or the six month promotional probationary period, employees shall receive a 1% increase in salary. If the probationary period is extended, the salary increase date is delayed as well. Effective July 1, 2012 the amount of salary increase will be the same as for other longevity increases as approved in the annual city budget. If the department head chooses to extend the probationary period by up to an additional six months then the salary increase in the section is delayed as well. In the event the employee does not satisfactorily complete his or her initial probationary period, the employee will be separated from City employment. In the event the employee does not satisfactorily complete his or her promotional probationary period, the employee will be reverted back to a lower

position, rank or job classification and the salary adjusted accordingly.

(B) When an employee is promoted or reclassified to a job class in a higher pay grade, the employee's salary may be increased by 3% per grade, or to the, higher grade minimum, whichever is greater. When promoted from a non-supervisory position to a supervisory position, the minimum salary increase shall be 5%.

(C) When an employee is demoted on an involuntary basis, the employee's pay shall be reduced 3% for each pay grade reduction.

(D) When an employee is demoted on a voluntary basis, the employee's pay may be reduced 3% for each pay grade reduction. If the City Manager authorizes the employee to retain his or her salary

rate, then the employee is not eligible for a promotional or reclassification increase until the employee moves to a job classification with a pay grade higher than the one from which voluntarily demoted.

(E) When the pay grade assigned to a job classification is increased or decreased, an employee in the job classification may have his or her salary adjusted up or down by up to 3% for each grade changed.

(F) When an employee changes from a platoon schedule to 37.5 hour per week schedule, or vice versa, the hourly rate shall be adjusted accordingly.

(G) When an employee changes from a position with a pay grade designed for platoon employees (Grades 20-35), to a position with a pay grade designed for 37.5 or 40 hour/week employees, any change in the hourly rate would take into consideration the pay grade equivalents identified in the salary schedule/pay grade structure.
(Ord. 6, 2010, passed 6-28-10)

• 37.40 STEP-UP PAY.

(A) A full-time employee may be assigned by his or her Department Head to serve in a position of higher capacity on a temporary basis, not to exceed twelve months, due to a vacancy in such a higher level position, with the approval of the City Manager and the Human Resources Director. In unusual circumstances, at the completion of the 12 month period the City Manager may renew the assignment for additional 12-month periods as needed.

(B) Employees shall not be eligible for step-up pay for periods of less than 15 consecutive calendar days.

(C) Employees assigned to a higher level position that is 1-5 pay grades higher than his or her regular position shall be entitled to an increase in compensation of 6% in salary for the period of

time in such position beginning with the fifteenth day of serving in a higher capacity.

(D) Employees assigned to a higher level position that is six or more pay grades higher than his or her regular position shall be entitled to an increase in compensation of at least 6% in salary for the period of time in such position beginning with the fifteenth day observing in a higher capacity. With the approval of the City Manager and the Human Resources Director the salary increase may be up to 18% above the employee's salary prior to the step-up assignment.
(Ord. 6, 2010, passed 6-28-10)

• 37.41 EDUCATION COMPENSATION/ASSISTANCE PLAN.

(A) (1) Education Assistance Plan. Each full time, regular, confirmed employee, may receive reimbursement of tuition cost for not more than three job related courses at an accredited college or

university per calendar year, after proof of completion (with C or above for undergraduate and B or above for graduate); if approved prior to enrollment in course by the Department Director and City Manager. Courses must be taken on employee's own time. Tuition reimbursement shall be for no more than the current rate of in-state tuition per credit hour at the University of Kentucky.

(2) This section shall apply to city personnel employed on or after November 1, 1990.

(B) Those individuals employed prior to November 1, 1990 currently participating in the Education, Compensation Plan previously in effect may continue to do so. Employees in this plan may choose at any time during their city tenure to withdraw from the education compensation plan and to participate in the Education Assistance Plan set forth above. An employee selecting this option will terminate all future participation in the Education Compensation Plan.
(Ord. 6, 2010, passed 6-28-10)

• 37.42 EXCEPTIONS TO PAY PLAN.

In any case where, by reasons of unusual circumstances or labor market conditions, rigid adherence to the normal provisions of the salary ordinance would cause an injustice or inequity, the Board of Commissioners may approve exceptions to those provisions.
(Ord. 6, 2010, passed 6-28-10)

DISCIPLINARY ACTIONS AND ADMINISTRATION

• 37.50 EMPLOYMENT AT WILL AND DISCIPLINARY ACTIONS.

(A) The term of employment of each and all employees of the City shall be at the pleasure of the Board of Commissioners. For full-time employees, the City Manager is hereby delegated the

authority to issue disciplinary decisions, with the exception of dismissal, and for discipline imposed by the City Manager, an employee may appeal the determination to the Board of Commissioners. The Board of Commissioners may grant the request and hear the appeal. For part-time and seasonal employees the City Manager is delegated authority to issue all disciplinary actions including dismissal.

(B) This section is to authorize the City Manager to establish and implement policies and procedures relating to the various types of disciplinary actions. In addition, the department heads may establish and implement policies, guidelines, and/or standard operating procedures that provide additional clarity for how to handle the disciplinary process.

(C) For civil service employees (Fire and Police), any disciplinary actions will be handled taking into consideration both City ordinances and policies and the requirements specified in KRS 95.450 and/or KRS 15.520 and other applicable laws.
(Ord. 6, 2010, passed 6-28-10)

• 37.51 UNIFORM ALLOWANCE FOR MEMBERS OF POLICE AND FIRE DEPARTMENTS.

(A) Members of Fire and Police Departments will be furnished with the necessary and approved uniforms in the quantity as shall be determined by the respective Chiefs to be consistent with budgetary limits and appearance requirements.

(B) Each sworn uniformed member of the Departments may be allocated a sum not to exceed $750 annually, and specified in the annual City budget, for approved uniform clothing and uniform related items. Purchases shall be made by the department in an amount not to exceed $750 per person annually from an approved supplier based on established purchase and accounting procedures. The Police and Fire Chiefs, police department officers assigned to the criminal investigation unit, police officers holding the rank of Division Commander (Major), and fire officers holding the rank of Assistant Chief shall be allocated an amount not to exceed $750 annually for the purchase of ■plain" or street clothing.

(C) Quarterly reports shall be submitted to the City Manager and Director of Finance showing the amount spent per person, balance remaining in each individual's account and the overall Department totals.

(D) All uniforms and related equipment, with the exception of ■plain• or street clothing, furnished by the departments remain the property of the city and are returnable at separation.
(Ord. 6, 2010, passed 6-28-10)

• 37.52 UNIFORM TO BE WORN ONLY ON DUTY.

No part of the official uniform of the Police or Fire Departments or any divisions thereof bearing any official insignia shall be used or worn by members of the Police or Fire Departments or any divisions thereof except while on official duty, or as authorized by the Chiefs of the Departments.
(Ord. 6, 2010, passed 6-28-10)

• 37.53 UNIFORMS FOR OTHER PERSONNEL.

Uniforms for all civil service and non-civil service employees which are furnished by the city shall be returned to the respective department head, if requested, upon separation from the city's service.
(Ord. 6, 2010, passed 6-28-10)

CHAPTER 38: CITY POLICIES

Section

Purchasing; Local Preference

38.01 Definitions
38.02 Preferences
38.03 Application for certification as a local business
38.04 Implementation; annual report

E-911 Emergency Telephone Service

38.15 Service established
38.16 Agreement
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Ambulance Service

38.30 Rates
38.31 Ambulance service to county
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38.33 Effect of existing agreements, contracts and the like
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PURCHASING; LOCAL PREFERENCE

• 38.01 DEFINITIONS.

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

AVAILABLE LOCALLY. One or more local businesses is capable of furnishing supplies or services in a timely manner, in sufficient quantity and of a quality substantially the same as similar supplies or services available from a non-local business.

CITY. The city, its members and the agencies or departments of the government, but shall not include any other county or constitutional officers or their agencies.

LOCAL BUSINESS. A business which:

(1) Has an office or place of business located within the city or county;

(2) Is subject to the occupational license fee imposed by the city or the county and which filed an occupational license fee return in the name of the business for two years immediately preceding the year in which the contract is to be awarded; and/or

(3) Has been certified as a local business, pursuant to • 38.03.

NON-LOCAL BUSINESS. A business which is not a local business.
(♣70 Code, • 3.20.010) (Ord. 10-98, 1998, passed 4-2-98)

• 38.02 PREFERENCES.

(A) Regardless of which procurement procedure is used to obtain supplies and services for the city, preferences shall be given to local businesses, as provided in this section.

(1) If it is determined that supplies or services are to be purchased by noncompetitive negotiations, as that term is used in KRS 45A.380, and the supplies or services are available locally, the city shall enter into noncompetitive negotiations with a local business. A non-local business may be awarded a contract through noncompetitive negotiation only if no agreement can be reached with a local business or if the supplies or services required are not available locally.

(2) If supplies or services are purchased in an amount less than the amount specified in KRS 424.260, the supplies or services shall be purchased from a local business unless unavailable or the cost of the supplies or services exceeds by 5% or more the cost quoted by a non-local

business.

(3) If supplies or services are to be purchased by competitive sealed bidding, as that term is used in KRS 45A.365, and the supplies or services are available locally, the bid price or cost quoted by each local business shall be reduced by 5% for the purpose of determining the lowest bid price. Nothing in this division shall be deemed to prohibit the awarding of contracts by the city on the basis of evaluated bid price, as that term is defined in KRS 45A.345.

(4) If supplies or services are to be purchased by competitive negotiation, as that term is used in KRS 45A.370, and the supplies or services are available locally, the offer price or cost quoted by each local business shall be reduced by 5% for the purpose of evaluating which offer is most advantageous to the city. In addition, it shall be considered an advantageous factor that an offeror is a local business.

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(B) If a contract is for services, and a bidder or offeror will use subcontractors to perform all or part of the work required under the contract, the bidder or offeror, in order to qualify for the 5% preference under this section, shall not subcontract more than 20% of the work to non-local businesses unless the services are not available locally.

(C) In the event no bids or offers are received from a non-local business on any solicitation or where the supplies or services are not available from a local business, then the preference established herein shall not apply. Preferences shall not be allowed where the supplies or services required are not available locally.

(D) Each invitation for bids or requests for proposals shall state explicitly that preferences shall be afforded local business in accordance with the provisions of this subchapter and shall require a local business to affirmatively request the preference in its bid or offer.
(•70 Code, • 3.20.020) (Ord. 10-98, 1998, passed 4-2-98)

• 38.03 APPLICATION FOR CERTIFICATION AS A LOCAL BUSINESS.

(A) No business shall be considered a local business for the purposes of this unless the business shall have qualified with the city•s Purchasing Department as a local business, by making application to the purchasing agent of the city and receiving a local business number. The procedure for application and certification shall be as provided in this section.

(B) The purchasing agent shall prepare an application form for certification as a local business with the form requesting the information and proof as deemed necessary to qualify the applicant under the terms of this subchapter.

(C) A local business shall complete the application form and submit it to the purchasing agent, along with proof of a valid and current business license with either the city or the county occupational license office, prior to the awarding of any contract in which the local business desires to be given a preference.

(D) (1) The Purchasing Agent shall examine the application and if necessary may seek additional information or proof to assure that the business is entitled to the preference. If all is in order, the purchasing agent shall issue the local business a distinctive certification number, which shall be valid until revoked by the purchasing agent, and which, when used on bids and other purchasing documents, shall entitle the business to the preference.

(2) The local business shall be reevaluated annually to ensure that the business is maintaining qualification criteria.

(♣70 Code, • 3.20.030) (Ord. 10-98, 1998, passed 4-2-98)

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• 38.04 IMPLEMENTATION; ANNUAL REPORT.

(A) The Purchasing Agent shall prepare regulations or rules for the purpose of implementing the provisions of this subchapter which shall be submitted to the Board of Commissioners for approval. Unless disapproved by the Board of Commissioners, the regulations or rules shall automatically become effective 30 days after submission.

(B) The Purchasing Agent shall prepare and submit to the Board of Commissioners on an annual basis a report demonstrating the effect and cost of this chapter.
(♣70 Code, • 3.20.040) (Ord. 10-98, 1998, passed 4-2-98)

E-911 EMERGENCY TELEPHONE SERVICE

• 38.15 SERVICE ESTABLISHED.

There is hereby established a safety answering service to provide a single telephone number for enhanced emergency services within the city which service shall be known as E-911 and shall be located within the Emergency Dispatch Center hereinafter known as EDC.
(♣70 Code, • 9.52.010) (Ord. 3-91, 1991, passed 1-29-91)

• 38.16 AGREEMENT.

(A) The Mayor is authorized to enter into an agreement with South Central Bell to provide for the construction, implementation and ongoing maintenance of E-911 within the city. The agreement shall be for a period of five years commencing February 1, 1991, and shall be automatically renewable upon the same terms and conditions unless prior to 30 days of the close of the five-year period either party notifies the other of its intention to modify and/or terminate the agreement.

(B) The agreement shall reflect the installation costs and the current tariffed recurring charges for E-911 service charged during the contract period.

(♣70 Code, • 9.52.020) (Ord. 3-91, 1991, passed 1-29-91)

• 38.17 E-911 FEE.

There is hereby established a E-911 fee of $1 per month for each exchange telephone subscriber which is levied as a special tax, license and/or fee to be paid by each exchange telephone subscriber in the city on an individual exchange line basis limited to a maximum of 25 exchange lines per account.

(♣70 Code, • 9.52.030) (Ord. 3-91, 1991, passed 1-29-91; Am. Ord. 13, 2001, passed 7-5-01)

• 38.18 EXCESS FUNDS.

Any and all excess funds received from collections of the E-911 fees shall be placed into an account which shall be used expressly and solely for the maintenance, management, replacement and purchase of emergency communications equipment, connected to the E-911 system and all interface equipment and/or to offset costs incurred by the operations of the emergency dispatch center due to the staffing requirements of an E-911 system.
(✣70 Code, • 9.52.040) (Ord. 3-91, 1991, passed 1-29-91)

AMBULANCE SERVICE

• 38.30 RATES.

The following rates for ambulance service shall apply to ambulance service operated by the city effective July 1, 2007. Thereafter, each of the listed service rates shall be increased by 8% on July 1 of 2008, 2009, 2010, 2011, and 2012.

(A) Basic life support; non-emergency; per patient, per trip: $656 for response, evaluation and transport. BLS services include those as defined in the National EMS Education and Practice Blueprint. These services include care provided by certified or licensed emergency medical personnel at the EMT-B level where the response is not initiated as an emergency.

(B) Basic life support; emergency; per patient, per trip: $783 for response, evaluation and transport. BLS emergency services include those as defined in the National EMS Education and Practice Blueprint. These services include care provided by certified or licensed emergency medical personnel at the EMT-B level or higher where the response is initiated as an emergency.

(C) Advanced life support; non-emergency; per patient per trip: $720 for response, evaluation

and transport. ALS services include those as defined in the National EMS Education and Practice Blueprint. These services include assessment and care provided by certified or licensed emergency medical personnel at the Paramedic level where the response is not initiated as an emergency.

(D) Advanced life support; level 1 emergency; per patient, per trip: $880 for response, evaluation and transport. ALS level 1 emergency services include those as defined in the National EMS Education and Practice Blueprint. These services include assessment by certified or licensed emergency medical personnel at the paramedic level and the furnishing of one or more ALS interventions where the response is initiated as an emergency.

(E) Advanced life support; level 2 emergency; per patient, per trip:

(1) $1,038 for response, evaluation and transport.

(2) ALS level 2 emergency services include those as defined in the National EMS Education and Practice Blueprint. These services include assessment by certified or licensed emergency medical personnel at the paramedic level and the administration of at least three different medications and/or the provision of one or more of the following ALS procedures:

(a) Manual defibrillation/cardioversion;

(b) Endotracheal intubation;

(c) Central venous line;

(d) Cardiac pacing;

(e) Chest decompression;

(f) Surgical airway; and

(g) Intraosseous line.

(F) Specialty Care Transport (SCT) (per patient, per trip) - $1,050 for response, evaluation, and transport.

(1) Specialty care services include those as defined in the National EMS Education and Practice Blueprint. Hospital to Hospital transportation of a critically injured or ill beneficiary by a ground ambulance vehicle, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the EMT - Paramedic SCT is necessary when a beneficiary's condition requires ongoing care that must be furnished by one or more health emergency medicine,

respiratory care, cardiovascular care, or a paramedic with additional training.

(2) A copy of the National EMS Education and Practice Blueprint is on file in the Office of the City Clerk.

(G) Special procedures:

(1) Vehicle extrication: $674.

(2) Mileage, per loaded statute mile: $11.

(3) Oxygen administration: $31.

(4) Waiting time, after 30 minutes/quarter-hour: $30. Waiting time must be ■medically necessary• and must be documented. Waiting time shall begin at 30 minutes of delay and shall be billed in quarter hour increments. All waiting time requests must be approved in advance by the EMS operations supervisor on duty.

(♣70 Code, • 2.98.010) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94; Am. Ord. 35, 2000, passed 12-11-00; Am. Ord. 10, 2002, passed 3-21-02; Am. Ord. 19, 2007, passed 6-25-07)

• 38.31 AMBULANCE SERVICE TO COUNTY.

All agreements or contractual arrangements for the Fire Department to provide ambulance service to the unincorporated areas of the county shall be adopted by order of the Board of Commissioners.

(♣70 Code, • 2.98.020) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

• 38.32 ADMINISTRATIVE AND OPERATIONAL PROCEDURES.

All administrative and operational procedures governing the Fire Department♠s ambulance service shall be in accordance with established city policy set forth in ■Frankfort Fire Department Standard Operating Procedures, Series 600, Emergency Medical Procedures,• on file in the Office of the Fire Chief and as may be amended from time to time.

(♣70 Code, • 2.98.030) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

• 38.33 EFFECT OF EXISTING AGREEMENTS, CONTRACTS AND THE LIKE.

Any existing agreements, contracts, orders, letters or procedures in conflict with this subchapter are hereby declared null and void to the extent of any conflict.
(♣70 Code, • 2.98.040) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

• 38.34 BILLING FOR ERRONEOUS CALLS.

The patient initiated responses which result in refusal of treatment and/or transport shall solicit a letter of information or warning that the call was in violation of KRS 519.040 and can result in confinement in the County Jail up to 12 months and/or a $100 to $500 fine. After a letter of notification any future abuse will result in a billing of $50 for each occurrence, and possibly citation for violation of KRS 519.040.
(♣70 Code, • 2.98.050) (Ord. 26-89, 1989, passed 8-18-89; Am. Ord. 10-94, 1994, passed 7-18-94)

CHAPTER 39: CODE OF ETHICS

Section

39.01 Title

39.02 Findings

39.03 Purpose and authority

39.04 Definitions

39.05 Standards of conduct

39.06 Conflicts of interest in contracts

39.07 Receipt of gifts

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39.11 Honoraria

39.12 Filing requirements

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39.14 Noncompliance with filing requirement

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39.16 Board of Ethics created

39.17 Filing and investigation of complaints

39.18 Hearings; notice and procedure

39.19 Appeals

39.20 Limitation of actions

39.21 Advisory opinions

39.22 Reprisals against person disclosing violations

39.99 Penalty

• 39.01 TITLE.

This chapter shall be known and may be cited as the ■Code of Ethics.• (•70 Code, • 2.100.010) (Ord. 23-94, 1994, passed 12-22-94)

• 39.02 FINDINGS.

The legislative body of the city finds and declares that:

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

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

(C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.
(•70 Code, • 2.100.020) (Ord. 23-94, 1994, passed 12-22-94)

• 39.03 PURPOSE AND AUTHORITY.

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

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

(C) This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS 65.003.

(D) This chapter is not intended to supplement or repeal the city•s personnel policy. Any conflict between the application of the personnel policy and the application of this chapter shall be resolved in favor of the personnel policy, except in those areas specifically addressed as offenses hereunder.

(•70 Code, • 2.100.030) (Ord. 23-94, 1994, passed 12-22-94)

• 39.04 DEFINITIONS.

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

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

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

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

CITY. The City of Frankfort, Kentucky.

CITY AGENCY. Any board, commission, authority, nonstock corporation or other entity created, either individually or jointly, by this city, excepting only the Electric and Water Plant Board of the city, so long as the Board adopts and maintains in effect an ethics policy meeting the requirements of KRS 65.003, and so long as KRS 96.171(3) and KRS 96.183 remain in effect, with a copy of this chapter.

EMPLOYEE. Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term *EMPLOYEE* shall not include any contractor or subcontractor or any of their employees.

FAMILY MEMBER. A spouse, parent, stepparent, child, stepchild, brother, stepbrother, sister, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild, and shall include relatives by the half blood or adoption.

IMMEDIATE FAMILY MEMBER. A spouse, an unemancipated child residing in the officer•s or

employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.

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

(1) The Mayor;

(2) A legislative body member;

(3) The City Clerk;

(4) The City Manager;

(5) Any person who occupies a nonelected office created under KRS 83A.080; and

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

(•70 Code, • 2.100.040) (Ord. 23-94, 1994, passed 12-22-94)

• 39.05 STANDARDS OF CONDUCT.

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

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

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

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

(1) The officer or employee;

(2) A family member;

(3) An outside employer;

(4) Any business in which the officer or employee or any family member has a financial interest; and/or

(5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing or on the record, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.
(♣70 Code, • 2.100.050) (Ord. 23-94, 1994, passed 12-22-94)

• 39.06 CONFLICTS OF INTEREST IN CONTRACTS.

The provisions of KRS 61.251 and 61.252 (HB 375) are incorporated herein by reference.
(♣70 Code, • 2.100.060) (Ord. 23-94, 1994, passed 12-22-94)

• 39.07 RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any person or business, solicit or accept any gift of any money whatsoever. No gift of any service, loan, travel, entertainment, hospitality or any other form having a fair market value of more than $50 shall be accepted from any donor in any calendar year under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties. This section shall not be construed to prohibit legitimate campaign contributions to candidates for public office.
(♣70 Code, • 2.100.070) (Ord. 23-94, 1994, passed 12-22-94)

• 39.08 USE OF CITY PROPERTY, EQUIPMENT AND PERSONNEL.

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment or other personal or real property for the private use of any person, unless the use is specifically authorized by a written city policy.
(♣70 Code, • 2.100.080) (Ord. 23-94, 1994, passed 12-22-94)

• 39.09 MISUSE OF CONFIDENTIAL INFORMATION.

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

Information shall be deemed confidential, if it is not the subject to disclosure pursuant to State Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.
(♣70 Code, • 2.100.090) (Ord. 23-94, 1994, passed 12-22-94)

• 39.10 POST-EMPLOYMENT RESTRICTION.

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one year after the termination of the officer♠s or employee♠s service with the city or city agency.
(♣70 Code, • 2.100.100) (Ord. 23-94, 1994, passed 12-22-94)

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• 39.11 HONORARIA.

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

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.
(•70 Code, • 2.100.110) (Ord. 23-94, 1994, passed 12-22-94)

• 39.12 FILING REQUIREMENTS.

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

(1) Elected city officials;

(2) Candidates for elected city office; and

(3) Nonelected officers and employees of the city or any city agency who are authorized to make purchases of materials or services, or award contracts, leases or agreements involving the expenditure of more than $1,000 without chief administrative authority or Board approval.
(•70 Code, • 2.100.120)

(B) (1) Statements of financial interest shall be filed no later than 4:30 p.m. on January 31 each year, provided that:

(a) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than 30 days after the date of the appointment.

(b) A candidate for city office shall file his or her initial statement no later than 30 days after the date on which the person becomes a candidate for elected city office.

(2) The Board of Ethics may upon application therefor, grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

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(3) In the event there is a material or significant change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than 30 days after becoming aware of the material change, file an amended statement with the Board. (♣70 Code, • 2.100.130) (Ord. 23-94, 1994, passed 12-22-94)

• 39.13 FINANCIAL INTEREST; CONTROL AND MAINTENANCE.

(A) The statement of financial interests shall be filed on a form prescribed by the Board of Ethics or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than January 1 of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement. (♣70 Code, • 2.100.140)

(B) (1) The Board of Ethics shall be the ■official custodian• of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board of Ethics, or the administrative official designated by the Board of Ethics as the ■custodian,• of public documents, available for public inspection immediately upon filing.

(2) A statement of financial interests shall be retained by the Board, or the designated administrative official, for a period of five years after filing, provided that:

(a) Upon the expiration of three years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(b) Upon the expiration of three years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any

statements of financial interests or copies of those statements filed by the person.
(♣70 Code, ● 2.100.150)

(C) (1) The statement of financial interests shall include the following information for the preceding calendar year.

(a) The name, current business address, business telephone number and home address of the filer;

(b) The title of the filer♠s office, office sought or position of employment;

(c) The occupation of the filer and the filer♠s spouse;

(d) Information that identifies each source of income of the filer and the filer♠s immediate family members exceeding $5,000 during the preceding calendar year and the nature of the income;

(e) The name and address of any business located within the state in which the filer or any member of the filer•s immediate family had at anytime during the preceding calendar year an interest of $10,000 at fair market value or 5% ownership interest or more;

(f) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three years, or which is anticipated to engage in any business transactions with the city, in which the filer or any member of the filer•s immediate family had at any time during the preceding calendar year an interest of $10,000 at fair market value or 5% ownership interest or more;

(g) A designation as commercial, residential or rural, and the location of all real property within the county, other than the filer•s primary residence, in which the filer or any member of the filer•s immediate family had during the preceding calendar year an interest of $10,000 or more at fair market value;

(h) Each source by name and address of gifts or honoraria having an aggregate fair market value of $100 or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer•s immediate family during the preceding calendar year; and

(i) The name and address of any creditor owed more than $10,000, except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family or household purposes.

(2) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

(•70 Code, • 2.100.160) (Ord. 23-94, 1994, passed 12-22-94)

• 39.14 NONCOMPLIANCE WITH FILING REQUIREMENT.

The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

(•70 Code, • 2.100.170) (Ord. 23-94, 1994, passed 12-22-94)

• 39.15 NEPOTISM.

(A) No officer or employee of the city or a city agency shall advocate, recommend or cause the:

(1) Employment;

(2) Appointment;

(3) Promotion;

(4) Transfer; or

(5) Advancement of a family member of an elected officer to an office or position of employment with the city or a city agency.

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

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

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to January 1, 1995.
(✣70 Code, • 2.100.180) (Ord. 23-94, 1994, passed 12-22-94; Am. Ord. 9, 2000, passed 2-28-00)

• 39.16 BOARD OF ETHICS CREATED.

(A) (1) There is hereby created the Board of Ethics which shall have the authorities, duties and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(2) The Board of Ethics shall consist of three members who shall be appointed by the

Mayor, subject to the approval of the Board of Commissioners. All terms of office shall begin January 1 and end December 31. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three years; except that with respect to the members initially appointed, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for a term of three years. Each member of the Board of Ethics shall have been a resident of the city for at least one year prior to the date of the appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for not to exceed two consecutive terms.

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(3) A member of the Board of Ethics may be removed by the executive authority, subject to the approval of the legislative body for misconduct, inability or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body.

(4) Vacancies on the Board of Ethics shall be filled within 30 days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within 30 days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(5) Members of the Board of Ethics shall serve without compensation unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(6) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect the Chairperson from among the membership. The Chairperson shall be the presiding officer and a full voting member of the Board.

(7) Meetings of the Board of Ethics shall be held, as necessary, but not less than once a year, upon the call of the Chairperson or at the written request of a majority of the members.

(8) The presence of two or more members shall constitute a quorum and the affirmative vote of two or more members in person shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter and shall not be counted for purposes of establishing a quorum.

(9) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.
(*70 Code, • 2.100.190)

(B) Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business. (•70 Code, • 2.100.200)

(C) The Board shall have the duty:

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

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

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

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

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

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

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

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

(9) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter, provided that the rules, regulations and actions are not in conflict with the provisions of this chapter or any state or federal law.
(♣70 Code, • 2.100.210) (Ord. 23-94, 1994, passed 12-22-94)

• 39.17 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten working days from the date of receipt. The Board shall forward, within ten working days and to each officer or employee of the city or city agency who is the subject of the complaint, a copy of the complaint and a general statement of the applicable provisions of this chapter.

(B) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, to examine and cross examine witnesses, and to offer evidence in response to the allegations.

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

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

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

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

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

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

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

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any

provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(♣70 Code, • 2.100.220) (Ord. 23-94, 1994, passed 12-22-94)

• 39.18 HEARINGS; NOTICE AND PROCEDURE.

(A) If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within 30 days of the date the order is issued unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within 24 hours of the time the order setting a hearing is issued. (♣70 Code, • 2.100.230)

(B) (1) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics. The hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.

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

(3) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

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

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

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

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

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

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

(b) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the Board of Commissioners of the city or city agency with which the violator serves;

(c) In writing, recommend to the Board of Commissioners that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal or removal from office;

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(d) Issue an order requiring the violator to pay a civil penalty of not more than $1,000; and

(e) Refer evidence of criminal violations of this chapter or state laws to the County Attorney or Commonwealth Attorney of the jurisdiction for prosecution.
(♣70 Code, • 2.100.240) (Ord. 23-94, 1994, passed 12-22-94)

• 39.19 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the circuit court of the county within 30 days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing. No additional evidence shall be considered on appeal.
(♣70 Code, • 2.100.250) (Ord. 23-94, 1994, passed 12-22-94)

• 39.20 LIMITATION OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought within one year after the violation.
(♣70 Code, • 2.100.260) (Ord. 23-94, 1994, passed 12-22-94)

• 39.21 ADVISORY OPINIONS.

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

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.

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

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

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

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

(E) (1) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered.

(2) However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this chapter for actions taken in reliance on that opinion.
(*70 Code, • 2.100.270) (Ord. 23-94, 1994, passed 12-22-94)

• 39.22 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS.

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

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

(1) To be false or which he or she discloses with reckless disregard for its truth of falsity.

(2) To be exempt from required disclosure under the provisions of the State Open Records Act, KRS 61.870 to 61.884.

(♣70 Code, • 2.100.280) (Ord. 23-94, 1994, passed 12-22-94)

• 39.99 PENALTY.

(A) (1) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under • 39.14 within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an

amount not to exceed $25 per day, up to a maximum total civil fine of $500. Any civil fine imposed by the Board under • 39.14 may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(2) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.
(•70 Code, • 2.100.170)

(B) Except when another penalty is specifically set forth in this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed $1,000, which may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within the time prescribed by the Board of Ethics.

(C) In addition to all other penalties which may be imposed under this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the officer fails to pay the amount of the forfeiture within the time prescribed by the Board of Ethics.

(D) In addition to all other penalties which may be imposed under this chapter, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty of a violation of this chapter shall be sufficient cause for removal, suspension, demotion or other disciplinary action by the executive authority of the city or city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this chapter shall be taken in accordance with all applicable ordinances and regulations of the city and applicable laws of the commonwealth.

(♣70 Code, • 2.100.290)

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CHAPTER 40: POLICE DEPARTMENT AND FIRE DEPARTMENT

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Vacation leave, see • 37.14

Statutory reference:

City Police and Fire Departments, see KRS 95

GENERAL PROVISIONS

• 40.01 PROCEDURE FOR COMPLAINTS AGAINST DEPARTMENTS.

(A) Complaints made to any members of the Police Department or Fire Department by citizens against other members thereof shall be taken down in writing by the officer and shall by him or her be turned over to the Chief of Police or Chief of the Fire Department who shall cause the charges to be transmitted to the City Manager, together with any other information that he or she shall possess or have knowledge of.

(B) Complaint made against a superior officer may be made by a member or members of the Police or Fire Department in writing directed to the City Manager.

(C) Sworn complaints or preferred charges made against members of the Police Department

and Fire Department shall be administered in accordance with the provisions of KRS 15.520 and KRS 95.450, as applicable.
(♣70 Code, • 2.27.010) (Ord. 1, 2010, passed 1-25-10)

• 40.02 PROCEDURE FOR DEPARTMENTAL COMPLAINTS.

Whenever any employee of a Department desires to take up any matter pertaining to the conduct or management of the entire Department with which he or she is connected the employee shall first go to the Chief of his or her Department and, if the Chief thinks well of the same, the Chief shall then take it up with the Board of Commissioners, and if he or she should refuse the employee may appeal to the

Board of Commissioners and it shall be improper for any employee to appear in person before the Board in regard to the matters, and anyone doing same shall be liable to suspension or dismissal.
(♣70 Code, • 2.27.020)

• 40.03 UNIFORMS.

All members of the Police or Fire Department while on duty shall be dressed in uniform and shall keep themselves in a neat and presentable appearance.
(♣70 Code, • 2.27.030)

• 40.04 DUTIES OF CHIEFS.

The Chief of Police shall be the chief officer of the Police Department and the Chief of the Fire Department shall be the chief officer of the Fire Department. They shall see that all rules and regulations, laws and orders of the City Manager and Board of Commissioners are carried out in full and shall have the power and authority to issue rules and regulations they consider necessary for the purpose of improving or carrying on and regulating the Police Department and Fire Department. The Chief of Police and the Chief of the Fire Department shall have no regular office hours but for the purpose of looking after and regulating its force in proper function shall be deemed on duty at all hours. It shall be the duty of the Chief of Police to look after and visit the various routes assigned to each police officer as often as practicable at any and all hours of the day and night and it is likewise the duty of the Chief of the Fire Department to see and inspect the respective members thereof, to see that they properly perform their duties. It shall be the duty of the Chief of Police and the Chief of the Fire Department to properly inform the City Manager and Board of Commissioners of all matters of interest pertaining to the Police or Fire Departments.
(♣70 Code, ● 2.27.040)

● 40.05 STATUTORY PENSION SYSTEM ADOPTED; EXPENSES.

(A) The city hereby adopts the provisions of KRS 95.881 to 95.885 by reference into the ordinances of the city and henceforth shall operate the pension fund for employees of the Police and Fire Departments pursuant thereto who were participating prior to August 1, 1988. A new account is created to be known as the Firefighters and Police Officer Pension Fund. (♣70 Code, ● 2.27.050)

(B) (1) The trustees of the Police Officers♠ and Firefighters♠ Benefit Fund of the city shall not incur an indebtedness for any administrative expense without the prior express approval of the Board of Commissioners of the city.

(2) The trustees of the Police Officers♠ and Firefighters♠ Benefit Fund shall make every contract for supplies or services expressly subject to the approval of the Board of Commissioners. Whether expressly made so subject or not, every contract shall be construed as subject to the approval of the Board of Commissioners and shall be submitted to the Board of Commissioners by the City Manager with a statement of the liability incurred and of his or her recommendation, for its approval or disapproval.
(♣70 Code, • 2.27.060)

CIVIL SERVICE

• 40.15 BOARD OF CIVIL SERVICE.

(A) There shall be, and there hereby is created the Board of Civil Service for police and fire, by which name it shall be known. It shall consist of five members, who shall be selected and appointed by the Mayor, subject to the approval of the Board of Commissioners. (♣70 Code, • 2.30.010)

(B) (1) Each appointee and member of the Board of Civil Service for police and fire shall be a qualified voter of the city; shall have resided herein for at least two years prior to appointment; shall be at least 30 years of age; and shall not be related by either blood or marriage to the Mayor or any member of the Board of Commissioners. If, at any time during the term of office, any member of the body becomes a candidate for or is elected or appointed to any public office the member of the Board shall immediately vacate the office on the Board. These are four year terms which commence as of March 1 and expire on the last day of February four years later and until a successor is appointed and qualified.

(2) Any and all vacancies shall be filled for the unexpired term only in the same manner as the original appointment.

(3) (a) The Board of Civil Service shall elect its Chair at the first meeting of each year.

(b) A majority of the Board of Civil Service for police and fire shall constitute a quorum. All certifications of applicants shall be signed by the quorum present.

(4) The Board of Civil Service for police and fire shall hold regular or stated periodical meetings at the times as it may prescribe by resolution, and shall hold the special meetings as its Chairperson, or any three members, may call, upon written notice.

(5) The Personnel Director or designee, acting as Clerk of the Board of Civil Service for police and fire shall attend its meetings and keep in the personnel office a journal of its proceedings. (70 Code, • 2.30.020)

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(C) It shall be the duty of the Board of Civil Service to examine applicants for original or promotional appointment in the Police and Fire Departments, and to certify the results of each examination to the City Manager in writing signed by the quorum of the Board present within five days after completion of the examination. (•70 Code, • 2.30.030)

(D) Terms of office. The term of office for Board of Civil Service shall be four year terms which commence as of March 1.
(Ord. 32-80, 1980, passed 9-8-80; Am. Ord. 15-96, 1996, passed 8-20-96)

• 40.16 ORIGINAL APPOINTMENTS; APPLICATION.

(A) (1) An applicant for original appointment in either the Police or Fire Departments shall submit an application on a form to be prescribed by the City Manager and file same with the Personnel Director as clerk of the Board of Civil Service prior to the date set for examination.

(2) Whenever sufficient applications are on file, or whenever in the discretion of the City Manager an examination should be held, the Personnel Director shall, after consultation with the Board of Civil Service, designate in writing to the Board of Civil Service a date of an examination, and shall notify each applicant whose application is on file, of the time and place of examination. No applicant for original appointment shall be entitled to take an examination unless:

(a) The applicant is a person of sobriety and integrity and is and has been an orderly, law-abiding citizen;

(b) The applicant is a high school graduate, a copy of high school diploma or GED report certified by proper school authority must accompany and be made a part of the application in support of and in proof of achievement;

(c) The applicant•s age is not less than 21 years upon date of appointment, which means that the applicant shall have reached or passed the 21 birthday; a copy of the applicant•s

birth certificate, issued by the state and signed by the registrar of the state in which the applicant was born, must accompany and be made a part of the application in support of and in proof of the date of birth.

(d) The applicant shall furnish evidence of possession of a valid motor vehicle operator's license and must possess a valid state operator's license as prescribed by state law.

(3) (a) All applicants shall by virtue of having made application, consent to a department background investigation.

(b) Any applicant who in any way falsifies information shall be disqualified from completing the examination, and in the event it has not come to the attention of the proper officials at

the time of filing or taking the examination that any facts, answers or information stated therein are false or untrue, and the applicant is thereafter appointed, the applicant shall, notwithstanding the appointment, be subject to removal from any appointed position as the result of providing false information during the employment process.

(4) If the background investigation reveals that an applicant has provided false information or does not meet the qualifications for employment as stated in state statutes or city ordinance, the City Manager shall remove the applicant from the employment process.
(•70 Code, • 2.30.040)

(B) (1) All applicants shall be examined by the Board of Civil Service or its designate as to qualifications and fitness to fill the position of patrol officer or fire fighter, in the following respects:

(a) Each Public Safety Department shall recommend job-related physical agility standards through the City Manager to the Board of Civil Service. Upon approval of the Board of Civil Service, the physical agility standards shall be incorporated in each departments standard operating procedures. The standard operating procedures shall include minimum standards which shall be met in order to continue in the process.

(b) The applicant shall be required to submit to a uniform test to be prescribed by the Board of Civil Service, in order to test the applicant•s general knowledge, aptitudes, specific skills and ability to express oneself clearly. Tests shall be fairly administered and job-related to the extent that qualifying abilities may be objectively measured. Test selection, certification and security shall be the responsibility of the Board of Civil Service. The written test, regardless of the number of questions, shall have a total value of 100%. Each applicant shall achieve a minimum test score of 70% in order to continue in the process.

(c) The applicant shall satisfy the Board of Civil Service by oral interview that the applicant knows in general the duties of the position applied for and is prepared to make the necessary personal commitment as a patrol officer of firefighter.

(2) (a) The relative weight to be given to the two qualifications and fitness tests shall be as follows:

1. Physical agility: pass/fail.

2. Written test: 50%.

3. Background investigation: pass/fail.

4. Oral interview: 50%.

5. Total: 100%.

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(b) These two qualifications and fitness tests shall be given upon competitive basis, and the applicant shall be rated on each of them on a scale of 100 for the maximum possible attainment, and an averaged score then determined, taking into consideration the relative weight of each of the two tests, and the applicant will be deemed to have passed the examination if his or her total score is a minimum of 70%.

(c) Upon receiving a passing score, additional credit for current certifications shall be applied to the applicant•s total score as follows:

1. Firefighter applicants:

a. Kentucky Certified Firefighter: 4%.

b. Kentucky or National EMT-B: 4%.

c. Kentucky or National EMT-P: 8%.

2. Patrol officer applicants:

a. Out of State Law Enforcement Certification and one year or more experience: 4%.

b. Kentucky Peace Officers Professional Standards Certification: 8%.

(d) The applicant•s name and the total score shall be certified, in rank order, by the Board of Civil Service to the City Manager as being eligible for original appointment to a position in the Police or Fire Departments.
(•70 Code, • 2.30.050) (Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 28, 2002, passed 11-7-02)

(C) (1) Safety employee histories indicate a significant occurrence level of injuries, many

resulting from strain, coronary disease and spinal degeneration producing pain, loss of work time, disability situations, excessive demands for sick leave, workers compensation benefits and disability retirements. Safety service requires a high degree of physical stamina. Fitness training has been shown to increase work capacity, improve and maintain general health and reduce the potential for personal suffering and loss of life. It is believed to be in the public interest, and in the best interest of city employees and their families that fitness standards be established and enforced.

(2) Mandatory physical fitness standards are hereby established for all sworn members of the Police and fire divisions employed after January 1, 1987, and they shall be required to meet these standards as a condition of employment. These standards shall be approved by the Board of Civil Service to fit job related physical standards and to comply with all federal and state requirements.

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(3) Employees shall be required to pass a job-related physical agility test at time of hire and annually thereafter. In lieu of the annual job-related physical agility test required at the time of hire and annually thereafter, the employee may enroll in a department-approved wellness program designed to promote physical and mental fitness. The employees must annually achieve the minimum standards established by the job-related physical agility test or the department-approved wellness program. A physical and/or psychological evaluation may be required at the discretion of the chief at any time during the course of his or her employment.

(4) The physical agility test shall be administered by the division annually, or, if the employee elects to participate in the department-approved wellness program, the employee shall at all times meet the physical evaluation requirements of the program. The only basis for not participating in either program is a valid written medical exemption from a physician. An employee who does not participate due to medical exemption must test immediately upon expiration of the medical exemption.

(5) Failure of an employee to pass the physical agility test or to meet the requirements established by the department-approved wellness program shall result in disciplinary action. Employees failing to pass the physical agility test or meeting the requirements of the department-approved wellness program shall be given a 60-day extension to comply with the standards. At the end of 60 days, employees unable to meet requirements shall be subject to suspension without pay of up to six months by charges being filed with the Board of Commissioners. At any time during suspension, employee may request re-examination, a limit of three occasions, and shall be reinstated upon passage. At the end of the designated suspension period, the employee shall be re-examined. If employee passes, employee shall be reinstated. If employee fails, charges shall be brought for dismissal.

(6) While fitness shall be a mandatory requirement, the means to obtain fitness will be at the employee•s discretion. However, in order to assist the employee, the city will provide access to a recreational facility.

(7) All ordinances or orders in conflict herewith are repealed to the extent of any conflict.

(♣70 Code, ● 2.30.055) (Am. Ord. 7, 2002, passed 2-21-02)

(D) Additional parts of examination of each applicant for original appointment shall be as follows, upon a conditional offer of employment:

(1) Prior to actual appointment, an applicant for the Police Department or Fire Department shall receive a job-related evaluation by a professional of the city♠s choice to determine ability to perform required tasks and assume required responsibilities.

(2) An applicant for the Police or Fire Department shall receive a job-related examination by a medical doctor of the city♠s choice to determine ability to perform required tasks.
(♣70 Code, ● 2.30.060) (Am. Ord. 12, 2002, passed 4-4-02; Am. Ord. 28, 2008, passed 11-24-07)

(E) (1) The name and score of each applicant, certified by the Board of Civil Service as above provided for, shall at once be put by the City Manager upon an eligibility list, for the Police or Fire Departments, as the case may be, and shall be kept on the list until the applicant be appointed, provided that the lists, as so certified by the Board shall be valid and remain in full force and effect for a period of one year from the date of the certification.

(2) An applicant for original appointment to the Police or Fire Departments who has taken the examination for original appointment three times and has failed to attain a passing score shall not be eligible to make the examination again for a period of two years from the date of the last unsuccessful examination.

(3) The name of any applicant on an eligibility list who fails to report for an interview with the appointing authority or to make a satisfactory response to the notice, or any applicant who declines an appointment without a reason satisfactory to the City Manager, may be removed from the list and notice of the removal shall be furnished the applicant at once; and the applicant's name shall not thereafter be reinstated in the absence of an explanation satisfactory to the City Manager.

(4) In case the Board of Civil Service or the City Manager has reason to believe that any applicant whose name is on an eligibility list should be removed therefrom on account of incapacity developed subsequent to examination, or for fraud or false statement on the applicant's part in connection with the application or examination, or misconduct of any kind evidencing unfitness or lack of loyalty, or lack of capacity for proper discipline, the City Manager may before appointing the applicant give the applicant notice to show cause before the Board of Civil Service why the applicant should not be dropped from the list, and on the notice shall be given an opportunity to be heard before the Board of Civil Service. If the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that the applicant should be retained, the applicant shall thereupon be removed from the eligibility list.

(5) Each applicant shall at the time of application, and thereafter on any change of address, furnish an address to which any and all notices may be forwarded; a delivery or mailing of any notice for an applicant addressed to the applicant at the address shall be deemed sufficient notice.

(♣70 Code, ● 2.30.070)

(F) The City Manager shall submit the eligibility list of applicants to the Board of Commissioners for appointment and the Board of Commissioners shall appoint any of the applicants having the three highest scores. (♣70 Code, ● 2.30.080)

(G) All original appointments from the eligibility list shall be for an initial probationary period of 12 months and no original appointment shall be deemed finally made until the appointee has satisfactorily served the 12-month probationary period. The probationary period may be extended for an additional six months by action of the appointing authority upon recommendation of the City Manager and

respective chief. The appointee during the probationary period may be removed by appointing authority on recommendation of the respective chief and/or the City Manager but only for cause stated in writing to the Board of Commissioners. (‡70 Code, • 2.30.090)
(Ord. 32-80, 1980, passed 9-8-80; Am. Ord. 15-96, 1996, passed 8-20-96)

• 40.17 PROMOTIONAL APPOINTMENTS.

(A) (1) Upon the request of the City Manager, the Board of Civil Service shall hold competitive examinations for those members of the Police and Fire Departments who have served therein for the purpose of establishing an eligible list for promotions. Members who shall become eligible for promotion within one year following the testing date shall be eligible to take the promotional exam. Applicants will be deemed to have passed the promotional exam if his or her total score of all test components totals a minimum of 70%. Applicants with a total score of less than 70% will not be placed on the eligibility list.

(2) A member of the Police Department must serve one year in the next lower rank before he or she will be deemed eligible for promotion, with the exception of patrol officer who must serve a total of 24 months before being eligible for promotion.

(3) A member of the Fire Department must serve two years in the next lower rank before he or she will be deemed eligible for promotion.

(4) Vacancies in rank shall be filled as far as is practicable, within 90 days of occurrence. Not withstanding the above provisions, the offices of chief of the police and fire departments may be filled by appointment of a member of the department holding the next lower rank (which in the case of the Fire Department shall mean Assistant Chiefs and Battalion Chiefs) or the selection of a qualified applicant who is not a member of the respective department.
(‡70 Code, • 2.30.100) (Am. Ord. 11, 2000, passed 2-28-00)

(B) An applicant for promotional appointment in either the Police or Fire Departments shall sign

an application on a form to be prescribed by the Personnel Director and file same with the Personnel Director as Clerk of the Board of Civil Service at least ten days prior to the date set for examination, provided that said notice may be waived by the civil service Board for good cause. Notice of promotional examinations shall be by bulletins posted on the bulletin board in the Police or Fire Department. At the examination, all applicants who shall have filed their applications at least ten days prior to the time set for the examination and who will, one year from the date set for the examination, be eligible for promotion, shall be eligible for examination. (♣70 Code, • 2.30.110)

(C) Fire Department requirements.

(1) The examinations as to qualifications and fitness for promotion shall consist of the following measures to be scored in percentages in the following order:

(a) Performance assessment: 30%.

(b) Written test: 50%.

(c) Oral interviews: 10%.

(d) Longevity: 10%.

(2) Written tests: Test materials shall be those prescribed by the Board of Civil Service, shall be pertinent to the duties and responsibilities of the rank being tested, and shall be administered according to accepted standards of public practice.

(3) Oral interviews.

(a) To be held by the Board of Civil Service with either the Board or a combination of Board members and fire-related professionals designated by the Board. The applicant shall satisfy the Board that the applicant knows in general the duties of the position applied for and the rules and regulations pertaining thereto. The applicant may be questioned to determine general intelligence and to ascertain any special character traits or aptitudes. The Chief may be interviewed concerning qualifications of each applicant and shall furnish the information as the Board of Civil Service may require prior to its examination of the applicants.

(b) The reports as may be required by the Board of Civil Service shall be made available to the Board at least three days before the date set for oral interviews through the Clerk of the Board.

(4) Performance assessment: Assessment scenarios shall be designed to measure the applicant•s interpersonal skills and judgment. They shall be standardized, realistic, job relevant situations designed to assess valid predictions of future work behavior. The scoring criteria shall emphasize competencies involving nontechnical skills (including common sense judgment and interpersonal behavior). The scoring criteria of the situational responses shall focus on competence

as measured by two content scales: task orientation (a measure of the applicant's problem solving ability) and interpersonal skills (a measure of the behaviors used by applicants to relate appropriately to the situations presented).

(5) Longevity: One-half point for each year of unbroken service up to a maximum of 20 years shall be added to the cumulative score of all candidates passing the written test as described under this section.

(6) The applicant shall be rated on each of these tests on a scale of 100 for the maximum possible attainment, and the average score then determined by the Personnel Director, taking into consideration the relative weight of each of the tests, and the applicant's name and the average score shall be certified by the Board of Civil Service to the City Manager as being eligible for promotional

appointment to a position in the Fire Department. The Board of Civil Service shall likewise report to the City Manager and Board of Commissioners the names and scores of all applicants, but no score of any applicant shall be disclosed to any competitor.
(70 Code, • 2.30.123) (Ord. 6-85, passed 1-28-85; Am. Ord. 20-88, passed 9-26-88; Am. Ord. 5-93, passed 3-22-93; Am. Ord. 13-96, passed 6- 17-96; Am. Ord. 11, 2000, passed 2-28-00; Am. Ord. 1, 2002, passed 1-10-02)

(D) Police Department requirements.

(1) The examinations as to qualifications and fitness shall consist of the following tests to be graded on a 100 point criterion:

Written test:	50 points
Oral interview:	20 points
Longevity and/or education:	10 points (. point per year of unbroken service up to 20 years and/or one point per 30 semester hours of college; combined total shall not exceed 10 points)
Departmental input:	20 points
Total	100 points

(a) Written test: Test material shall be those prescribed by the Board of Civil Service, shall be pertinent to the duties and responsibilities of the rank being filled, and shall be administered according to accepted standards of public practice.

(b) Oral interview: To be held by the Board of Civil Service with either the Board or a combination of Board members and police-related professionals designated by the Board. The applicant shall satisfy the Board of Civil Service by oral interview, that he or she knows in general the duties of the position applied for and the rules and regulations pertaining thereto and the applicant may be questioned to determine his or her general intelligence and to ascertain any special character traits or aptitudes.

(c) The Chief may be interviewed concerning the qualifications of each applicant and shall furnish the information as the Civil Service Board may require prior to its examination of the applicants.

1. Material from the candidate's personnel file will not be considered, provided the entries (disciplinary action) are more than two years old at the time of the test.

2. The reports as may be required by the Civil Service Board shall be made available to the Board at least three days before the date set for oral interviews through the clerk of the Board.

(d) Each employee of the Police Division shall be evaluated at least annually with regard to overall job performance and skills development and attainment of personal and departmental objectives. Performance evaluations shall be completed on forms specifically developed for the purpose and approved by the Board of Civil Service. The Police Chief shall be responsible for ensuring that evaluations are performed and that each employee receives one copy of his or her evaluation, one copy is filed in police administration, and one copy is forwarded to the Personnel Office.

1. Employee evaluation procedure: Each employee shall be evaluated as described in this section by his or her immediate supervisor, starting with the rank of sergeant, and all evaluations shall be reviewed by the Major and Police Chief. Each employee shall have the results of the evaluation explained to him or her by the rating officer, during which time the supervisor and employee will establish goals and objectives for increased and/or continued performance levels. Each employee shall have the right to appeal a performance rating through the city's grievance procedure.

2. Departmental input: The division shall establish the procedures, factors, and relative weight of each factor to be used in determining departmental input, and forward for approval of the Board of Civil Service at least sixty days before each promotional test. Procedures shall include a meeting with all personnel in the next higher rank meeting to jointly assign numerical value to each of the factors established for each rank; either the police chief or major shall be present as a nonvoting member of the meeting, except that the majors shall evaluate the captains and the Police Chief shall evaluate the majors. Each employee shall have the results of his/her departmental input rating explained to him or her by either the Major or Police Chief, and in the presence of the immediate supervisor. Each employee has the right to appeal the departmental input rating through the city's grievance procedure.

(2) The applicant shall be rated on each of these four tests on a scale of 105 for the maximum possible attainment, and his or her average grade (to the nearest whole number) then determined, taking into consideration the relative weight of each of the four tests, and his or her name and the average grade shall be certified by the Board of Civil Service to the City Manager as

being eligible for promotional appointment to a position in the Police Division. The Board of Civil Service shall likewise report to the
City Manager and Board of Commissioners the name and grades of all applicants; but no grade of any applicant shall be disclosed to any competitor.
(♣70 Code, ● 2.30.125) (Ord. 6-85, passed 1-28-85; Am. Ord. 31-91, passed 11-25-91; Am. Ord. 10, 2009, passed 7-27-09)

(E) Police and Fire requirements.

(1) The name and grade (to the nearest whole number) of each applicant, certified by the Board of Civil Service as above provided for, shall at once be put by the City Manager upon an eligible list for the Police and Fire Divisions. Promotional eligibility lists shall be valid and remain in full force and effect for one year or until such time as another examination is held and a new list certified by the Board of Civil Service to the City Manager.

(2) In case the Board of Civil Service or the City Manager, has reason to believe that any applicant whose name is on an eligible list should be removed therefrom on account of incapacity developed subsequent to his examination, or for fraud or false statement on his or her part in connection with his application or examination, or misconduct of any kind evidencing unfitness or lack of loyalty, or lack of capacity for proper discipline, the City Manager may before appointing the applicant give him or her notice to show cause before the Board of Civil Service why his or her name should not be dropped from the list, and on the notice he or she shall be given an opportunity to be heard before the Board of Civil Service; and if the applicant fails to appear for hearing, or fails to convince the Board of Civil Service that his or her name should be retained, his or her name shall thereupon be removed from the eligible list.
(♣70 Code, • 2.30.130) (Ord. 32-80, passed 9-8-80)

(F) The City Manager shall submit the eligible list of applicants to the Board of Commissioners for appointment together with his recommendation and the Board shall appoint from the applicants having the three highest average grades. (♣70 Code, • 2.30.140) (Ord. 32-80, passed 9-8-80)

(G) All promotional appointments from the eligible list shall be for an initial probationary period of six months; and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served said six months probationary period. Not later than 30 days after the expiration of the six months probationary period, the City Manager shall recommend to the Board of Commissioners that the appointee be either confirmed or not confirmed. Failure of the Board of Commissioners to take any action within 30 days following the expiration of the six months probationary period shall automatically constitute confirmation. The appointee during the probationary period may be demoted only for good cause, by the appointing authority, and only on written recommendation of the City Manager and/or the Chief of the Division. This, however, shall not restrict the right to remove any appointee at any time for cause, as provided by law. (♣70 Code, • 2.30.150) (Ord. 32-80, passed 9-8-80)

• 40.18 POLITICAL ACTIVITY.

Employees under the terms and provisions of the chapter shall not violate applicable law as relates to political activity.

(‡70 Code, • 2.30.160) (Ord. 32-80, passed 9-8-80)

• 40.19 RETIREMENT.

(A) Pursuant to authority of KRS 95.858, each member of the Department of Public Safety shall be compulsorily retired on the last day of the calendar month within which he or she reaches and attains his or her 62nd birthday, provided:

(1) Any member who, after July 1, 1966, reaches and attains his or her 62nd birthday may, not later than 90 calendar days prior to his or her 62nd birthday, make written application to the City Manager for permission to remain as a member of the Department beyond his or her 62nd birthday.

(2) If, upon investigation, it be found that a member making application under this section is physically able to perform the duties assigned to him or her, and if his or her application or request is favorably recommended by the City Manager to the Board of Commissioners by resolution, and if the Board of Commissioners, by resolution, approves same, then the member shall continue as a member of the Department for an additional one-year period, provided that during that period he or she is physically able to perform the duties assigned to him or her. The one-year period shall commence the first day of the month following the month in which his or her 62nd birthday occurs if he or she makes application under this section or shall commence the first day of the month following the months in which the application or request is approved if he or she makes application under this section. Similar requests may be made from year to year, provided written application is made not later than 90 calendar days prior to the expiration of any request granted, but in no event shall the total of the requests granted be more than a total of three years.

(3) Each written application or request shall be acted upon, and the member notified, in writing, of the action or decision of the City Manager and/or Board of Commissioners, not later than 60 calendar days after filing of the application or request, but any failure to notify the member within the 60 calendar days shall not be a waiver or forfeiture of the discretionary power of the city to refuse to allow the member to continue as a member of the division, but same shall be deemed a denial and refusal of the application or request.

(B) Nothing contained in this section shall preclude any member employed prior to the passage of this chapter, September 8, 1980, and able to perform his or her assigned duties from serving at least 20 years.

(*70 Code, • 2.30.170) (Ord. 32-80, passed 9-8-80)

• 40.30 DEPARTMENT CREATED.

(A) The Fire Department shall consist of a Chief and such number of Assistant Chiefs, Captains, Lieutenants, and firemen and other employees as may be provided for in the annual appropriation ordinance and the budget, or any emergency appropriation ordinance.

(B) The Chief of the Fire Department shall command and supervise the Fire Department of the city and see that their duties are properly performed. In addition, the Chief of the Fire Department shall be

authorized and empowered, and it shall be his or her duty, to do and perform all acts and things required by general law, and/or ordinances of the city, to be performed by the Chief of the Fire Department and he or she shall perform other duties as may be required of him or her by the Board of Commissioners or by the ordinances.

(C) There shall be appointed assistant chiefs, captains, lieutenants, firefighters and other employees as is provided in the annual appropriation ordinance or by any emergency appropriation ordinance. Each
firefighter shall be authorized and empowered, and it shall be his or her duty to do and perform all acts and things required by general law, and/or ordinances of the city, to be performed by firefighters and they shall perform other duties as may be required of them by the Board of Commissioners or by the ordinances.
(✣70 Code, • 2.33.010)

• 40.31 DEFINITION.

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

FIREFIGHTER. Any member of the Fire Department, except wherein the term designates rank.
(✣70 Code, • 2.33.020)

• 40.32 NUMBER OF FIRE PERSONNEL; GRADES AND RATINGS.

(A) The number of individuals comprising the Frankfort Fire Division shall be provided in the annual budget and appropriation ordinance or through any interim appropriation ordinance. The grades and ratings of the personnel comprising the Fire Division shall be divided into the following ranks as hereinafter provided:

(1) Fire Chief:

(2) Assistant Chief;

(3) Battalion Chief;

(4) Fire and Safety Inspector (Fire Marshal), Fire Training Officer and Emergency Medical Services Director as set forth in • 40.36:

(5) Captain;

(6) Lieutenant;

(7) Drivers-Utility (Sergeant);

(8) Firefighter:

(9) Firefighter/EMT:

(10) Firefighter/Paramedic:

(11) Fire Public Education Officer as set forth in • 40.37; and

(12) Civilian personnel as established by annual budget and appropriation ordinance.

(B) Any ordinances referring to rank as previously designated are hereby amended to reflect these newly created designations.
(*70 Code, • 2.33.030) (Ord. 37, 1965, passed 12-27-65; Am. Ord. 6-81, 1981, passed 2-9-81; Am. Ord. 30-84, 1984, passed 12-10-84; Am. Ord. 8-91, 1991, passed 2-25-91; Am. Ord. 20, 2009, passed 9-28-09)

• 40.33 RANK; OBEDIENCE TO ORDERS.

Under the rank system the firemen with the higher rank shall be in charge of firefighters of lower rank on any assigned duty. A failure to obey a lawful order, given in the line of duty, by a firefighter in charge of firefighters of lower rank, shall be immediately reported through the Chief of the Fire Department to the Board of Commissioners for disciplinary action.
(*70 Code, • 2.33.040)

• 40.34 ATTENDANCE AT FIRES OUTSIDE CITY LIMITS.

The City Manager may, in his or her discretion, order the firefighting apparatus of the city to attend the fires outside of the city limits as he or she deems necessary.

(♣70 Code, • 2.33.050)

• 40.35 DISPATCHING TO AID OTHER MUNICIPALITIES OR AGENCIES.

(A) Upon proper request by a municipality or other government agency through its duly authorized representative, the Board of Commissioners hereby authorizes the Fire Chief or his or her duly authorized representatives to dispatch the Fire Department, including persons and equipment, to go to the aid of the requesting municipality or governmental agency, except that the dispatches must not seriously deplete the fire and/or emergency medical resources for the city.

(B) Outside assistance dispatches shall be in accordance with established city policy set forth in Fire Department Standard Operating Procedure 300.1, ■Outside Assistance Dispatching Procedures,• in file in the Office of the Fire Chief and as may be amended from time to time.

(C) All agreements or contractual arrangements for Fire Department assistance dispatches shall be adopted by order of the Board of Commissioners.

(D) Any existing agreements, contracts, orders, letters or procedures in conflict are hereby declared null and void to the extent of any conflict.
(•70 Code, • 2.33.060) (Ord. 17-89, 1989, passed 5-22-89)

• 40.36 FIRE AND SAFETY INSPECTOR; FIRE TRAINING OFFICER; EMERGENCY MEDICAL SERVICES DIRECTOR.

(A) (1) There are hereby created the positions of Fire and Safety Inspector, Fire Training Officer, and Emergency Medical Services Director with duties as outlined in job descriptions.

(2) These positions, which are established by ordinance and budgetary authority, are duty assignments with temporary status only and those serving in the positions shall retain their permanent rank as established by civil service procedures and shall be subjected to all other civil service-related benefits. These positions shall be filled from within the ranks of the Fire Department, if practicable, through established personnel selection procedures. If these positions cannot be filled

from within the Department, then the positions may be filled from outside the civil service fire ranks. Non-civil service appointees would be classified as civilian personnel and would receive only benefits available to civilian nonhazardous duty personnel and would be subject to all applicable civilian city personnel policies and procedures. The persons shall serve under the direction of the Fire Chief and shall perform other duties as may be assigned to them. Fire Department members assigned to these positions shall be reassigned only for reason(s) stated in writing by the Department head and approved by the City Manager and Board of Commissioners. Reassignment shall terminate the receipt of differential workweek pay and the provisions of KRS 95.450 shall not apply.

(✣70 Code, • 2.45.010)

(B) The Fire and Safety Inspector, Fire Training Officer and Emergency Medical Services Director shall be compensated at their regular civil service rank grade established by salary ordinance and shall
in addition thereto receive 9% above grade. The differential work hour pay is provided in exchange for duty performance on a 37.5-hour workweek (five 7.5-hour workweek days) in lieu of the fire duty hours, as outlined in KRS 95.500. Vacation and sick leave shall accrue on the basis of a 37.5 workweek.
(•70 Code, • 2.45.030) (Ord. 14-68, 1968, passed 6-10-68; Am. Ord. 22-89, 1989, passed 6-12-89; Am. Ord. 24, 2005, passed 11-28-05; Am. Ord. 22, 2006, passed 9-25-06)

• 40.37 FIRE PUBLIC EDUCATION OFFICER.

(A) There is hereby created the position of Fire Public Education Officer with duties as outlined in job description.

(B) This position, which is established by ordinance and budgetary authority, is a duty assignment with temporary status only and the officer serving in the position shall retain his permanent rank as established by civil service procedures and shall be subjected to all other civil service related benefits. This position shall be filled from within the ranks of the Fire Department through established personnel selection procedures. The officer shall serve under the direction of the Fire Chief and shall perform the other duties as may be assigned to him. The officer shall be reassigned only for reason(s) stated in writing by the department head and approved by the City Manager and Board of Commissioners. Reassignment shall terminate the receipt of differential work week pay and the provisions of KRS 95.450 shall not apply.

(C) The Fire Public Education Officer shall be compensated at his regular civil service rank grade established by salary ordinance and shall in addition thereto receive 9% above grade. The differential work hour pay is provided in exchange for duty performance on a 37.5 hour work week (five seven and one-half hour work week days) in lieu of the fire duty hours as outlined in KRS 95.500. Vacation and sick leave shall accrue on the basis of a 37.5 work week.

(Ord. 5, 2002, passed 2-7-02; Am. Ord. 24, 2005, passed 11-28-05)

• 40.38 EMERGENCY PREPAREDNESS COORDINATOR.

(A) There is hereby created the position of Emergency Preparedness Coordinator with duties as outlined in job description.

(B) This position, which is established by ordinance and budgetary authority, is a full time staff position in the Fire Department. The position shall be filled from applicants meeting the qualifications as required by job description, and may be filled from within the ranks of the Fire Department or from

outside the civil service fire ranks. The position shall serve under the direction of the Fire Chief and shall perform such duties as may be assigned.

(C) The position of Emergency Preparedness Coordinator, if filled from within the ranks of the Fire Department, shall be compensated at the regular grade established by salary ordinance for the position in which he is already employed and there shall be no additional compensation for service in the position. If this position is filled from outside the civil service fire ranks, compensation shall be as established in the salary ordinance.
(Ord. 10, 2003, passed 6-16-03)

POLICE DEPARTMENT

• 40.45 DEPARTMENT CREATED; MEMBERS.

(A) The Police Department shall consist of the Chief and a number of division commanders, captains, lieutenants, detectives, sergeants and patrol persons and other employees as may be provided for in the annual appropriation ordinance and the budget, or any emergency appropriation ordinance.

(B) The Chief of Police•s duty shall be to command and supervise the Police Department of the city, and to see that their duties as defined by law and ordinances of the city are properly performed. The Chief of Police shall be authorized and empowered, and it shall be his or her duty, to do and perform all acts and things required by general law and/or ordinances of the city, to be performed by the Chief of Police. He or she shall perform other duties as may be required of him or her by the Board of Commissioners or by ordinances.

(C) There shall be appointed assistant chiefs, captains, lieutenants, sergeants and patrol persons, as is provided in the annual appropriation ordinance or by any emergency appropriation

ordinance. It shall be the duty of each member of the Police Department to acquire and have a general knowledge of the criminal laws of the state and the ordinances and regulations of the city, which he or she may be called upon to enforce, and to use his or her best exertions to prevent the commission, within the police jurisdiction of the city, of offenses against the laws of the state and the ordinances and regulations of the city, to observe and enforce all laws, ordinances and regulations, to detect and arrest offenders, to observe the good order of the city, and to secure the inhabitants thereof and persons within the city from violence and property from injury. Each police officer shall be authorized and empowered, and it shall be his or her duty, to do and perform all acts and things required by general law and/or ordinances of the city, to be performed by police officers, and they shall perform other duties as may be required of them by the Board of Commissioners or by the ordinances.

(♣70 Code, • 2.36.010)

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• 40.46 TRAFFIC GUARDS.

(A) A corps of traffic guards not to exceed seven members for the protection of school children at street crossings in coming to and from school is hereby created in the Department of Public Safety.

(B) The Chief of Police shall cause traffic guards to be given necessary training for their work, shall assign them to their posts, shall fix their hours of duty and supervise their work.

(C) Each traffic guard shall receive compensation at the rate as set by the Board of Commissioners and shall be furnished his or her uniform which shall remain the property of the city.
(‡70 Code, • 2.36.030) (Ord. 30-65, 1965, passed 10-11-65)

• 40.47 NUMBER OF POLICE OFFICERS.

The number of police officers comprising the Police Department shall be provided in the annual budget and appropriation ordinance.
(‡70 Code, • 2.36.040) (Ord. 5-67, 1967, passed 2-13-67; Am. Ord. 17-77, 1977, passed 6-17-77; Am. Ord. 27-78, 1978, passed 6-26-78)

• 40.48 NUMBER OF OFFICERS AND CIVILIAN POSITIONS.

(A) Grades and rates of the persons comprising the Police Department shall be divided into the following grades and rates as hereinafter provided:

(1) Chief of Police;

(2) Division Commander, Major;

(3) Shift Commander, Captain;

(4) Assistant Shift Commander, Lieutenant;

(5) Sergeants; and

(6) The number of patrol officers, as established by the annual budget and appropriation ordinance.

(7) Civilian personnel as established by annual budget and appropriation ordinance.

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(8) Part-time temporary positions including traffic guards or as otherwise provided for in the annual appropriation ordinance.

(B) Any ordinances referring to rank as previously designated are hereby amended to reflect these newly created designations.
(♣70 Code, • 2.36.050) (Ord. 5-67, 1967, passed 2-13-67; Am. Ord. 25-80, 1980, passed 6-30-80; Am. Ord. 8-86, 1986, passed 5-28-86; Am. Ord. 17-91, 1991, passed 6-6-91)

• 40.49 RANK.

(A) For the purposes of this chapter, the Chief of Police shall be in charge of all police officers, confirmed or unconfirmed, serving with the Department; the position(s) of Division Commander shall be subordinate only to the Chief of Police; police captains shall be subordinate only to the Chief and Division Commander; police lieutenants shall be subordinate only to the Chief, Division Commander and police captains; police sergeants shall be subordinate to the Chief, Division Commander, police captains and police lieutenants; patrol persons shall be subordinate to all the above named police officers; unconfirmed persons on trial shall be subordinate to all confirmed persons in the Department.

(B) In the absence of designation, by the Chief or Division Commander, to persons assigned to details in the Department who hold the same rank, the officer with earliest date of confirmation in that rank shall be in charge of men with a later date of rank. In the event two or more officers hold the same date of rank, the older officer shall be superior to those younger than he or she.

(C) Under the rank system, as hereinabove set out, the police officer with the higher rank shall be in charge of persons of lower rank on any assigned duty. A failure to obey a lawful order, given in the line of duty, by a police officer in charge of police officers of a lower rank, shall immediately be reported through the Chief of Police to the Board of Commissioners for disciplinary action.
(♣70 Code, • 2.36.060)

• 40.50 DEFINITION.

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

POLICE OFFICER. Any member of the Police Department, except as used to designate rank. (✣70 Code, • 2.36.070)

• 40.51 [RESERVED.]

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• 40.52 DETECTIVES.

(A) The position of detective in the Police Department, the number of which is established by ordinance and budgetary authority, is a duty assignment with temporary status only and those serving in this position shall retain their permanent rank as established by civil service procedures.

(B) The position of detective shall be filled from the ranks with members having a minimum of two years total continuous service subject to established competitive qualifying procedures. The members shall serve under the direction of the Chief of Police and shall perform other duties as may be assigned to them. Members assigned to the Detective Bureau shall be reassigned only for reason(s) stated in writing by the Chief of Police to the Board of Commissioners.
(*70 Code, • 2.36.090) (Ord. 42-78, 1978, passed 11-21-78; Am. Ord. 2-83, 1983, passed 2-28-83; Am. Ord. 3-84, 1984, passed 4-9-84; Am. Ord. 18-98, 1998, passed 9-3-98)

• 40.53 TRAINING, EDUCATION AND OTHER PROGRAMS.

(A) The city hereby declares its intention to participate in the law enforcement foundation program established by KRS 15.410 through 15.510.

(B) Each officer of the Police Department shall be paid from city funds an annual salary as set from time to time by the Board of Commissioners.

(C) Each officer employed on or after July 1, 1973, shall have as a minimum educational attainment a high school degree, or its equivalent as determined by the State Law Enforcement Council. Each officer employed on or after July 1, 1972, shall within one year of his or her date of employment complete a basic training course of at least 400 hours duration at a school certified or recognized by the State Law Enforcement Council.

(D) Each officer, whether originally employed before or after July 1, 1972, shall successfully complete each year an in-service training course of 40 hours duration appropriate to his or her rank

and responsibility at a school certified or recognized by the State Law Enforcement Council. Each officer shall receive in each calendar year five days time off with pay for the purpose of taking the required in-service training.

(E) No officer shall have his or her base salary reduced or be denied a normal salary increase to which he or she is otherwise entitled because of the salary incentive payments provided by the State Crime Commission under KRS 15.410 through 15.510.

(F) The Police Department and each officer thereof shall comply with all provisions of law applicable to local police, including the transmission of data to the Bureau of Criminal Information and Statistics as required by KRS 17.150.

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(G) The Chief of the Police Department shall prepare or cause to be prepared quarterly and other reports as may be reasonably required by the State Crime Commission to facilitate administration of the fund and further the purposes of KRS 15.410 through 15.510.

(H) The Police Department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local Police Department, issued by the State Crime Commission to facilitate the administration of the fund and further the purposes of KRS 15.410 through 15.510.

(I) (1) The Treasurer of the city shall deposit in an appropriate account which can be identified separately from all other sources, all monies received under KRS 15.410 through 15.510.

(2) Forthwith upon receipt of any monies under KRS 15.410 through 15.510, the Treasurer shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him or her under KRS 15.410 through 15.510 is included and identified.

(3) All financial records relating to monies received under KRS 15.410 through 15.510 shall be retained for a period of three years and until the completion of an audit approved by the State Crime Commission and the U.S. Law Enforcement Assistance Administration.
(‡70 Code, • 2.36.120) (Ord. 9-73, 1973, passed 4-9-73)

• 40.54 CARRYING CONCEALED WEAPONS.

(A) All members of the Police Department that carry deadly weapons on or about their persons in their regularly scheduled duties as police officers may carry concealed deadly weapons on or about their persons at all times within the commonwealth.

(B) This section is enacted for the express purpose of protecting the police officers from prosecution under the provisions of KRS 435.230(1) when they may be outside the corporate limits

of the city and for no other purpose.

(♣70 Code, • 2.36.130) (Ord. 33-70, 1970, passed 12-14-70)

• 40.55 IMPERSONATION OF OFFICERS.

No person, whether employed as a merchant police officer, guard or private detective, or not, shall in any way impersonate a city police or represent himself or herself to any person as being an officer, nor shall he or she wear any uniform, or any part or insignia thereof, of the same or similar color as the official uniform of the Police Department, nor shall he or she use any motor vehicle decorated so as to resemble an official Police Department vehicle.

(♣70 Code, • 2.36.140) (Ord. 46-69, 1969, passed 11-24-69) Penalty, see • 10.99

• 40.56 MANUAL OF RULES OF CONDUCT AND PERFORMANCE.

The Police Department Manual of Rules of Conduct and Performance dated October 1995, which amends the January 1982 Manual of Rules and Regulations, is hereby adopted by reference as an ordinance of the city and copy of which is on file in the Office of the City Clerk.
(✣70 Code, • 2.36.160) (Ord. 17-95, 1995, passed 11-15-95)

2008 S-4

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE; SOLID WASTE

51. ELECTRIC AND WATER PLANT

52. SEWERS

53. EROSION CONTROL AND SEDIMENT CONTROL MEASURES

54. ILLICIT DISCHARGE CONTROLS

55. POST-CONSTRUCTION RUNOFF

CHAPTER 50: GARBAGE; SOLID WASTE

Section

50.01 Definitions

50.02 Collection

50.03 Containers; location and condition

50.04 [Reserved]

50.05 Loose material

50.06 Prohibited disposal

50.07 Dumping regulations

50.08 Dangerous or hazardous waste

50.09 Collection of construction/demolition debris

50.10 Recycling program

50.11 Authority to establish rules and regulations

50.12 Police power measure

50.13 Prosecution

50.14 Garbage collection fee

50.99 Penalty

• 50.01 DEFINITIONS.

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

ASHES. The residue of combustion of such fuels as wood, coal, coke, charcoal, and the like.

COMBUSTIBLE. All waste substances capable of burning, including garbage, paper, rags, wood, grass, leaves, brush, and the like.

COMMERCIAL. All wastes, combustible and noncombustible, arising out of or in connection with the operation of a business or industry, and all other wastes not resulting from the ordinary operations of private residences or households.

COMPOST. The substance produced through the decomposition of organic materials, including wood, paper, mulch, yard and food waste, and leaves, that is capable of being used as a soil amendment.

CONSTRUCTION and *DEMOLITION WASTE.* Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, buildings, pavements, and other structures.

GARBAGE. All putrescible wastes, except sewage and body wastes and recognizable industrial by-products.

NONCOMBUSTIBLE WASTE. All waste substances incapable of burning, including tin cans, and other metallic substances, bottles, glassware, earthenware, ashes, and the like.

RECYCLABLE MATERIAL. Those commodities which are recyclable and can be sold for processing and use or reuse.

REFUSE. All non-putrescible wastes, except recyclable material.

RESIDENTIAL WASTE. All solid wastes, combustible and noncombustible, arising out of the ordinary operations of private residences or households, churches, schools, and municipal buildings, and multi-family units with eight or less individual units or receiving city collection service prior July 1, 2009.

SOLID WASTE COLLECTION OFFICER. The Public Works Director or his designee.

WASTE. All trash, garbage, offal, and other refuse and discarded matter required to be removed from private and public places, except recyclable material.

WHITE GOODS. Refrigerators, washers, dryers, ranges, freezers, and other large appliances. (•70 Code, • 6.12.010) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 7, 2009, passed 6-22-09)

• 50.02 COLLECTION.

(A) (1) The city shall not collect commercial or industrial waste. The city shall collect residential waste when properly containerized and placed adjacent to a publicly maintained street in a manner and in a quantity that does not create a hazard to traffic.

(2) Exception: Notwithstanding the above provision, collection service shall continue for all residences served by the city prior to January 1, 2001, so long as the owner of any private property upon or over which city vehicles are operated in the course of the collection executes an agreement indemnifying the city, its officers, employees and agents against any liability or claim for property damage, personal injury or death sustained by any person or entity, including the property owner, occurring as a result of or during such operation of city vehicles on private property with the exception of any wanton conduct by the city which creates a substantial danger of death or serious physical injury. Provided further, that the property owner shall maintain general liability insurance in a minimum coverage amount of $1,000,000, naming the city as additional insured.
(*70 Code, • 6.12.020) (Am. Ord. 8, 2002, passed 2-21-02)

(B) Residential solid waste and recyclable material shall be collected from each household once per week following a schedule arranged by the Public Works Department. The Director of Public Works, through the adoption and promulgation of rules, shall be authorized to fix and arrange the date and schedules for the collection of solid wastes and recyclable material in all parts of the city. (‡70 Code, • 6.12.030)

(C) Tree brush shall be collected once per week along with other household garbage and trash. The tree brush shall be placed adjacent to the pavement in the public street or alley right-of-way alongside regular waste containers. No tree limb shall exceed 50 pounds in weight or six feet in length. Limbs shall be stacked with cut ends facing the street, not criss-crossed, and placed in piles not exceeding three feet high and ten feet long. The city shall not collect tree residue or brush as a result of a private tree contractor‡s work. The property owner or occupant or the contractor shall be responsible for the removal and disposal of same in this case. (‡70 Code, • 6.12.140)

(D) Bulky items such as appliances, old furniture, and the like, shall be placed alongside other regular garbage and trash once per week for collection. No person shall place a refrigerator for disposal unless and until he has either removed the door or secured it so that children cannot open it. Carpet shall be cut and tied into four foot sections. Bundled carpet weight shall not exceed 50 pounds. Items such as tires, used propane tanks, metal poles, and swing sets will not be collected by city personnel. (‡70 Code, • 6.12.150)
(Am. Ord. 16, 2001, passed 10-11-01) Penalty, see • 50.99

• 50.03 CONTAINERS; LOCATION AND CONDITION.

(A) No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in suitable containers. Acceptable containers shall be metal or plastic cans with tight-fitting lids or heavy gauge plastic bags tightly sealed shut. Cans shall not have more than 32 gallon capacity, nor weigh more than 50 pounds when filled. Waste material which may be excepted from containerization is brush and bulky items such as old furniture, appliances, and the like. Containers for ashes shall be of noncombustible material. Recyclables

shall be placed in special containers provided by the city. (÷70 Code, • 6.12.040)

(B) All owners, tenants, or lessees of any public or private premises shall place garbage, waste, or recyclables to be collected in front of their premises near the street edge so that city sanitation workers may pick up and dispose of same without leaving the street or sidewalk. Except as provided in • 50.02(A), no waste shall be collected outside designated street or alley rights-of-way. Properties which do have rear yard access may be exempt from this provision upon approval by the Director of Public Works. (÷70 Code, • 6.12.050)

(C) No owner, tenant, or lessee of any public or private premises shall allow his container to deteriorate to a dangerous or unsafe condition. No container which allows liquids to leak out, or waste material to escape out through holes shall be permissible. The owner thereof shall properly dispose of

such a container after being notified by the Sanitation Division. Cardboard boxes are not deemed a suitable container and will not be collected by the city unless they are empty or properly bundled and tied. (♣70 Code, • 6.12.060)

(D) The city will not be responsible for any damage to containers due to normal collection operations. Plastic cans are especially susceptible to breakage during the winter due to their brittleness. The sanitation employees will take as much care as possible with containers. (♣70 Code, • 6.12.070)

(E) Ashes shall be separated from all other types of waste, and the ashes shall be completely extinguished and placed in an airtight noncombustible container. Animal excrement must be bagged prior to placing into container. (♣70 Code, • 6.12.080)

(F) Every householder residing in a building arranged for occupancy by more than one family shall provide proper waste containers for garbage and other waste, except for recyclable materials as provided in division (A) of this section, sufficient in number for the accumulations between dates for regular collection. The city will not collect waste from dumpsters. (♣70 Code, • 6.12.090)

(G) No waste or waste containers shall be allowed to remain exposed in front of any building, within a public street or alley right-of-way, or any place where the sight of them would be a public nuisance for a longer time than shall be reasonably necessary for collection. The containers shall be promptly removed from the sidewalk or public right-of-way after they have been emptied. Waste and recycling containers shall be placed at the curb no sooner than the evening prior to collection and no later than 7:00 a.m. on the day of collection and removed that evening. (♣70 Code, • 6.12.110)

(H) Before being deposited in waste containers, parcels of household garbage shall be drained of moisture and wrapped in paper. All containers used for garbage shall be kept clean by the owner thereof. No dead animals, maggots or petroleum products shall be permissible in the waste containers. Paint shall be solidified with sand, dirt, or kitty litter. No garbage or refuse shall be permitted to ferment or putrefy. (♣70 Code, • 6.12.120)

(Am. Ord. 16, 2001, passed 10-11-01) Penalty, see • 50.99

• 50.04 [RESERVED].

• 50.05 LOOSE MATERIAL.

(A) No person shall place within the street right-of-way for collection any small loose material which could be wind blown and result in littering. Items such as grass clippings, leaves, small branches, paper, and the like, shall be properly containerized or bagged.

(B) Exception: Leaves may be raked to the roadside during the city•s leaf collection program. (•70 Code, • 6.12.160) (Am. Ord. 16, 2001, passed 10-11-01) Penalty, see • 50.99

• 50.06 PROHIBITED DISPOSAL.

(A) (1) No person shall throw, place or deposit waste on any street or other public property except in proper waste containers, and no person shall remove the lid from the waste container without replacing the lid.

(2) No person shall turn over or upset the contents of any waste container on any street or other public property.

(3) When waste has been set out in containers on public property for collection no person shall remove the waste from the containers.
(‡70 Code, • 6.12.170) (Am. Ord. 16, 2001, passed 10-11-01)

(B) The disposal of any garbage or refuse by any individual, householder or establishment in any place, public or private, within the city limits other than at the licensed and permitted private landfill or transfer station is prohibited. (‡70 Code, • 6.12.180)
Penalty, see • 50.99

• 50.07 DUMPING REGULATIONS.

No person shall dump combustible waste on any public or private property within the city. No person shall dump dirt or other noncombustible material of any kind on any public or private property within the city without the written permission of the City Engineer.
(‡70 Code, • 6.12.190) (Am. Ord. 16, 2001, passed 10-11-01) Penalty, see • 50.99

• 50.08 DANGEROUS OR HAZARDOUS WASTE.

Needles and/or syringes will not be collected by city personnel unless they are disposed of in an approved sharps container (which can be purchased at drug stores). The sharps container can

then be disposed of in waste containers and collected by the city. Other dangerous or hazardous waste shall not be placed for collection.

(Ord. 16, 2001, passed 10-11-01) Penalty, see • 50.99

• 50.09 COLLECTION OF CONSTRUCTION/DEMOLITION DEBRIS.

Construction debris not placed in a suitable container will require the use of a dumpster that is provided by and collected by a private collector. A permit issued by the Public Works Director will be required if the dumpster is to be located within public right-of-way.

(Ord. 16, 2001, passed 10-11-01) Penalty, see • 50.99

• 50.10 RECYCLING PROGRAM.

(A) *Participants.*

(1) The city may provide curbside recycling opportunity for all residential units, with collection once per week.

(2) The city may provide curbside recycling opportunity for all privately owned commercial units located within the City of Frankfort Renaissance District, which is bounded on the south side by Second Street between Bridge Street and Capital Avenue, on the east side by High Street between Mero Street and the Kentucky River, on the north side by Mero Street between High Street and the Kentucky River and on the west side by the Kentucky River, with collection once per week.

(B) *Containers.* The city shall provide each residential unit which participates in the recycling program with an approved container. The container shall remain property of the city. The container shall be used only for the purpose of recycling. Approved recycling containers shall be purchased from the city and used by the commercial building in order for a commercial building to participate in the recycling program. A maximum of two approved recycling containers shall be allowed for each commercial building, unless otherwise approved by the Director of Public Works based on the amount of recyclable material to be collected. Plastic bags or other materials are not to be used for sorting recycling materials.

(C) *Collection.* Recyclable material shall be collected once per week on a schedule set up by the Director of Public Works.

(D) *Pilfering.* No person shall remove any material from recycling containers set out for collection by the city. All recyclable material becomes property of the city at the time it is set out to the street side for collection.

(•70 Code, • 6.12.230) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 24, 2008, passed 9-22-08) Penalty, see • 50.99

• 50.11 AUTHORITY TO ESTABLISH RULES AND REGULATIONS.

The Director of Public Works, with the approval of the Board of Commissioners, shall be authorized to prepare and publish rules and regulations for the effective administration and enforcement of the provisions of this chapter. Any rules so published shall have the force of law and a violation thereof shall be punishable in the same manner as a violation of this chapter.
(♣70 Code, • 6.12.240) (Am. Ord. 16, 2001, passed 10-11-01)

• 50.12 POLICE POWER MEASURE.

This chapter is hereby declared to be an exercise of the city•s police power for the preservation of the public peace, health, and safety.
(•70 Code, • 6.12.260) (Am. Ord. 16, 2001, passed 10-11-01)

• 50.13 PROSECUTION.

Citation to the Franklin District Court or the Frankfort Code Enforcement Board may be issued by a Solid Waste Collection Officer. In the event a citation issued for violation of this chapter is returnable before the Frankfort Code Enforcement Board, Sections 106 and 107 of the Frankfort Property Maintenance Code shall not apply.
(Ord. 16, 2001, passed 10-11-01)

• 50.14 GARBAGE COLLECTION FEE.

That, beginning July 1, 2009, the owner of each residence or building from which residential waste is collected by the city pursuant to • 50.02 of the City of Frankfort Code of Ordinances shall pay a collection fee of $5.00 per month to the city for such service. The owners of residences or buildings having more than one apartment or living unit shall pay the amount of $5.00 per month for each apartment or living unit.
(Ord. 7, 2009, passed 6-22-09)

• 50.99 PENALTY.

(A) Violation of • 50.08 of this chapter shall constitute a criminal offense for which a citation may issue returnable to Franklin District Court with a fine of not less than $50 nor more than $500,

or imprisonment for a term not to exceed 30 days, or both the fine and imprisonment, at the discretion of the Court, assessed for each offense.

(B) Violation of any other provisions of this chapter shall be considered a civil offense for which a citation may issue returnable to the Frankfort Code Enforcement Board with a civil penalty of not less than $50 nor more than $500 assessed for each violation; provided that each day the violation shall exist shall constitute a separate civil offense; and provided further that the citation shall not be issued without two prior written warnings having been received by the offender.
(70 Code, • 6.12.250) (Am. Ord. 16, 2001, passed 10-11-01)

CHAPTER 51: ELECTRIC AND WATER PLANT

Section

51.01 Operation of system; state law adoption

51.02 Bonds

51.03 Installation of bulbs in traffic-control devices

Statutory reference:

Furnishing of utility services, see KRS 96.160

• 51.01 OPERATION OF SYSTEM; STATE LAW ADOPTION.

(A) It is hereby declared to be the desire and intention of the city, to accept and operate its combined electric and water system under the provisions of Chapter 212 of the Acts of 1946, KRS 96.171 to 96.188, and the city does hereby accept and agree to all of the provisions of Chapter 212 of the Acts of 1946, KRS 96.171 to 96.188, and to all of the provisions as they may be from time to time amended by the Acts of the General Assembly of the commonwealth.

(B) The Mayor is hereby authorized to appoint, subject to approval by the Board of Commissioners, the Electric and Water Plant Board of the city, in the form and manner provided by Chapter 212 of the Acts of 1946, KRS 96.171 to 96.188.

(‡70 Code, • 13.08.010)

• 51.02 BONDS.

The bond to be executed by each of the members of the Electric and Water Plant Board of the city is fixed at the sum of $5,000.

(♣70 Code, • 13.08.020)

• 51.03 INSTALLATION OF BULBS IN TRAFFIC-CONTROL DEVICES.

The Electric and Water Plant Board hereby is requested and authorized to undertake at its own expense the installation of light bulbs as needed in all traffic signal lights of the city.
(♣70 Code, • 13.08.030)

CHAPTER 52: SEWERS

Section

Sewer Use Regulations

52.01 Service to areas outside city limits

52.02 Connections; requirements and charges

52.03 Privies and septic tanks prohibited where sewer line exists

52.04 Sewer service charges based on water use

52.05 Charges where 20% or more water does not enter sewer

52.06 Discontinuing water service

52.07 [Reserved]

52.08 Agreement with Electrical Water Plant Board for billing, collecting and accounting of sewer charges

52.09 Connecting storm and sanitary sewers

52.10 Location of sewers on L&N Railroad property

52.11 Width of sewer easements

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Sewer Capital Recovery Program

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52.99 Penalty

Cross-reference:

Sewer Department, see •• 36.175 through 36.183

SEWER USE REGULATIONS

• 52.01 SERVICE TO AREAS OUTSIDE CITY LIMITS.

The city will accept sanitary sewer flows from any area within the 201 planning area without regard to any condition other than user charges developed from time to time on an equitable basis, as long as pipeline, pumping and treatment capacity exists.
(•70 Code, • 13.04.010) (Ord. 1-98, 1998, passed 1-12-98; Am. Ord. 30, 2005, passed 12-15-05)

• 52.02 CONNECTIONS; REQUIREMENTS AND CHARGES.

(A) *Connection required - stormwater.* All owners and occupants of houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments or any other building of any kind situated upon lots abutting upon any street, alley or easement, in which there is hereafter installed a sewer line which is a part of any future extensions or improvements to the sewer system of the city, shall within 90 days from the date the sewer line is installed and placed in operation connect therewith all sanitary sewerage drain pipes of the houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments or other buildings, conveying the sanitary sewage therefrom into the sewer line, the connections to be made under the regulations as the Board of Commissioners may establish by ordinance, and failure to do so is hereby declared to be unlawful and to constitute a nuisance. No storm water drain shall be connected with any separate sanitary sewer hereafter constructed as or made a part

of the separate sanitary sewage system of the city, nor shall any storm water be otherwise introduced into any separate sanitary sewer. (‡70 Code, • 13.04.020)

(B) *Plans for sewer connections.* All architects, contractors, builders or other persons who shall hereafter erect new buildings for dwelling, manufacturing or commercial purposes on a lot or parcel ground abutting on a street, alley or easement in which there is hereafter installed and maintained any additional sewer line or in which a sewer line exists which served a previously existing building, which is proposed to be used to serve the new or renovated building or buildings, shall before erecting any building exhibit to the city satisfactory evidence that a means has been or will be provided for connecting the sanitary sewerage drain from the building with the municipal sewer system. (‡70 Code, • 13.04.030) (Ord. 21-85, 1985, passed 6-24-85)

(C) *Connection charges.*

(1) Within the corporate limits and outside the city there are hereby imposed capacity fees, which include the cleanout vault fee, as set forth in the following schedule:

Water Meter Size	*Capacity Factor*	*Capacity Fees*
Five-eighths-inch	1	$2,192
Three-quarters-inch	1.50	3,013
One-inch	2.50	4,655
One and one-half-inch	5	8,760
Two-inch	8	13,686
Three-inch turbine	22.50	37,495
Four-inch turbine	50	82,650

Six-inch turbine	90	148,330
Eight-inch turbine	175	287,900
Three-inch compound	16	26,822
Four-inch compound	25	41,600
Six-inch compound	80	131,910
Three-inch combination	32.50	53,915
Four-inch combination	57.50	94,965

(a) A capacity fee shall be imposed for each connection with the municipal sewer system of the city under the provisions codified herein and shall be assessed based upon the total number of water meters installed for the lot.

(b) At the time that the capacity fee is paid, the property owner, or his or her representative, shall pay a separate cleanout vault installation fee, which is included in the capacity fee as shown above. The property owner, or his or her representative, shall have marked the final grade at the location of cleanout vault. The method of marking shall be a stake driven in the ground with a horizontal line indicating the ■finish grade.• When notified of the marking of the ■finish grade•, the Sewer Department will then install the cleanout vault.

(c) All capacity fees shall be payable in full prior to connection to the municipal sewer system, except in cases of extreme financial hardship, where the said cost may be prorated for a period not to exceed two years. Extreme financial hardship exceptions apply to single-family residential dwellings only. Owners making application for the said prorated capacity fee under the hardship provision must submit a request in writing to the city. The city may require any information it deems pertinent to the request. If the request is approved, the capacity fee shall be paid in equal monthly payments, over a period not to exceed two years. At the time an application is received from a homeowner, an application fee of $150 shall be paid to the Sewer Department to cover the cost of the preparation of the promissory note, the mortgage document, and the mortgage release.

(d) This provision shall be applicable for individual home owners, not contractors, builders or developers. Responsibility for the payments shall run with the land and shall be the responsibility of any subsequent owner.

(2) All ordinances or parts of ordinances in conflict are hereby repealed to the extent of any conflict. These provisions went into effect as to sewer service rendered or billed on or after December 1, 2002, except that those users who previously contracted with the city with respect to connection charges pay those charges in accordance with the contracts.
(*70 Code, • 13.04.040) (Ord. 14-89, 1989, passed 5-8-89; Am. Ord. 26, 2002, passed 10-24-02; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 24, 2007, passed 8-27-07; Am. Ord.

12, 2009, passed 8-24-09) Penalty, see • 52.99

• 52.03 PRIVIES AND SEPTIC TANKS PROHIBITED WHERE SEWER LINE EXISTS.

(A) It is unlawful for any person to construct or maintain a privy, vault, cesspool, septic tank or similar contrivance for the reception of sewerage when the premises abuts upon a public sewer line in any street, alley or other easement, and all privies or toilets shall be removed by the owners and the occupants of the property abutting on any street, alley or other easement or private property on which runs a sewer line and to which the drainage from such premises may be connected.

(B) All privies or surface toilets, or other means of casting or depositing sewerage into a container above or below the surface of the ground, or upon or into the soil or into any running or percolating stream of water or into any cistern or well whereby the soil is contaminated with such sewerage, are hereby declared to be unlawful and to constitute a nuisance.
(∴70 Code, • 13.04.050) (Ord. 30, 2005, passed 12-15-05) Penalty, see • 52.99

• 52.04 SEWER SERVICE CHARGES BASED ON WATER USE.

(A) (1) There is hereby established a schedule of rates and charges for the use of and services rendered by the municipal sewer system of the city, which shall be paid by the owner or occupant of each and every lot, parcel of land, building or premises throughout the city discharging sewage, water or other liquid wastes connected with the municipal sewer system. The rates and charges shall be computed and billed monthly and shall be based insofar as possible upon the quantity of water used or supplied each lot, parcel of land, building or premises, as determined by readings of the water meters supplying water thereto, plus any collection fee charged by the collecting water district. Effective July 1, 2009 the per month charges shall be $8.27 per 1,000 gallons of water usage, plus any collection fee charged by the collecting water district, with a minimum monthly charge for 2,000 gallons of water usage. Beginning July 1, 2007 charges shall increase annually at a rate equal to the Consumer Price Index (CPI) for the prior calendar year as published on December 31 of that year; increase shall be a minimum of 2.5% and a maximum of 9.99%; increases of 10% or greater shall require the approval of the Board of Commissioners. In addition, all industrial users shall pay an industrial cost recovery surcharge of $.20 per 1,000 gallons of water usage for standard strength industrial process wastewater discharged to city sewers. Separate meters shall be maintained at the expense of the industrial user to separately meter sanitary sewage and industrial process wastewater. All sewage from any industrial source, excepting only that which is strictly sanitary sewage is declared to be industrial process wastewater.

(2) In the event a lot, parcel of land, building or premises discharging sewage, water or other liquid wastes, as aforesaid, uses water supplied on other than a metered basis from either a private or a public water supply, then in each case the owner or occupant may be required to cause

a water meter or other measuring device to be installed, acceptable to the city, and the quantity of water used, as measured by such meter, shall determine the sewer rate, rental or charge and, pending installation of the meter, rates, rentals or charges shall be based upon an estimated quantity of water used provided that pending such installation of water meters in private dwellings the sewer rate, rental or charge shall be based on the following usage rates:

(a) One- or two-bedroom house: 2,000 gallons per month.

(b) Three-, four-, five- or six-bedroom house: 4,000 gallons per month.

(c) More than six bedrooms: 6,000 gallons per month.

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(3) The rates and charges for sewer services as established by this section, which are based upon water meter readings, shall carry proportionately the same discounts for prompt payment and proportionately the same added charges for past due payments as are presently fixed for water service billings. All charges for sewer services not based on water meter readings shall be due when notice of the amount of the charges is mailed with a penalty of 10% of the amount thereof if not paid within ten days from the mailing, and any bill not paid within 20 days from such mailing shall be classified as delinquent.

(4) The city shall review not less often than annually the wastewater contribution of users, the total cost of operation, maintenance and replacement of the wastewater works, debt service obligation and user charge rates. Based on the review, the city shall revise, when necessary, the schedule of user charge rates to accomplish the following:

(a) Maintain an equitable distribution of operation and maintenance and replacement costs among users of the treatment system; and

(b) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the wastewater system and to meet debt service requirements.

(5) Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to operation and maintenance and replacement of the wastewater system.

(7) Refunds may be made for sewer charges in hardship cases, in accordance with the city•s sewer adjustment policy. A customer•s bill may be credited based upon the Electric and Water Plant Board•s determination of water usage.

(8) The city will allow the use of a separate ■agricultural• water meter, if approved by the city♣s Electric and Water Plant Board of the City of Frankfort, and will not assess a sewer use charge for the water used by the ■agricultural• service.

(♣70 Code, • 13.04.060) (Ord. 16-76, 1976, passed 5-24-76; Am. Ord. 14-89, 1989, passed 5-8-89; Am. Ord. 1-92, 1992, passed 4-27-92; Am. Ord. 1-98, 1998, passed 1-12-98; Am. Ord. 25, 2002, passed 10-24-02; Am. Ord. 25, 2007, passed 8-27-07; Am. Ord. 12, 2009, passed 8-24-09; Am. Ord. 26, 2009, passed 12-22-09)

(B) *Special charge or treatment for unusual waste substances.*

(1) In the event the sewage, water or other liquid waste being discharged into the municipal sewer system from any buildings or premises contains unduly high concentrates or any substances which add to the operating costs of the municipal sewer system, then special rates, rentals or charges will be charged and collected as to the building or premises, or the owner or other interested party may be required to specially treat the sewage, water or other liquid wastes before it is discharged into the municipal sewer system.

(2) If an industrial user discharges excessive or high strength waste to the public sewer during any month, the user shall be assessed a surcharge for excessive strength as follows:

Parameters	*Concentration Limit*	*Surcharge in Excess of Limit*
BOD	200 mg/l	$ .25/lb. BOD
TSS	200 mg/l	$.20/lb. TSS

(3) The excessive strength surcharge will continue until the industrial user•s next monthly average laboratory analysis shows a standard strength waste below the allowable concentration limits.

(•70 Code, • 13.04.080) (Ord. 1-92, 1992, passed 4-27-92; Am. Ord. 12, 2009, passed 8-24-09)

(C) *Special charges or classification for peculiar or unusual uses.*

(1) Whenever it is determined by the Board of Commissioners to be necessary to classify any commercial institutions or industries or septic haulers, by reason of the unusual purpose for which water is used, or the character of the sewage, water or other liquid wastes discharged therefrom, or whenever the established schedule of rates and charges for any reason is not applicable, then special rates, rentals or other charges will be established by the Board of Commissioners.

(2) The Board of Commissioners hereby established the following special charges: A special charge of $15 per 500 gallons shall be assessed to septic haulers for domestic sewage pumped from septic tanks and $25 per 500 gallons for grease from commercial/industrial establishments. Billing of septic haulers shall be based on actual capacity of the tanker, with a minimum charge for 500 gallons.

(70 Code, • 13.04.090) (Ord. 1-92, 1992, passed 4-27-92; Am. Ord. 24, 2002, passed 10-24-02; Am. Ord. 12, 2009, passed 8-24-09)

(D) *Collection charges by Electric and Water Plant Board.*

(1) It is contemplated that the rates, rentals and charges for the use of and services rendered by the municipal sewer system, based on water meter readings, will be billed and collected by the Electric and Water Plant Board of the city and the full amount of the proceeds will be paid over to the City Finance Department at least once in each month with a full accounting of all sums collected. All sums thus received by the city shall constitute income and revenues of the municipal sewer system to be set aside in a separate and special fund designated as the ■Sewer Revenue Fund• pursuant to the provisions of the ordinance authorizing the issuance of sewer revenue bonds provided that if, and to whatever extent, the Electric and Water Plant Board at any time fails or refuses to bill, collect and account for the income and revenues the city shall by other means and in any other manner as may be lawful, establish, impose, collect and account for income and revenues from the municipal sewer system in conformity with the ordinance pursuant to which sewer revenue bonds or any other obligations for account of the system are at the time outstanding. The records of the Electric and Water Plant Board with respect to charging, billing, collecting and accounting for sewer service charges shall be audited at least each 12 months by an independent public accountant and a report thereof filed with the City Clerk. The cost of the audits shall be classified and paid at as an expense of operation and maintenance of the municipal sewer system.
(÷70 Code, • 13.04.100) (Am. Ord. 12, 2009, passed 8-24-09)

(E) *Unauthorized connections with sewer.*

(1) No person shall install any ■saddle• or ■Y branch• onto, nor by any method break into, any outfall line, trunk line or collector line of, or that ultimately discharges into, the municipal sewer system of the city.

(2) This section does not apply to bona fide agents or employees of the municipal sewer system of the city acting in the course of their assigned duties.

(3) No sanitary sewer inlet which is not at least 12 inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by a gravity drainage to the

building sanitary sewer. Any such connection made after the effective date of this section shall be unlawful and the city shall not be liable for sewage backups through such unlawful connections.

(F) There is hereby established a fee of $4.00 per month which shall be paid by the owner or occupant of each and every lot, parcel of land, building or premises, for the use and services rendered by the sewer system of the city, to become effective February 1, 2004.

(G) There are hereby established fees for sewer extension design review, written easement review, video inspection, re-inspection and re-testing of new sewer construction. All fees shall be paid in advance.

Reviews	*Fee*
Sewer extension design review	$250
Written easement review	$100
Final inspections	First final inspection is free with followup
	Each additional final inspection is $100 after follow up
Video inspection	First video inspection is free
	Second video inspection is $2.00 per foot
	Third and subsequent video inspection are $2.50 per foot
Witnessing testing Pipe tests are based upon manhole to manhole segments of pipe tested	First manhole test is free
	First manhole retest - $35 each
	Subsequent manhole retest - $50 each
	First pipe mandrel test is free
	First pipe mandrel retest - $.50 per foot of main
	Subsequent pipe mandrel main retest - $1.00 per foot of main
	First pipe pressure test is free
	First pipe pressure retest - $.50 per foot of main
	Subsequent pipe pressure main retest - $1.00 per foot of main

	First pump station test is free
	First pump station retest - $150 each
	Subsequent pump station retest $250 each
Tap inspection	First tap inspection is free
	Re-inspection $35 each

(70 Code, • 13.04.180) (Ord. 5-96, 1996, passed 3-18-96; Am. Ord. 1, 2004, passed 1-15-04; Am. Ord. 12, 2005, passed 6-27-05; Am. Ord. 13, 2005, passed 6-27-05; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09) Penalty, see • 52.99

• 52.05 CHARGES WHERE 20% OR MORE WATER DOES NOT ENTER SEWER.

Where more than 20% of the water used by the owner or occupant of any building or premises during the year does not flow into the sanitary or combined sewer, the percentage in excess of 20% shall
be excluded from the calculation of the sewer service rates and charges provided herein. The city may determine in such manner as may be found practicable the amount of water entering the sewers and the sewer rate, rental or charge shall be based thereon, or may require or permit the installation of additional meters or measuring devices in a manner as to determine the quantity of water or sewage actually entering the municipal sewer system, in which case the sewer rate, rental or charge shall be based thereon.
(✣70 Code, • 13.04.070) (Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

• 52.06 DISCONTINUING WATER SERVICE.

It is the declared intention that bills for water and sewer services and connection charges shall be billed, collected and enforced together, so that when any bill has remained unpaid and becomes delinquent or any premises have failed for 90 days to connect to the sewer system, the water service to the delinquent premises can be and will be discontinued and will not be reinstated until the entire bill for water and sewer service and sewer connection charges is paid in full, or the premises have been connected to the sewer system as the case may be.
(✣70 Code, • 13.04.110) (Ord. 30, 2005, passed 12-15-05)

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• 52.07 [RESERVED].

• 52.08 AGREEMENT WITH ELECTRICAL WATER PLANT BOARD FOR BILLING, COLLECTING AND ACCOUNTING OF SEWER CHARGES.

(A) The agreement between the city and the Electric and Water Plant Board of the city, providing for the billing, collecting and accounting by the Electric and Water Plant Board of all charges made by the city for services rendered by and the facilities of the municipal sewer system is in all respects authorized, approved and confirmed. Agreements with additional water districts may be authorized as required to bill, collect and account for sewer service provided outside the Electric and Water Plant Board boundaries. The Electric and Water Plant Board shall be entitled to collect a deposit fee from sewer customers to ensure payment of charges for sewer service.

(B) The Mayor and City Clerk are hereby authorized, empowered and directed to execute the agreement for and on behalf of the city and to cause the corporate seal of the city to be affixed thereto.

(♣70 Code, • 13.04.140) (Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

• 52.09 CONNECTING STORM AND SANITARY SEWERS.

(A) Where the attachment of storm or surface water sewers to a sanitary sewer is prohibited by contract or law, the person, firm or corporation connecting the surface water sewer with a sanitary sewer of the city shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined.

(B) Any plumber or other person who shall connect a storm or surface water sewer to a sanitary sewer of the city shall also be deemed guilty of a misdemeanor and, upon conviction, shall be fined.

(♣70 Code, • 13.04.150) (Ord. 30, 2005, passed 12-15-05) Penalty, see • 52.99

• 52.10 LOCATION OF SEWERS ON L&N RAILROAD PROPERTY.

The city, acting by and through its agency, municipal sewer board of the city, does resolve to enter into the license agreements between the Louisville and Nashville Railroad Company and the city, dated April 17,1956, June 20, 1956, and April 25, 1957, copies of which are entered in the contract book, with respect to the location of the sewers designated therein upon the terms and conditions therein stated upon the property of the railroad company.

(⁂70 Code, • 13.04.160) (Ord. 30, 2005, passed 12-15-05)

• 52.11 WIDTH OF SEWER EASEMENTS.

The width of the sewer easements to be granted to the city shall be set at least seven and one-half (7.) feet on either side of the centerline of the easement.
(•70 Code, • 13.04.170) (Ord. 30, 2005, passed 12-15-05)

• 52.12 SEWER LINE EXTENSIONS.

Upon application for extension to any sewer line previously accepted for maintenance by the city, the Sewer Department may require the applicant to oversize proposed sewer line, pump station and force main capacity above the standard otherwise required by law or regulations. When the oversizing is required, the city shall bear the differential cost of the oversized pipe, pump and wet well materials if oversizing were not so required. Any obligation of the city for the cost contribution shall be determined in accordance with bidding procedures required by law.
(Ord. 7, 2000, passed 2-28-00; Am. Ord. 30, 2005, passed 12-15-05)

SANITARY SEWER MINI-PROJECTS

• 52.25 CITY PARTICIPATION.

(A) The city, by and through its Board of Commissioners, may encourage, assist and participate financially in ■sanitary sewer mini-projects,• whenever it finds that a built-up area sewered by individual septic tanks has become a health hazard.

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

BUILT-UP AREA. Properties previously developed for residential, business or commercial purposes and using septic tanks for sewage treatment. *BUILDABLE VACANT LOTS* shall be included in this definition.

(♣70 Code, • 13.12.010) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.26 CONTRACT WITH PROPERTY OWNERS.

(A) The city may contract with any duly incorporated nonprofit corporation organized by property owners proposing a mini-project to be financed by the owners of properties to be benefitted and the projects are hereby recognized as and declared to be ■public projects.• (♣70 Code, • 13.12.020)

(B) No mini-project will be considered until and unless at least 80% of the owners of individual properties to be benefitted have agreed, in writing, to participate in the private financing of the project. For purposes of computing this percentage, one property shall be represented by one owner, regardless of the actual number of owners thereof. (•70 Code, • 13.12.030)
(Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.27 APPROVAL OF PLANS; INSPECTION OF CONSTRUCTION.

All plans must be approved by the city or its designee prior to the commencement of construction. Construction shall be inspected as it progresses and approved before acceptance as a part of the city•s sewage system.
(•70 Code, • 13.12.040) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.28 NOTICE; INDEMNIFICATION OF CITY; EASEMENTS.

The Board of Commissioners, prior to entering into any construction contract, will cause the city to:

(A) Provide written notice, by certified mail, to all owners of property to be ultimately benefitted and who have not agreed in writing to participate in the project at least 14 days in advance of a work session at which privilege fees are to be discussed or adopted. The written notice shall provide a brief description of the proposed project, the share of costs to be borne by each property, and the time and place of the work session at which privilege fees are to be discussed.

(B) The association may be required to indemnify and hold the city harmless from any liability arising out of the construction of the project, including costs of construction not directly contracted for by the city, and any claims for damages by reason of personal injury or property damage. The city may require the entity to provide liability insurance in coverages approved by the city.

(C) The association will provide executed easements from property owners dedicating necessary easements or rights-of-way to the city in perpetuity.

(♣70 Code, • 13.12.050) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.29 ASSESSMENT OF COSTS.

The shared costs for this construction of sewer facilities shall be based upon all costs of construction, including engineering costs. The costs shall be assessed against each benefitted property on a fair and equitable basis to be approved by the city.

(♣70 Code, • 13.12.060) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.30 CONTRACT FOR CONSTRUCTION.

In order to promote the general health and welfare, the city may contract, in the manner provided by law, individually, or in conjunction with the entity sponsoring the public project, for construction of portions of the project not funded by voluntary participants in the project. (♣70 Code, • 13.12.070) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.31 PRIVILEGE FEE; PAYMENT.

(A) At any time following the letting of a construction contract, the city may, by and through its Board of Commissioners, by ordinance, provide for a privilege fee to be charged the owners of benefitted properties, their heirs, successors and assigns, who have not theretofore voluntarily participated in the project. The privilege fee shall be based upon a fair and equitable apportionment of all costs of construction, including engineering costs, incurred by the city in sewering the properties. This subchapter may provide for the payment of a reasonable rate of interest by nonparticipants on their portion of the beginning with the letting of the construction contract. A notice containing a statement of the amount of each privilege fee, the method of payment thereof, the name(s) of current owners of the properties and a brief description of the benefitted properties shall be published in at least one edition of a newspaper of general circulation in Franklin County, Kentucky, at least 14 days prior to any deadline for the payment thereof. The notice shall likewise be recorded in the Office of the Franklin County Court Clerk. (♣70 Code, • 13.12.080)

(B) Privilege fees shall be payable by the owners of benefitted properties to the city, in full, together with interest, on the date of connection to the system, which shall not be later than 90 days after the system is placed into service as a part of the municipal sewer system, in accordance with existing law. (♣70 Code, • 13.12.090) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.32 CONNECTION REQUIRED; FAILURE.

Failure to connect to the sewer line, when available, as required by this subchapter and •• 52.01 through 52.11 is hereby declared to be unlawful and to constitute a public nuisance, and any owner of property found guilty of violating this subchapter shall be fined. The same shall be deemed to be a continuing violation and each day a violation is allowed to exist shall constitute a separate offense. (♣70 Code, • 13.12.100) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

• 52.33 CONNECTION FEES.

(A) The Sewer Department is hereby authorized to enter into an agreement with any person, firm, association or corporation constructing the approved sewer lines with private funds, providing that the

city may collect reasonable and fair sewer connection fees, agreed upon in advance, from those residents, property owners or occupants who did not originally contribute to the cost of construction a sum sufficient to cover pro-rata cost of the construction contribution to the benefitted properties in addition to the regular sewer connection charge.

(B) The agreed upon pro-rata cost may, by agreement with the Sewer Department, be reimbursed to the person, firm, association or corporation which accomplished the construction. (✣70 Code, • 13.12.010) (Ord. 23-87, 1987, passed 8-10-87; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 30, 2005, passed 12-15-05)

INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM

• 52.45 PURPOSE AND POLICY.

(A) This subchapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations, Title 40 C.F.R. Part 403.

(B) The objectives of this subchapter are:

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(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(4) To provide for equitable distribution of the cost of the municipal wastewater system;

(5) Prohibit construction of new combined sewers and introduction of inflow sources to the sanitary system;

(6) To require that new construction tributary to the combined sewer system be designed to minimize or delay inflow contribution to the combined sewer system; and

(7) Provide that any new building domestic waste connection shall be distinct from the building inflow connection to facilitate disconnection from a combined sewer if a storm sewer becomes available.

(C) This subchapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; assumes that existing customer's capacity will not be pre-empted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) (1) This subchapter shall apply to the city and to persons and corporations outside the city who are, by contract or agreement with the city, users of the city sewer system and treatment plant

operated by the Sewer Department which shall administer, implement and enforce the provisions of this subchapter.

(2) The Sewer Director has full authority to implement and enforce all provisions of this subchapter, as this official is responsible for initiating the various types of enforcement responses to be used.

(•70 Code, • 13.20.010) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05)

• 52.46 DEFINITIONS.

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

ACT or *THE ACT.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 *et seq.*

APPROVAL AUTHORITY. The Director in an NPDES state with an approved state pretreatment program and the administrator of EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. An authorized representative of an industrial user may be:

(1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

AUTHORIZED REPRESENTATIVE OF CITY. The Mayor or his or her designee.

BIOCHEMICAL OXYGEN DEMAND or *BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C, expressed in terms of weight and concentration milligrams per liter (mg/l).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS. National categorical pretreatment standards or pretreatment standard.

CITY. The City of Frankfort, Kentucky, the Board of Commissioners or the Sewer Department.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, ammonia, fats, oils and grease (FOG), e coli bacteria, and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designed to treat the pollutants and, in fact, does not treat the pollutants to the degree required by the POTW's NPDES permit.

CONTROL AUTHORITY. The ■approval authority,• defined hereinabove or the city if the city has an approved pretreatment program under the provisions of Title 40 C.F.R. Part 403.11.

DILUTION STREAM. Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under Title 40 C.F.R. Sub. N.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state.

ENVIRONMENTAL PROTECTION AGENCY or *EPA.* The U.S. Environmental Protection Agency or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the Agency.

FOOD SERVICE ESTABLISHMENT. Any commercial, industrial or government facility discharging kitchen or food preparation wastewater including restaurants; motels; hotels; cafeterias; hospitals; schools; bars; taverns; private, public or nonprofit organizations or institutions routinely serving food; catering kitchens; nursing homes; or similar places in which food is prepared for sale or service on the premises or elsewhere for charge; including but not limited to any establishment required to obtain a food service permit or a retail food service permit issued by the Franklin County Health Department. This definition does not include private homes where food is prepared or served for individual family consumption and does not include locations served exclusively by vending machines.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INCOMPATIBLE POLLUTANT. All pollutants other than ■compatible pollutants,• as defined in this section.

INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, 33 USC 1317, into the POTW, including holding tank waste discharge into the system.

INDUSTRIAL USER. A source of indirect discharge which does not constitute a ■discharge of pollutants,• under regulations issued pursuant to Section 402 of the Act.

INTERFERENCE.

(1) The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the city•s NPDES permit.

(2) The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, 33 USC 1345, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to the Title IV of SWDA, applicable to the method of disposal or use employed by the POTW.

MAY. The act referred to is permissive.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or *PRETREATMENT STANDARD.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, 33 USC 1347, which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or *PROHIBITIVE DISCHARGE STANDARD.* Any regulation developed under the authority of Section 307(b) of the Act and Title 40 C.F.R. Part 403.5.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing Section 307(c), 33 USC 1317, categorical pretreatment standard which will be applicable to the source, if the standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a *NEW SOURCE* means any source, the construction of which is commenced after the date of promulgation of the standard.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or *NPDES PERMIT.* A permit issued pursuant to Section 402 of the Act, 33 USC 1342.

PERSON. Any individual, partnership, copartnership, firm, company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm, base ten, of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTION. The manmade or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

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PRETREATMENT or *TREATMENT.* The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by Title 40 C.F.R. Part 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a significant industrial user.

PUBLICLY-OWNED TREATMENT WORKS or *POTW.* A treatment works, as defined by Section 212 of the Act, 33 USC 1292, which is owned in this instance by the city and managed by the Sewer Department. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this subchapter, *POTW* shall also include any sewers that convey wastewater to the *POTW* from persons outside the city who are, by contract or agreement with the city, users of the city's *POTW*.

POTW TREATMENT PLANT. The portion of the POTW designed to provide treatment to wastewater.

SEWER DIRECTOR. The person designated by the city to supervise the management and operation of the POTW and the collection system serving the POTW, or his or her duly authorized representative(s).

SHALL. The act referred to is mandatory.

SLUG DISCHARGE. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour

concentration or flow rate during normal operation and/or adversely affects the POTW.

SIGNIFICANT NONCOMPLIANCE. A user is in significant noncompliance if one or more of the following criteria are met and subject to the appropriate enforcement response(s).

(1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily, maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the

product of the daily average maximum limit or the average limit times the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit, daily maximum or longer term average, that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering to health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent a discharge;

(5) Failure to meet within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

SIGNIFICANT USER.

(1) Any discharger subject to categorical pretreatment standards, under Title 40 C.F.R. Part 403.6 and Title 40 C.F.R. Chapter I, Sub. N;

(2) Any industrial user that discharges an average of 25,000 gallons or more per day or

average work day;

(3) Has a flow greater than 5% of the flow in the city's wastewater treatment system; or

(4) Has in its wastewater toxic pollutants as defined pursuant to Section 307 if the Act or state statues and rules or is found by the city, state approval authority or the U.S. EPA have significant impact, either singly or in combination with other contributing users, on the wasterwater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STATE. The State of Kentucky.

STANDARD INDUSTRIAL CLASSIFICATION or *SIC.* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORMWATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

TOXIC POLLUTANTS. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA Section 307(a) or other acts.

USER. Any person who contributes, causes or permits the contribution of wastewater into the city•s POTW.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

WASTEWATER DISCHARGE PERMIT. As set forth in • 52.50(B).

(•70 Code, • 13.20.010) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

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• 52.47 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD. Biochemical oxygen demand.

C.F.R. Code of Federal Regulations.

COD. Chemical oxygen demand.

EPA. Environmental Protection Agency.

l. Liter.

mg. Milligrams.

mg/l. Milligrams per liter.

NPDES. National pollutant discharge elimination system.

POTW. Publicly-owned treatment works.

SIC. Standard industrial classification.

SWDA. Solid Waste Disposal Act, 42 USC 6901 *et seq.*

USC. United States Code.

TSS. Total suspended solids.

(←70 Code, ● 13.20.010) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05)

● 52.48 DISCHARGES; SPECIAL REQUIREMENTS.

(A) *Discharge of unpolluted waters into sewer.*

(1) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Sewer Director or his or her representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks or defects to building sewers and require disconnection or repair of any pipes carrying the water to the building sewer.

(2) The waters shall not be removed through the dual use of sanitary drain sump or a sump pump to building sanitary sewer.

(3) Discharge of the waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(4) Stormwater, groundwater and all other unpolluted drainage may be discharged to the sewers as are used as storm sewers (combined sewers), if no separate storm sewer is available, and if approved by the Sewer Director, however no new combined sewers will be permitted. Any new construction which contributes storm inflow to an existing combined sewer must design the new construction to minimize or delay the inflow by means of retention ponds, holding tanks, metered detention ponds or other approved measures. Any new building connected to a combined sewer shall be constructed with separate domestic waste and inflow lines so that the inflow line can be disconnected if a separate storm sewer becomes available.

(5) The owner(s) of any building sewers having the connections, leaks or defects shall bear all costs incidental to removal of the sources.

(B) *Substances which interfere.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

(1) (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to POTW or to the operation of POTW. At no time, shall a waste stream exhibit a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in Title 40 C.F.R. Part 261.21.

(b) Prohibited materials or discharges include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which have a closed cup flashpoint of 140°F (60°C) or less, and any substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(2) Solid or viscous substances in quantities or of a size which may be capable of causing obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than one-half inch in any

dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0, or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the city.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any pollutants(s), which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(6) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES/KPDES permit, sludge

disposal permit or the receiving water quality standards.

(8) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).

(9) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(10) The discharge of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(11) Any trucked or hauled pollutants, except at discharge points designated by the Sewer Director.

(C) *Pollutant discharge limits.*

(1) General conditions. The following described substances, materials, waters or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Sewer Director may set additional limitations or limitations more stringent than those established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Sewer Director shall give consideration to the factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant and other pertinent factors.

(2) Dilution of wastewater discharge. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or for any other pollutant-specific limitation developed by the city or the commonwealth.

(3) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when in the opinion of the Sewer Director they are necessary for the proper handling of liquid wastes containing floatable oils and/or greases in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require reporting of the information for their review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the Franklin County Health Department.

(4) Special industrial pretreatment requirement.

(a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. EPA under Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this subchapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this subchapter.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge the waste to the public sewer system shall first obtain permission for the discharge from the Sewer Director. All persons receiving the permission shall abide by all applicable provisions of this subchapter and any other special provisions that may be established by the Sewer Director as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for the discharge in accordance with a fee schedule established by the Sewer Director and approved by the city. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at points of discharge designated by the Sewer Director for such purposes.

(d) Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges, if granted, and further subject to the penalties and enforcement actions prescribed in • 52.53. Nothing in this subchapter shall relieve waste haulers of the responsibility for compliance with County Health Department, state or federal regulations.

(5) Protection from accidental and/or slug discharges.

(a) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this subchapter. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user•s own cost and expense. Once every two years, the Sewer Director will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the Sewer Director decides that a slug control plan is needed, the plan shall contain the following:

1. Description of discharge practices;

2. Description of stored chemicals;

3. Procedures for notifying the POTW; and

4. Prevention procedures for spills.

(b) In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken.

(c) Within five days following an accidental and/or slug discharge, the user shall submit to the Sewer Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user

of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article, the enforcement response plan or other applicable law or regulation.

(d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer the dangerous discharges to occur are advised of the emergency notification procedures.

(6) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in the subcategory, shall immediately supersede the limitations imposed under this subchapter. The city shall notify all affected users of the applicable reporting requirements under Title 40 C.F.R. Part 403.12.

(7) Restricted discharges. The following discharges in or to the city sewer system are prohibited.

(a) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin;

(b) Wastewater from industrial plants, commercial business or other nondomestic connections containing floatable oils, fat or grease, whether emulsified or not, in amounts that would not interfere or inhibit the biological treatment processes;

(c) Any garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a federal pretreatment standard (a toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act);

(e) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Sewer Director in compliance with applicable state and/or federal regulations;

(f) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes;

(g) Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units;

(h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to the degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW;

(i) Any water or waste which has characteristics based on a 24-hour composite sample, grab or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations (discharges greater than these concentrations may be subject to penalties contained in the enforcement response plan for the city, in addition to surcharge);

Parameter	*Daily Maximum Allowable Concentration Without Surcharge (mg/l)*
BOD	200
TSS	200

(j) The city has received authority through U.S. EPA and state statutes to enforce the requirements of Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403. All users shall comply with the requirements of those regulations as well as with all articles of this subchapter.

(k) Any waste or wastewater classified as a hazardous waste by the Resource

Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of the discharge to the Sewer Director of the POTW. This notification must include the names of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The Sewer Director may deny or condition this discharge at any time.

(I) The following limitations are established for characteristics of any wastewater to be discharged into the municipal sewer system.

Max. Daily Concentration (mg/l)	*Parameter*
0.70	Arsenic
0.11	Cadmium

Max. Daily Concentration (mg/l)	*Parameter*
2.50	Total Chromium
0.22	Copper
1.00 0.005	Lead Mercury
0.68	Nickel
0.77	Silver
1.00	Zinc
0.89	Cyanide
0.003	PCB•s
100.00	Oil and grease
less than 6.0 or greater than 9.0	pH

(8) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter.

(9) City•s right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this chapter.

(10) Written notice. Within five days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to

the POTW, fish kills or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(11) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

(70 Code, § 13.20.020) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

• 52.49 FEES.

(A) *Purpose.* It is the purpose of this subchapter to provide for the recovery of costs from user of the city•s wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city•s schedule of charges and fees.

(B) *Charges and fees.* The city may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city•s pretreatment program;

(2) Fees for monitoring inspections and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit application;

(5) Fees for filing appeals;

(6) Fees for consistent removal (by the POTW) of the excessive strength conventional pollutants not otherwise subject to federal pretreatment standards; and

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(C) These fees relate solely to the matters covered by this subchapter and are separate from all other fees chargeable by the city.

(•70 Code, • 13.20.030) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05)

• 52.50 ADMINISTRATION.

(A) *Wastewater discharge.* It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city and/or to the POTW any wastewater, except as authorized by the Sewer Director in accordance with the provisions of this subchapter. Any agency and/or industries outside the jurisdiction of the city that wish to contribute wastewater to the POTW must first sign, through an authorized representative, an inter-jurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this subchapter, state and federal regulations. A wastewater discharge permit may then be issued by the Sewer Director in accordance with section (B) below.

(B) *Wastewater discharge permits.*

(1) (a) All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for a wastewater discharge permit within 30 days after the effective date of this subchapter.

(b) All food service establishments shall obtain a pretreatment wastewater discharge permit.

(2) *Permit applications.* Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by a fee prescribed by the city. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of the subchapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation the following information:

(a) Name, address and location, if different from the address;

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics including but not limited to those mentioned in • 52.48 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA, pursuant to Section 304(g) of the Act and contained in Title 40 C.F.R. Part 136, as amended;

(d) Time and duration of contribution;

(e) Average daily and three minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the city.

2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and the like).

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3. No increment referred to in division (B)(2)(i)2. above shall exceed nine months.

4. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event, shall more than nine months elapse between the progress reports to the city.

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed, average and maximum per day;

(l) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) A copy of the industry's written environmental control program, comparable document or policy; and

(n) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(o) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(3) *Permit modification.* Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to the standards shall be

revised to require compliance with the standard within the time frame prescribed by the standard. Where a user, subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit, as required hereby, the user shall apply for a wastewater discharge permit within 90 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the city within 90 days after the promulgation of an applicable federal categorical pretreatment standard the information required by this subchapter.

(4) (a) Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

2. Limits on the average and maximum wastewater constituents and characteristics;

3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;

5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

6. Compliance schedules;

7. Requirements for submission of technical reports or discharge reports;

8. Requirements for maintaining and retaining plant records relating to wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system; as specified by the city for a minimum of three years, and afford city access thereto;

9. Requirements for notification of slug discharges;

10. Mass limitations on discharges;

11. Requirements for submission and approval of spill control plans in accordance with this subchapter;

12. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents

being introduced into the wastewater treatment system;

13. Requirements for the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the Sewer Director and deemed necessary by the city to verify that the user is in compliance with the permit; and

14. Other conditions as deemed appropriate by the city to ensure compliance with this subchapter.

(b) Where an effluent from an industrial process is mixed prior to treatment with wastewater other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Sewer Director. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the ■combined waste stream formula• and/or ■flow-weighted average formula• given, Title 40 C.F.R. Part 403.6(e). Where the

effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Sewer Director may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under Title 40 C.F.R. Part 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the Sewer Director 30 days in advance of any change in production levels that might effect the flow or other data used to calculate the effluent limits in the discharge permit.

(5) *Permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed three years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user•s existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements, as identified herein, are modified or other just cause exists. The user shall be informed at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The city may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this subchapter.

(C) (1) *Reporting requirements for permittee.*

(a) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the Sewer Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by the categorical standards and requirements.

(b) The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user.

(2) *Periodic compliance reports.*

(a) All significant industrial users shall submit to the Sewer Director in accordance with the industrial user permit indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards or the industrial user permit. This report also shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the Sewer Director and in consideration of such factors as local high or low flow rates, holidays and budget cycles, the Sewer Director may agree to alter the months during which the above reports are to be submitted. In addition the industrial users are to report any changes in flow, type and/or amount of pollutants discharged to the Sewer Director prior to the change, and the Sewer Director shall have the authority to deny or condition any new introductions of, or changes in, wastewater constituents or volume, if deemed necessary.

(b) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA, pursuant to Section 304(g) of the Act and contained in Title 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the U.S. EPA. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA.

(c) Where Title 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication ■Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants,• April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA.

(d) All industrial users shall retain all pretreatment records for a minimum of three years, as required by Title 40 C.F.R. Part 403.12(O)(2).

(3) *Baseline monitoring report.*

(a) A baseline monitoring report (BMR) must be submitted to the Sewer Director by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

1. Production data including a process description, SIC code number, raw materials used, chemicals used and final product(s) produced;

2. Name of facility contact person;

3. Wastewater characteristics such as total plant flow, types of discharges, average and maximum flows from each process;

4. Nature and concentration of pollutants discharged to the public sewer system that are regulated by this subchapter, state and/or federal pretreatment standards and sample type and location; and

5. Information concerning any pretreatment equipment used to treat the facility's discharge.

(b) All new sources of industrial discharge must be in compliance with all provisions of this subchapter prior to commencement of discharge.

(D) *Permit violations.* All significant industrial users must notify the Sewer Director within 24 hours of first becoming aware of a permit violation. This notification shall include the date of the violation, the parameter violated and the amount in excess. Within 30 days of first becoming aware of a permit violation, the significant industrial user must resample for the parameter(s) violated and submit this sample analysis to the Sewer Director, unless the Sewer Director, on behalf of the city, conducts monitoring of this parameter within that 30-day period.

(E) *Monitoring requirements.*

(1) The city shall require significant industrial users to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The city shall review and approve the location, plans, and specifications for the monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(2) There shall be ample room in or near the sampling manhole or facility to allow accurate

sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city•s requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

(4) All sampling analyses done in accordance with approved U.S. EPA procedures by the significant industrial user during a reporting period shall be submitted to the Sewer Director, regardless of whether or not that analyses was required by the user•s discharge permit.

(5) The significant industrial user must receive the approval of the Sewer Director before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(F) *Inspection and sampling.* The city shall inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, copying, sampling and examination of records or in the performance of any of their duties. ■Reasonable times• shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The city, approval authority and (where the NPDES state is the approval authority), EPA shall have the right to set up on the user▲s property devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(G) *Pretreatment.*

(1) All significant industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any significant industrial user that is not meeting discharge limits established in the user▲s wastewater discharge permit. Any facilities required to pretreat wastewater to a level acceptable to the city for review, and shall be provided, operated and maintained at the user▲s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Sewer Director for review, and shall be acceptable to the city before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this subchapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user▲s initiation of

the changes.

(2) The city shall annually publish in *The State Journal Newspaper* a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. Significant noncompliance is any of the following conditions:

(a) Results in the exercise of emergency authority by the Sewer Director;

(b) Remains uncorrected 45 days after notice of noncompliance is given;

(c) Involves failure to report noncompliance accurately;

(d) Wastewater violations:

1. *Chronic violations.* Sixty-six percent or more of all measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;

2. *Technical review criteria (TRC) violations.* Thirty-three percent or more of all measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC =1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).

3. *Effluent limit.* Any violation of a pretreatment effluent limit that the Sewer Director believes has caused alone or in combination with other discharges, interference or pass-through or has endangered the health of the POTW personnel or the public.

4. *Imminent endangerment.* Any discharge causing imminent endangerment to human health or to the environment or resulting in the Sewer Director's use of his or her emergency authority to halt or prevent a discharge.

5. *Compliance milestones.* Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date.

6. *Reporting violations.* Failure to provide required reports within 30 days of the due date.

7. *Operation.* Any violation or group of violations which the Sewer Director determines will adversely effect the operation or implementation of the local pretreatment program. The public notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to the pretreatment program of the city shall be made available to officials of the U.S. EPA or approval authority upon request. All records shall be maintained for a minimum of three years in accordance with Title 40 C.F.R. Part 403.12(O)(2).

(e) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(H) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this subchapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment

programs. Provided however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information and shall be made available to the public without restriction.
(♣70 Code, • 13.20.040) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

• 52.51 POWERS AND AUTHORITY OF INSPECTORS.

(A) *Right to enter premises.* The Sewer Director and city employees and representatives designated by the Sewer Director and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this subchapter.

(B) *Right to obtain information regarding discharge.* Duly authorized employees and representatives of the city are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(C) *Access.*

(1) Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement.

(2) All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(D) *Safety.*

(1) While performing the necessary work on private properties referred to in division (A) above, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the city employee.

(2) The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the

company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this subchapter. (•70 Code, • 13.20.050) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

• 52.52 ENFORCEMENT.

(A) *Harmful contributions.*

(1) *Generally.*

(a) The city through the Sewer Director or his or her designee, to insure compliance with this subchapter, and as permitted through Title 40 C.F.R. Sub. N, Part 401 thru 471 and 401 KAR 5:055, Section 9 may take the following enforcement steps against users not in compliance with this subchapter. The remedies available to the Sewer Director include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Sewer Director of the POTW or his or her designee.

(b) All violations of requirements of this subchapter must be reviewed and responded to by the Sewer Director or his or her representative. In general, the Sewer Director shall notify the industrial user when a violation occurs. For all violations, the Sewer Director shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the Sewer Director•s response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the city•s

pretreatment program enforcement response plan.

(2) *Enforcement actions.*

(a) *Informal notice.* These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or remainder letters. These informal notices shall be used for minor violations.

(b) *Formal notice.* These actions include the following:

1. *Notice of violation.* Any person found to be violating any provision of this subchapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW Sewer Director with a written notice stating the nature of the violation. The offender must permanently cease all violations.

2. *Administrative orders/fines.* Any person who, after receiving a notice of violation, shall continue to discharge in violation of this subchapter or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the Sewer Director. At the appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user and good-faith efforts made by the user. The fine shall be a nonarbitrary but appropriate amount.

(B) *Disputes.* Users desiring to dispute the fines shall file with the Sewer Director a request for the city to reconsider the fine within ten days of being notified of the fine. The city shall convene a hearing on the matter within 15 days of receiving a request from the user.

(C) *Orders.* The administrative order may take any of the following four forms:

(1) *Consent order.* The Sewer Director is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. The orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent orders shall have the same force and effect as all other administrative orders.

(2) *Compliance order.* When the Sewer Director finds that an industrial user has violated or continues to violate this subchapter or permit or order issued hereunder, he or she may issue an order to the industrial user responsible for the violation directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other

related appurtenances have been installed and are properly operated. Orders may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) *Cease and desist order.* When the Sewer Director finds that an industrial user has violated or continues to violate this subchapter or any permit or order issued hereunder, the Sewer Director may issue an order to cease and desist all violations to the user and direct those persons in noncompliance to:

(a) Comply forthwith; or

(b) Take appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(4) *Show cause hearing.*

(a) The Sewer Director may issue to any user who causes or contributes to violations of this subchapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Sewer Director regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Sewer Director why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(b) The city itself may conduct the hearing and take evidence or may designate a representative to:

1. Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;

2. Take the evidence; and

3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon. At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the city has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are

necessary and appropriate may be issued.

(D) *Suspension of service.* The city may suspend the wastewater treatment service and/or a wastewater discharge permit when the suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take the steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user

describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.
(✣70 Code, • 13.20.060) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

• 52.53 VIOLATIONS.

(A) *Written notice.* Any user found to be violating any provision of this subchapter or discharge permit or order issued hereunder shall be served by the city or its designee with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in • 52.52, the notice may be of several forms. Also, as contained in •• 52.52 and 52.99, penalties of various forms may be levied against users for violations of this subchapter. The penalties shall range from publication of violators in the local newspaper to fines as provided in • 52.99.

(B) *Revocation of permit.*

(1) Any user who violates any of the provisions of this subchapter or applicable state and federal regulations shall be subject to termination of its authority to discharge sewage into the public sewer system, as well as the payment of fines.

(2) The termination shall be immediate if necessary for the protection of the POTW. The user may also have water service terminated. Any user who violates any condition(s) of this subchapter, discharge permit, order or applicable state or federal regulations is subject to having its wastewater discharge permit revoked in accordance with the procedures of • 52.52:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(b) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(d) Violation of conditions of the wastewater discharge permit, ordinance or other order issued thereunder.

(C) *Liability.*

(1) Any user violating any of the provisions of this subchapter, discharge permit or other order issued hereunder shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(2) This civil liability is as provided by state and federal regulations.

(D) *Falsifying information and/or misrepresentation.* Any person who knowingly and/or negligently makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter, shall, be punished by a fine of not more than $1,000 or by imprisonment for not more than 12 months.
(♣70 Code, • 13.20.070) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

SEWER CAPITAL RECOVERY PROGRAM

• 52.60 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning stated below.

CONSTRUCTING PARTY. Individuals or entities constructing sanitary sewer extensions to areas or developments not currently provided sewer service by the City Sewer Department.

PROJECT. The sanitary sewer extension and upgrades, if any, built by the constructing party or by the city.

SUBSEQUENT DEVELOPERS. Individuals or entities benefitting from sanitary sewer extensions built by a constructing party(s), excluding the city and individuals or entities within the constructing party's development.

(Ord. 7, 2007, passed 4-23-07)

• 52.61 COST RECOVERY PROGRAM.

(A) Upon application and payment of the required application fee by any constructing party to the city to extend sanitary sewers to undeveloped or unsewered areas, the Sewer Department shall as soon as practicable undertake a review of the area to be served by the proposed extension which will be transferred to the city. The information developed will be used in reviewing the application for

cost recovery. The cost of such review shall be paid for in advance by the applicant. Only the portion of the sewer extension or upgrades to the system which will provide service to areas outside the property owned by the Constructing Party will be eligible for cost recovery.

(1) After determining the total amount of sanitary sewage flow available in the extension, and upgrades, if any, that are the subject of the application, the city shall determine the projected percentage of sanitary sewage flow to be allocated to the constructing party.

(2) The design and construction of the project shall have been approved by the Sewer Department, and as-built drawings of said project shall be provided to the Sewer Department. After inspection and approval of the project by the city, the project shall be transferred to the city pursuant to the written agreement between the city and the constructing party.

(B) A constructing party shall be permitted to receive from the subsequent developers in obtaining sewer service through said project each of their pro rata share of the cost of said project based upon the subsequent developer's relative percentages of projected sanitary sewage flow into said project.

(C) At the completion of the construction of any project contemplated by divisions (A) and (B) above, the constructing party shall certify, in a writing signed by a licensed accountant, to the Director of the city's Sewer Department, the costs eligible for cost recovery, which shall be limited to the direct cost of constructing the project, including engineering and design fees of the project. The constructing party shall keep all costs associated with the portion of the project eligible for cost recovery separate from any other sewer related costs. Copies of all receipts to verify actual costs shall be included with said certification. Items not documented shall not be included in the final approved cost. Said certification shall be made to the city no later than 60 days following transfer of said project to the city.

(D) At such time as any subsequent developer, who has been identified as being in the drainage area of any project makes application for a permit to connect to said project, the Director of

the Sewer Department shall advise said applicant of his or her pro rata share of the cost of the project to which he seeks to connect plus any city administrative charges.

(1) The pro-rata share of the cost of the project shall be paid by the subsequent developer directly to the City Sewer Department no later than 30 days after the subsequent developer executes a contract with the city for the sewer line extension.

(2) The city shall promptly reimburse the constructing party or his or her successor, the cost recovery amount less its share of any city administrative charges.

(3) The City Sewer Department Cost Recovery administrative fee shall be divided equally between the constructing party and the subsequent developer.

(4) The constructing party shall notify the city of the additional persons or entities required to make cost recovery payments. The applicable tap fee shall be paid by the subsequent developer directly to the City Sewer Department.

(5) The Cost Recovery administrative fee to be paid for each cost recovery application is as follows:

(a) $100.00 for subsequent developments of ten residences or less, or containing structures with sanitary sewer flow less than or equal to the flow from ten residences.

(b) $250.00 for subsequent developments of 50 residences or less, or containing structures with sanitary sewer flow less than or equal to the flow from 50 residences.

(c) $500.00 for subsequent developments exceeding 50 residences, or containing structures with sanitary sewer flow greater than the flow from 50 residences.

(E) (1) Should the Sewer Department require a constructing party choosing not to participate in the cost recovery program to oversize the proposed sewer line extension, pump station and force main capacity above the standard otherwise required by law or regulation, the city shall bear the differential cost of the oversized pipe, pump and wet well materials, exclusive of any other associated costs, over the cost of such materials if oversizing were not so required. The city shall receive from developers or property owners subsequently obtaining sewer service through the project its pro rata share of the cost of said project.

(2) Should the city construct a sewer line extension or upgrade to its sewer system (hereinafter "city project"), the city may recover from developers or property owners subsequently obtaining sewer service through said city project the developer's or property owner's pro rata share of the cost of said city project.

(F) The term of cost recovery shall be for the shortest practicable time, but in no event shall

recovery be allowed after ten years from the date of the transfer of the project to the city.

(1) Any amount to be paid under this subchapter shall be in addition to the connection fee or
other applicable fee to be paid to the city. In no event shall the refund received by the constructing party exceed the cost of the project.

(2) In no event will a developer/or property owner be entitled to participate in or claim an interest in the cost recovery program for sewer facilities transferred to the city prior to the effective date of this subchapter.
(Ord. 7, 2007, passed 4-23-07)

• 52.62 APPLICATION FEE.

(A) The purpose of this section is to set the amount of the fee to be paid to the Frankfort Sewer Department when submitting an application to participate in the Sewer Capital Recovery Program. The fee will pay for the cost of the processing and review of the application.

(B) Parties extending sanitary sewers to undeveloped or unsewered areas to be served by the city and desiring to participate in the Sewer Capital Recovery Program shah pay a fee in the amount of $150.00 when submitting an application to participate in the program.
(Ord. 20, 2007, passed 6-25-07)

• 52.99 PENALTY.

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

(B) Any person, firm or corporation violating any of the provisions of •• 52.01 through 52.33 or failing or refusing to comply with an administrative order issued due to the failure to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than $100 nor more than $10,000 for each offense. Each day on which a violation shall occur or continue shall occur or constitute a separate offense.

(C) Any person, firm or corporation violating federal or state law or any of the provisions of •• 52.45 through 52.53 or failing or refusing to comply with an administrative order issued due to the failure to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than $1,000 nor more than $50,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(D) In addition to the penalty set forth in this subchapter, any person, firm or corporation violating any of the provisions of • 52.01 through 52.62 can be required by the Sewer Director to take action to correct the condition causing the violation and to cease discharging into the city♣s sewer system if the condition causing the violation is not corrected or remedied.

(E) The city or its designee may take legal action to enforce the provisions of this subchapter, including an action for injunctive relief. In addition to the penalties provided in this subchapter, the city may recover reasonable attorney♣s fees, court costs, court reporter♣s fees, and other expenses of litigation incurred as a result of legal action taken against the person found to have violated this subchapter or the orders, rules regulations and permits issued hereunder.
(♣70 Code, • 13.04.120) (Ord. 22-85, 1985, passed 6-24-85; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

CHAPTER 53: EROSION CONTROL AND SEDIMENT CONTROL MEASURES

Section

53.01 Authority
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• 53.01 AUTHORITY.

(A) This chapter is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky cities in KRS Chapters 67 and 100.

(B) This chapter is adopted pursuant to the powers granted and limitations imposed by the Federal Clean Water Act, and in particular those parts that authorize local governments to require any state or federal department or agency to comply with all local water pollution control requirements.

(Ord. 7, 2005, passed 6-27-05)

• 53.02 PURPOSE AND SCOPE.

(A) The regulations set forth in this chapter are intended to protect the general health, safety, and welfare of the citizens of the city and more specifically:

(1) To control or eliminate soil erosion and sedimentation resulting from land disturbing activities within the city;

(2) Establish guidelines, conservation practices and planning activities which minimize soil erosion and sedimentation;

(3) Comply with all applicable state and federal requirements for clean water, including limitations on the discharge of pollutants as set forth by the Kentucky Pollution Discharge Elimination System (KPDES); and all applicable provisions of the Federal National Pollution Discharge Elimination Systems storm water general permit for Phase II communities.

(B) This chapter controls land disturbances, soil storage, and erosion and sedimentation resulting from such activities and establishes procedures for issuance, approval, administration, and enforcement of an Erosion Protection and Sediment Control (EPSC) Permit.
(Ord. 7, 2005, passed 6-27-05)

• 53.03 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning stated below.

APPLICANT. The landowner or developer who submits an application to the city for an EPSC permit pursuant to this chapter.

BEDROCK. In place solid rock.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

BEST MANAGEMENT PRACTICES (BMP). A technique or series of techniques, which are proven to be effective in controlling runoff, erosion, and sedimentation.

BORROW. Earth material acquired from an off-site location for use in grading on a site.

CLEARING AND GRUBBING. The cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

CONTRACTOR. A person who contracts with the permittee, landowner, developer, or another contractor (i.e. subcontractor) to undertake any or all the land disturbance activities covered by this chapter.

CO-PERMITTEE. Any person, other than the permittee, including but not limited to a developer or contractor who has or represents financial or operational control over the land disturbing activity.

DETENTION FACILITY. A temporary or permanent natural or man made structure that provides for the temporary storage of storm water runoff.

DEVELOPER. Any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

ENGINEER. A professional engineer licensed in the Commonwealth of Kentucky to practice in the field of civil works.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

EPSC (EROSION PROTECTION AND SEDIMENT CONTROL). The prevention of soil erosion and control of solid material during land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

EPSC DESIGN MANUAL AND STANDARDS. A compilation of rules, design criteria, guidelines and standards adopted by the City of Frankfort as being proven methods of controlling construction related surface runoff, erosion and sedimentation.

EPSC PLAN. A detailed plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a specific development site or parcel of land during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with this chapter.

EROSION CONTROL INSPECTOR. A person designated by the issuing authority who has attended a Frankfort-sponsored or approved training course in EPSC.

FLOODPLAIN. The 100-year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a 1% chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps.

GENERAL PERMIT. A KPDES Storm Water General Permit for storm water discharges related to construction activities that disturb one acre or more. Coverage under this general storm water permit is obtained by filing a Notice of Intent (NOI) with the Kentucky Division of Water.

GRADE. The vertical location of the ground surface.

(1) Existing grade is the grade prior to grading.

(2) Rough grade is the stage at which the grade approximately conforms to the approved plan.

(3) Finish grade is the final grade of the site which conforms to the approved plan.

ISSUING AUTHORITY. The City of Frankfort Public Works Director or City Planning and Building Codes Director and their duly authorized designees.

LAND DISTURBANCE ACTIVITY. Any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the city, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

(1) Minor land disturbance activities including, but not limited to, underground utility repairs, replacement of existing utilities, home gardens, minor repairs, and maintenance work.

(2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

(3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved EPSC except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this chapter.

OUTFALL. The point of discharge to any watercourse from a public or private stormwater drainage system.

PERMITTEE. The applicant in whose name a valid EPSC permit is duly issued pursuant to this chapter and his/her agents, employees, and others acting under his/her direction.

PUBLIC WORKS DIRECTOR. The City of Frankfort Public Works Department Director and City Engineer.

RETENTION FACILITY. A temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

RUNOFF. Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT. Soils or other surficial materials transported by surface water as a product of

erosion.

SEDIMENTATION. The process or action of deposition sediment that is determined to have been caused by erosion.

SITE. The entire area of land on which the land disturbance activity is proposed in the site disturbance permit application.

EPSC PERMIT. A permit required by this chapter for land disturbance activities.

SITE PLAN. A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

SLOPE. The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL. Naturally occurring surficial deposits overlying bedrock.

STRIPPING. Any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

STRUCTURE. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage.

TOPSOIL. The upper layer of soil.

UTILITY. The owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.

WATERCOURSE. Any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

WATERSHED. A region draining to a specific river, river system, or body of water.

WETLANDS. A lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987.
(Ord. 7, 2005, passed 6-27-05)

• 53.04 PERMITS.

(A) *Land disturbance activity.*

(1) New construction that requires the disturbance of soil on lots of 5,000 square feet or greater is subject to the provisions of this chapter and shall not take place without an authorized EPSC permit.

(2) Additional construction that requires the disturbance of 5,000 square feet or more of soil that is not associated with new home construction is subject to the provisions of this chapter and shall not take place without an authorized EPSC permit.

(3) Land disturbance activity of less than 5,000 square feet or land disturbance activity on lots less than 5,000 square feet, which the activity is located in or near a sensitive area is subject to the provisions of this chapter and shall not take place without an authorized EPSC permit.

(B) *Exemptions.* The following activities are exempt from the requirement to obtain an EPSC Permit and from the procedures of this chapter:

(1) Cemetery graves.

(2) Emergencies posing an immediate danger to life or property, substantial flood or fire hazards.

(3) Land disturbance activity on lots less than 5,000 square feet, which is not located in or near a sensitive area.

(4) Land disturbance activity less than 5,000 square feet that is not associated with new home construction, which is not located in or near a sensitive area.

(5) Agricultural operations required to adopt and implement an individual agriculture water quality plan pursuant to the requirements set forth in the Kentucky Agriculture Water Quality Act (KRS Ch. 224).

(6) Usual and customary site investigations, such as geotechnical explorations, clearing for surveying work, monitoring wells and archaeological explorations, which are undertaken prior to submittal of an application for preliminary subdivision plat.

(C) *Not exclusive.* The issuing authority may, on a project-by-project basis, exempt other land disturbance activities not specifically identified in the division (B) above.

(D) *Not exempt.* Land disturbance activity less than 5,000 square feet on individual lots or parcels that are part of a larger common plan of development that disturbs 5,000 square feet or more of soil is not exempt from this chapter and EPSC Permit. In this situation, the landowner and/or developer of the larger development, and the individual lot owner or homebuilder, will be issued an EPSC permit and will be responsible for complying with the provisions of this chapter. The

landowner and/or developer of the larger development will remain dually responsible until 80% sold-out of lots within the development is reached.

(E) *EPSC permit application and form.*

(1) A written application from the landowner and/or developer of the site, or his/her authorized representative, in the form prescribed by this chapter, shall be required for each EPSC permit. The fees to be paid by the applicant for said permit shall be determined by the issuing authority. A licensed engineer shall prepare the EPSC Plan. The issuing authority may waive the preparation or approval and signature by the licensed engineer when it is self-evident that the work is simple, clearly shown, and entails no hazard or nuisance potential to adjacent property or watercourse, and does not include the placement of fill upon which a structure may be erected.

(2) Permit application form. The following information is required on the application:

(a) Name, address, and telephone number of landowner/developer.

(b) Name, address, and telephone number of applicant, if different than landowner/developer.

(c) Name(s), address(es), and telephone number(s) of any and all contractors, subcontractors or persons actually doing the land disturbing or land filling activities and their respective tasks.

(d) Name, address, and telephone number of the person responsible for the preparation of the final plat and site drawings (roadways, grading and drainage, utilities, and the like).

(e) Name, address, and telephone number of the person responsible for the preparation of the EPSC Plan.

(f) Address of site.

(g) Date of the application.

(h) Signature(s) of the landowner(s)/developer(s) of the site or an authorized representative.

(i) The information required for this application may be modified as needed by the issuing authority.

(F) *Fiscal surety.*

(1) The Permittee shall be responsible for the installation, good repair, maintenance and

ultimate removal of all temporary and permanent EPSC measures.

(2) The issuing authority may require the Permittee to post a fiscal surety, consisting of a bond, certified check, performance guarantee or other instrument, acceptable to and approved by the issuing authority. Fiscal surety for single-family developments may be exempt as determined by the issuing authority. When a fiscal surety is required, the surety shall be posted prior to the issuance of an EPSC Permit.

(3) The fiscal surety shall be in the amount equal to 125% of the estimated cost of the EPSC measures, as approved by the issuing authority. Whenever feasible, fiscal surety for the EPSC measures may be combined with and posted with other appropriate security instruments, such as those required for final plat approval (Article 6.9.2 of the Subdivision Regulations) or other building approvals.

(4) Following the period allowed to the Permittee to complete the installation of the EPSC measures, the issuing authority finds the required temporary or permanent improvements or control

measures have not been installed or maintained properly or are not in good repair or functioning properly, then the issuing authority may declare the Permittee to be in default if it does not appear that the improvements or controls will be completed or repaired within a reasonable time. Upon declaration of default, the issuing authority shall demand such amounts from the surety as required to remedy the default.

(5) Request for release of surety may be made after the issuing authority makes an inspection of the property and determines that site construction is finished; final stabilization has been established; the required improvements and controls are properly installed and temporary controls have been removed.

(G) *General permit.* Complying with the provisions of this chapter and issued EPSC permit does not exempt the Permittee from obtaining coverage from the Kentucky Pollution Division of Water under the KPDES storm water general permit for storm discharges related to construction activities that disturb one acre or more. The Permittee shall provide a copy of the Notice of Intent filed with the Kentucky Division of Water to the issuing authority.

(H) *Relation to other laws.* Neither this chapter nor any administrative decision made under it exempts the Permittee or any other person from procuring other required local, state, or federal permits or complying with the requirements and conditions of such other permit(s), or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the Permittee or any other person arising from the activity regulated by this chapter.
(Ord. 7, 2005, passed 6-27-05)

• 53.05 REVIEW AND APPROVAL.

(A) The issuing authority will review each application for a EPSC permit to determine its conformance with the provisions of this chapter. Within 30 calendar days after receiving a complete

application and EPSC plan, the issuing authority shall, in writing:

(1) Approve the application and EPSC plan and issue the EPSC permit;

(2) Approve the application and EPSC plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the EPSC permit subject to these conditions; or

(3) Disapprove the permit application and EPSC plan, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(B) Failure of the issuing authority to act on an original or revised application within 30 calendar days of receipt shall authorize the applicant to proceed in accordance with the EPSC plans filed and this

chapter, provided all other local, state and federal permits have been obtained, unless such time is extended by agreement between the applicant and issuing authority. Pending preparation and approval of a revised EPSC plan, development activities shall be allowed to proceed in accordance with conditions established by the issuing authority. The time period for the issuing authority to review the application shall start anew with each resubmittal.
(Ord. 7, 2005, passed 6-27-05)

• 53.06 EROSION PROTECTION AND SEDIMENT CONTROL PLAN.

(A) Land disturbance activities, which involve the disturbance of soil on:

(1) A lot less than 5,000 square feet where such lot is located in or near a sensitive area;

(2) A land disturbance activity of less than 5,000 square feet where such activity is located in or near a sensitive area;

(3) Lots of 5,000 square feet or greater;

(4) A land disturbance activity of 5,000 square feet or more, require an EPSC Plan approved by the issuing authority. These plans shall be prepared by a licensed professional engineer, drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer/contractor shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan and this chapter.

(B) The EPSC Plan shall include the following:

(1) A letter of transmittal, which includes a project narrative.

(2) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies, sinkholes and other significant geographic features, and roads and other significant structures.

(3) An indication of the scale used.

(4) The name, address, and telephone number of the owner and/or developer and the contractor of the property where the land disturbing activity is proposed.

(5) Ground contours, minimum two feet intervals, for the existing and proposed topography.

(6) The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.

(7) A clear and definite delineation of any areas of vegetation or trees to be saved.

(8) A clear and definite delineation of any wetlands, sinkholes, natural or artificial water storage detention areas, and drainage ditches on the site.

(9) A clear and definite delineation of any 100-year floodplain on or near the site.

(10) Storm drainage system, including quantities of flow and site conditions around all points of surface water discharge from the site.

(11) Standard details for storm water facilities and EPSC measures.

(12) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.

(13) Design details for both temporary and permanent erosion control structures.

(14) Details of temporary and permanent stabilization measures.

(15) A chronological construction schedule and time frame including, as a minimum, the following construction activities:

(a) Clearing and grubbing.

(b) Construction of erosion control devices.

(c) Installation of permanent and temporary stabilization measures.

(d) Grading.

(e) Utility installation.

(f) Building, parking lot, and site construction.

(g) Final grading, landscaping or stabilization.

(h) Implementation and maintenance of final erosion control structures.

(i) Removal of temporary erosion control devices.

(16) A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the approved EPSC plan and this chapter.

(C) The applicant may propose the use of any erosion protection and sediment control techniques in a Final EPSC Plan, provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the EPSC Design Manual and Standards.

(D) A site development construction project shall be considered in conformance with this chapter if soils have been prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse.
(Ord. 7, 2005, passed 6-27-05)

• 53.07 DESIGN REQUIREMENTS.

(A) The design, testing, installation, and maintenance of erosion protection and sediment control operations and facilities shall adhere to the criteria, standards and specifications as set forth in the most recent version of the EPSC Design Manual and Standards, as adopted by the city.

(B) At a minimum, the following requirements shall be met:

(1) Cut and fill slopes shall be no greater than 2H:1V, unless approved by the issuing authority.

(2) Clearing and grading, except that necessary to establish sediment control devices, shall not commence until sediment control devices have been installed.

(3) Erosion control methods shall include the following:

(a) Phasing of clearing and grading operations for all sites greater than 30 acres;

(b) Soil stabilization by seeding/mulching within 15 days of mass grading operations for borrow (excavation) and fill areas;

(c) Stabilizing soil stockpiles at the end of each workday; and

(d) Installing diversion ditches or other techniques where upland runoff occurs past disturbed areas.

(4) Sediment control methods shall include installing retention facilities, sedimentation basins and traps, other similar facilities at the most downstream runoff location within the site.

(5) Waterway (creeks, ditches, and the like) protection shall include the installation of a temporary stream crossing, on-site storm water drainage system and stabilized outlets at all pipes, where applicable.

(6) Prevention of mud and debris onto public roadways by construction equipment and vehicles shall include the installation of crushed stone construction entrances or an on-site tire washing station at the point of ingress and egress to the public roadway.

(7) Maintenance schedule during and after construction of graded surfaces, EPSC facilities, and drainage structures.
(Ord. 7, 2005, passed 6-27-05)

• 53.08 INSPECTION.

(A) The issuing authority or its duly authorized representatives shall make inspections of land disturbing activities subject to this chapter. Inspections may be provided by officers and staff of the Planning and Building Codes Department; Sewer Department; Public Works Department; or any other city agency deemed necessary.

(B) To ensure compliance with the approved EPSC Plan and to examine field practices to determine if control measures are adequate, authorized inspectors of the issuing authority shall have the power to inspect any land disturbing activity and to review the records of all inspections, repairs and modifications made by the permittee.

(C) Prior to commencing construction activities the permittee shall attend a pre-construction conference if scheduled by the issuing authority. The Technical Review Team meeting for the development may serve as a substitute for the pre-construction conference.

(D) The permittee shall notify the issuing authority 24 hours in advance of conducting

inspections.

(1) At a minimum, the permittee shall conduct a self-inspection at the following stages:

(a) Completion of perimeter erosion and sediment controls.

(b) Completion of clearing and grading.

(c) Installation of temporary erosion controls.

(d) Completion of final grading and ground stabilization.

(e) Prior to the fiscal security release.

(f) Monthly after areas have been temporarily or permanently stabilized.

(g) Within 24 hours of a rain event 0.5 inches or greater.

(2) The issuing authority may increase or decrease the number of required inspections as deemed necessary to ensure an effective EPSC Plan and shall have the right to enter the property of the permittee without notice.

(E) The permittee shall prepare an inspection report after each self-inspection and shall keep copies at the job site at all times, and may be required to fax the inspection report to the issuing authority, if deemed necessary. At a minimum the inspection report shall include the date, time of day, name of the person conducting the inspection, company represented, scope of the inspection, major observations relating to the EPSC Plan and BMPs installed, and subsequent changes. The issuing authority has the right to make regular inspections to ensure the validity of the inspection reports.

(F) The permittee shall be self-policing and shall correct or remedy any EPSC measures that are not effective or functioning properly at all times during the various phases of construction.
(Ord. 7, 2005, passed 6-27-05)

• 53.09 ENFORCEMENT.

(A) The issuing authority shall be responsible for the enforcement of this chapter. A stop-work order may be posted for the entire project or any specified part thereof if any of the following conditions exist:

(1) Any land disturbance activity regulated under this chapter is being undertaken without a permit.

(2) The Erosion and Sediment Control Plan is not being fully implemented.

(3) Any of the conditions of the EPSC permit are not being met.

(B) For the purposes of this section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is an EPSC Permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the Permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as the landowner of the property.

(C) If the permittee does not cease the activity or comply with the Erosion and Sediment Control Plan or EPSC permit conditions within five calendar days, the issuing authority may revoke the permit.

(D) If the landowner or developer where no EPSC Permit has been issued does not cease the land disturbance activity, the issuing authority may request the City Attorney to seek to obtain injunctive relief.

(E) The issuing authority may retract the revocation if the EPSC Plan and permit is brought into compliance with this chapter.

(F) Ten calendar days after posting a stop-work order, the issuing authority may issue a notice of intent to the Permittee, landowner, or land user of the issuing authority's intent to perform work necessary to comply with this chapter. The issuing authority may go on the land and commence work after 14 days from issuing the notice of intent. The costs incurred by the issuing authority to perform this work shall be paid by the landowner or permittee out of the fiscal security referred to in this chapter, to the extent that the amount is covered thereby, with the remainder being directly due and owed by the landowner or Permittee. In the event no EPSC permit was issued or no bond was posted, the cost, plus interest at the rate authorized by the issuing authority, plus a reasonable administrative and attorneys fee shall be billed to the owner.

(G) Compliance with the provisions of this chapter may also be enforced by injunction.

(H) The issuing authority is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately, the issuing authority is authorized to enter onto private or public property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the issuing authority shall be fully reimbursed by the property owner and/or responsible party.
(Ord. 7, 2005, passed 6-27-05)

• 53.99 PENALTY.

(A) Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than $100 and not more than $500, or by imprisonment for not more than 90 days, or both, for each separate offense. Each day there is a violation of any part of this chapter shall constitute a separate offense.

(B) Should the issuing authority or city take legal action to enforce the provisions of this chapter, the issuing authority or city shall be entitled to collect any and all costs in instituting and taking such legal action, including but not limited to its court costs and attorney's fees.
(Ord. 7, 2005, passed 6-27-05)

CHAPTER 54: ILLICIT DISCHARGE CONTROLS

Section

54.01 Authority
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54.03 Definitions
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54.05 Prohibition of discharges
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• 54.01 AUTHORITY.

(A) This chapter is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky cities in KRS Chapters 67 and 100.

(B) This chapter is adopted pursuant to the powers granted and limitations imposed by the Federal Clean Water Act, and in particular those parts that authorize local governments to require any state or federal department or agency to comply with all local water pollution control requirements.

(Ord. 8, 2005, passed 6-27-05)

• 54.02 PURPOSE AND SCOPE.

The regulations set forth in this chapter are intended to protect the general health, safety, and welfare of the citizens of Frankfort, and more specifically:

(A) To protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act by prohibiting non-storm water discharges, including pollutants contained in storm water discharges, to the municipal separate storm sewer system (MS4), community waters and waters of the Commonwealth, collectively called storm water conveyance system;

(B) To prohibit illicit discharges and connections to the MS4;

(C) To regulate the contribution of pollutants to storm water discharges to the MS4 by any user;

(D) To comply with all applicable state and federal requirements for clean water, including limitations on the discharge of pollutants as set forth by the Kentucky Pollutant Discharge Elimination System (KPDES); and all applicable provisions of the Federal National Pollution Discharge Elimination System's storm water general permit for Phase II communities; and

(E) To establish legal authority to carry out all inspection, surveillance and monitoring, and enforcement procedures necessary to ensure compliance with this chapter.
(Ord. 8, 2005, passed 6-27-05)

• 54.03 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

COMMUNITY WATERS. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the city.

DEVELOPER. Any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

EPSC (EROSION PROTECTION AND SEDIMENT CONTROL). The prevention of soil erosion and control of solid material during land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

ENFORCEMENT AGENCY. The City of Frankfort Public Works Director or City of Frankfort Planning and Building Codes Director, and their duly authorized designees designated to enforce this

chapter.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, biological or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water substance, pollutant or hazardous material disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into the MS4, community waters, waters of the Commonwealth, or any area draining directly or indirectly into the MS4, except as exempted in • 54.05.

ILLICIT CONNECTION. Defined as any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4. Included are conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

INSPECTOR. A person designated by the enforcement agency who has attended a Frankfort-sponsored or approved training course in detection of illicit discharges.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OF THE CITY. A conveyance, or system of conveyances (including roads with drainage systems, municipal and county streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed or used for collecting or conveying stormwater. Sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

NON-STORM WATER DISCHARGE. Any discharge to the MS4, community waters or waters of the Commonwealth that is not composed solely of storm water except as permitted by • 54.05.

PERSON. Any individual or entity.

PLANNING AND BUILDING CODES DIRECTOR. The City of Frankfort Planning and Building Codes Director.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes, wastes and residues that

result from constructing a building or structure; and noxious or offensive matter of any kind.

PUBLIC WORKS DIRECTOR. The City of Frankfort Public Works Department Director and City Engineer.

PREMISES. The area of land, site, grounds, property from which the illegal discharge emanates.

UTILITY. The owner/operator of any underground or overhead line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, potable water, stormwater, steam, sewage and other similar substances.

WATERS OF THE COMMONWEALTH. Any surface or subsurface watercourses and water bodies including all natural waterways and definite channels and depressions in the earth that may carry

water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

WATERCOURSE. Any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

WATERSHED. A region draining to a specific river, river system, or body of water.

WETLANDS. A lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987.
(Ord. 8, 2005, passed 6-27-05)

• 54.04 STANDARDS.

(A) Except as herein provided or exempted by the enforcement agency, this chapter shall apply to all non-storm water discharges and connections to the MS4, community waters and waters of the Commonwealth forming a part of the boundaries of the city.

(B) The enforcement agency shall administer, implement, and enforce the provisions of this chapter.

(C) The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not effect the other provisions of this chapter.

(D) This chapter shall be construed to insure consistency with requirements of the Clean Water Act, the KPDES, and acts amendatory thereof or any other applicable regulations.

(E) The standards and requirements set forth herein and promulgated pursuant to this chapter are minimum standards. This chapter does not intend nor imply that compliance by any person, company, developer, or any other entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the MS4, community waters or waters of the Commonwealth.

(Ord. 8, 2005, passed 6-27-05)

• 54.05 PROHIBITION OF DISCHARGES.

(A) No person, company, developer or any other entity shall discharge or cause to be discharged into the MS4, community waters or waters of the Commonwealth any pollutants or hazardous substances, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illegal discharge is prohibited.

(B) Unless the enforcement agency has identified them as a source of contaminants, the following categories of discharges are permitted:

(1) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the Fire Code requires to be contained and treated prior to discharge;

(2) A discharge or flow from lawn watering, or landscape irrigation;

(3) A discharge or flow from a diverted stream flow or natural spring;

(4) Uncontaminated discharge or flow from a foundation drain, crawl space pump or footing drain;

(5) A discharge or flow from air conditioning condensation;

(6) A discharge or flow from individual residential car washing;

(7) A discharge or flow from a riparian habitat or wetland;

(8) A discharge or flow water used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

(9) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals;

(10) A discharge or flow from any other water source not containing pollutants; and

(11) Upon verbal notification to the enforcement agency and prior to time of the test, dye testing is an allowable discharge.

(C) No discharge or flow available under division (B) is allowed if the discharge or flow in question has been determined by the enforcement agency to be a source of a pollutant or pollutants to the MS4, community waters or waters of the Commonwealth. Written notice of such determination shall be provided by the enforcement agency to the discharger.

(D) The prohibition of discharges or flows shall not apply to any non-storm water discharges permitted under a KPDES or NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the Kentucky Division of Water under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(E) Any person, company, developer or any other entity subject to a construction activity NPDES storm water discharge permit and Erosion Protection and Sediment Control Permit shall comply with all provisions of such permits. Proof of compliance with such permits may be required in a form acceptable to the enforcement agency.

(F) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition includes without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practice applicable at the time of connection.

(G) No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon public or private property, driveway, parking area, street, alley, sidewalk, component of the MS4, community waters or waters of the Commonwealth, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
(Ord. 8, 2005, passed 6-27-05)

• 54.06 RULES AND REGULATIONS.

(A) *Eliminate illegal discharges.* Notwithstanding the requirements of • 54.07, the enforcement agency may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

(B) *Remediate*. Whenever the enforcement agency finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water entering the MS4, community waters, or waters of the Commonwealth, the enforcement agency may require by written notice to the owner of the premises and/or the responsible person that the pollution be

remediated and the affected property restored within a specified time.

(C) *Monitor and analyze.* The enforcement agency may require any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the MS4, community waters, or waters of the Commonwealth system, to undertake at said person's expense such monitoring and analyses and furnish such reports to the enforcement agency as deemed necessary to determine compliance with this chapter.

(D) *Notification of spills.* Notwithstanding other requirements of local, state and federal law, as soon as any person responsible for a dwelling, development, facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of pollutants or hazardous materials which are resulting or may result in illegal discharges to the MS4,

community waters or waters of the Commonwealth from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the enforcement agency in person or by phone or facsimile no later than 9:00 a.m. of the next business day. Notifications shall be confirmed by written notice addressed and mailed to the enforcement agency within three business days of the notice.

(Ord. 8, 2005, passed 6-27-05)

• 54.07 INSPECTION AND MONITORING.

(A) *Inspection.* Whenever the enforcement agency has cause to believe that there exists, or potentially exists, any condition which constitutes a violation of this chapter, the enforcement agency may enter the MS4, community waters and waters of the Commonwealth at all reasonable times to inspect the same. If it is determined an illegal discharge emanates from private premises, the owner or operator of the premises will be notified in accordance with • 54.06 of this chapter. Copies of records of storm water compliance shall be provided to the enforcement agency.

(B) *Sampling devices and testing.* During any inspection as provided herein, the enforcement agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. The cost of all testing may be passed on to the owner or operator of the premises from which the illegal discharge emanates.

(Ord. 8, 2005, passed 6-27-05)

• 54.08 ENFORCEMENT.

(A) *Notice of violation.*

(1) Whenever the enforcement agency finds that a person, company, developer or any other entity has violated a prohibition or failed to meet a requirement of this chapter, the Director may order compliance by written notice of violation to the responsible entity. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

(e) Payment of a fine to cover administrative and remediation costs of the enforcement agency; and

(f) The implementation of source control or treatment best management practices.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the enforcement agency or a contractor designated by the Director and the expense thereof shall be charged to the violator.

(B) *Abatement by the city.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation then the enforcement agency or designated contractor may enter upon the subject private premises and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the enforcement agency or designated contractor to enter upon the premises for the purposes set forth above.

(C) *Charging cost of abatement/liens.*

(1) Within 30 days after abatement of the nuisance by the enforcement agency, the Director shall notify the property owner of the premises of the cost of abatement undertaken by the city, including but not limited to administrative costs, court costs and attorneys fees. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The Clerk shall set the matter for public hearing by the Board of Commissioners. The decision of the Commissioners shall be set forth by resolution and shall be final.

(2) If the amount due is not paid within ten days of the decision of the Board of Commissioners, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be

turned over to the Property Valuation Administrator so the amounts of the special assessment may be levied against the parcel of land.

(D) *Emergency abatement.* The enforcement agency is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well being of the public. If any such violation is not abated immediately as directed by the enforcement agency, the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party.

(E) *Injunctive relief.* The enforcement agency is authorized to request the City Attorney to seek injunctive relief and is entitled to recover its costs incurred in seeking injunctive relief, including court costs and attorney's fees.

(F) *Acts potentially resulting in a violation of the Federal Clean Water Act.* Any person who violates any provision of this chapter or any provision of any permit issued by the city may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

(Ord. 8, 2005, passed 6-27-05; Am. Ord. 1, 2006, passed 1-28-06)

• 54.99 PENALTY.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than $100 and not more than $500 or by imprisonment for not more than 90 days, or both, for each separate offense. Each day there is a violation of any part of this chapter shall constitute a separate offense.

(Ord. 8, 2005, passed 6-27-05; Am. Ord. 1, 2006, passed 1-28-06)

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CHAPTER 55: POST-CONSTRUCTION RUNOFF

Section

55.01 Authority
55.02 Purpose and scope
55.03 Definitions
55.04 Standards
55.05 Stormwater management measures

• 55.01 AUTHORITY.

(A) This chapter is adopted pursuant to the powers granted and limitations imposed by Kentucky laws, including the statutory authority granted to Kentucky cities in KRS Chapters 67 and 100.

(B) This chapter is adopted pursuant to the powers granted and limitations imposed by the Federal Clean Water Act, and in particular those parts that authorize local governments to require any state or federal department or agency to comply with all local water pollution control requirements.
(Ord. 9, 2005, passed 6-27-05)

• 55.02 PURPOSE AND SCOPE.

(A) The regulations set forth in this chapter are intended to protect the general health, safety, and welfare of the citizens of the city.

(B) The regulations set forth in this chapter are intended to protect and enhance the municipal separate storm sewer system (MS4), community waters and waters of the Commonwealth.

(C) The primary goal of this chapter and the Frankfort and Franklin County Phase II Stormwater Management Program is to maintain after development, as nearly as possible, the predevelopment runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding.

(D) These regulations for stormwater management apply to the development or redevelopment of land for residential, commercial, industrial, or institutional use, but do not apply to agricultural land management practices.
(Ord. 9, 2005, passed 6-27-05)

• 55.03 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the definitions stated below.

APPROVING AGENCY. The City of Frankfort Public Works Director or City Planning and Building Codes Director and their duly authorized designees, responsible for review and approval of stormwater management plans.

BEST MANAGEMENT PRACTICES (BMP). A technique or series of techniques, structural or nonstructural, which are proven to be effective in controlling runoff, erosion, sedimentation and mitigate flooding.

DETENTION FACILITY. A temporary or permanent natural or man made structure that provides for the temporary storage of stormwater runoff which is designed so as not to create a permanent pool of water.

DEVELOPER. Any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in the development or redevelopment of property.

DRAINAGE AREA. That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

EXTENDED DETENTION. A stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events.

FLOW ATTENUATION. Prolonging the flow time of runoff to reduce the peak discharge.

INFILTRATION. The passage or movement of water into the soil surface.

LAND DISTURBANCE ACTIVITY. Any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Frankfort, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land.

PUBLIC WORKS DIRECTOR. The City of Frankfort Public Works Department Director and City Engineer.

REDEVELOPMENT. Any construction, alteration, or improvement involving land disturbance performed on sites where existing land use is commercial, industrial, institutional, or multifamily residential.

RETENTION FACILITY. A temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

RETROFITTING. The construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.

RUNOFF. Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT. Soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

SITE PLAN. A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

STORMWATER DESIGN STANDARDS. The City of Frankfort's Stormwater Design Standards, latest version that serves as the official guide for stormwater design principle, methods and practices.

STORMWATER MANAGEMENT. For:

(1) Quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land, and

(2) Qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

WATERCOURSE. Any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

WATERSHED. The total drainage area contributing runoff to a single point.

WETLANDS. A lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987.
(Ord. 9, 2005, passed 6-27-05)

• 55.04 STANDARDS.

The Approving Agency is responsible for the implementation and supervision of the stormwater management program for the City of Frankfort. This responsibility shall include, but is not limited to:

(A) Establishment of policies, procedures, standards, chapters, and criteria relating to stormwater management;

(B) Reviewing and modifying where applicable the existing subdivision regulations to address stormwater pollution and reduce watercourse erosion, siltation and sedimentation, and local flooding;

(C) Reviewing and modifying where applicable the existing zoning regulations to mitigate stormwater runoff problems through various zoning techniques for better site design;

(D) Reviewing and modifying as necessary the existing stormwater design standards to address stormwater pollution and reduce stream channel erosion, siltation and sedimentation;

(E) Creating a new chapter to address illicit discharges;

(F) Creating a new chapter to address erosion protection and sediment control from construction site runoff related to land disturbing activities; and

(G) Establishing erosion prevention and sediment requirements, design standards and training. (Ord. 9, 2005, passed 6-27-05)

• 55.05 STORMWATER MANAGEMENT MEASURES.

(A) The Approving Agency shall periodically evaluate stormwater management requirements and standards to be considered for implementation with new development and redevelopment projects. These requirements may include but not be limited to the following:

(1) Storm water control BMP's. To address runoff volume and rate, and pollutant removal efficiencies. These BMP's may include hydrodynamic separators, bioretention basins and infiltration trenches and drainfields.

(2) Stream corridor protection. To protect designated streams through conservation methods. These methods may include buffer strips, greenways, vegetated channels, and streambank stabilization and restoration.

(3) Impervious area runoff controls. To address high levels of runoff quantity and quality associated with high-density developments.

(4) Discharge control BMP's. To provide flow attenuation for post-development runoff. These BMP's may include detention and retention facilities, extended dry ponds and artificial wetlands.

(B) The approving agency may require on a project by project basis the design and implementation of any of the aforementioned stormwater management measures for any new development or redevelopment project, including retrofitting. These stormwater management measures shall be approved by the approving agency and shall become part of the development site plans for the project. This obligation does not relieve the developer from complying with the storm water design standards, zoning regulations, subdivision regulations or any other regulations.

(Ord. 9, 2005, passed 6-27-05)

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TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. [RESERVED]

74. TRAFFIC SCHEDULES

75. PARKING SCHEDULES

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

70.01 Definitions
70.02 Required obedience to traffic directions
70.03 Powers and duties of Police Department
70.04 Authority for enforcement
70.05 Temporary regulations
70.06 Traffic Division created; contest of violation

Traffic-Control Devices

70.15 Signal legends
70.16 Establishment and maintenance of traffic-control devices
70.17 Obedience to signals
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70.20 Device to be legible and in proper position
70.21 Temporary disregard of devices by police officers

70.99 General penalty

GENERAL PROVISIONS

• 70.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLES. Vehicles of the Fire Department or Police Department when on official business and ambulances on an authorized emergency run.

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

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

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

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

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

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

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

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

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

PEDESTRIAN. Any person afoot.

POLICE DEPARTMENT. The Police Department or other persons or agency authorized to

perform the duties of • 70.03 or any other acts necessary to implement and enforce this traffic code.

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

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

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

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

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

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

STREET. Every public way, including alleys.

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

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

• 70.02 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

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

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, the state, county or city, and it shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, and

every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.

Penalty, see • 70.99

• 70.03 POWERS AND DUTIES OF POLICE DEPARTMENT.

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

• 70.04 AUTHORITY FOR ENFORCEMENT.

Authority to direct and enforce all traffic regulations of the city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle or any other signal.

Penalty, see • 70.99

• 70.05 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the Chief of Police or other authorized city official shall, at his or her discretion, have authority to impose traffic regulations as he may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk shall be notified in writing of the extended order.

• 70.06 TRAFFIC DIVISION CREATED; CONTEST OF VIOLATION.

(A) (1) There is hereby created a division to be known as the Traffic Division, which shall be in charge of traffic and parking situations and which shall be a branch of the Police Department.

(2) The Traffic Division shall consist of the Chief of Police, who shall be Clerk of the Division, the City Manager and the Public Works Director.

(B) (1) The Clerk of the Traffic Division shall establish a hearing board empowered to conduct hearings pursuant to KRS 82.605 to 82.640.

(2) The hearing board shall be composed of one police captain, one police lieutenant and one police sergeant.

(3) Members shall be appointed by the Chief of Police and shall serve terms for one year each.

(C) All penalties prescribed hereby to which no defense is made shall be payable to the Clerk of the Traffic Division, who shall give to the payer of the penalty or fine a receipt for same, retaining a duplicate receipt which shall be filed with his or her weekly report to the Finance Department.

(D) All fines or penalties assessed and collected by the Traffic Division shall be placed in and become a part of the general fund of the city.
(♣70 Code, ● 10.20.040) (Ord. 10-92, 1992, passed 10-12-92)

TRAFFIC-CONTROL DEVICES

• 70.15 SIGNAL LEGENDS.

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

(A) *Green alone or ■Go.•* Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time the signal is exhibited.

(B) *Steady yellow alone or ■Caution• when shown following the green or ■Go• signal.* Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

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

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

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

(F) ■*Yield Right-of-Way.*• Vehicular traffic facing the ■Yield Right-of-Way• sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and pedestrians within the primary intersecting or merging right-of-way. No vehicle facing a ■Yield Right-of-Way• sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

(G) *Lane lights.*

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

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However, when flashing amber lights appear above a lane all left turns shall be made from that lane. Where red arrows appear above the lanes, vehicles shall not move against them.

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

Penalty, see • 70.99

Statutory reference:

Traffic-control signals, see KRS 189.338

• 70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The city shall establish and maintain all official traffic-control devices necessary within the city that are on city streets. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform and, as far as possible, shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

• 70.17 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate or watchman at railroad crossings unless otherwise directed by a police officer. However, the type and the right to or necessity for the barrier or sign must be approved by the city.

(B) The sign, signal, marking or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see • 70.99

• 70.18 INTERFERENCE WITH SIGNALS.

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

Penalty see • 70.99

• 70.19 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) (1) It shall be unlawful for any person to place, maintain or display on or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles

an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal any commercial advertising.

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

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

• 70.20 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

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

• 70.21 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

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

• 70.99 GENERAL PENALTY.

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

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CHAPTER 71: TRAFFIC RULES

Section

Operation Generally

71.01 Obstructing traffic

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71.04 Railroad crossings

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Parades

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71.56 Public conduct during parades

71.57 Revocation of permit

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OPERATION GENERALLY

• 71.01 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in a manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner in order to indicate its importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he or she shall be deemed to have violated this division rather than division (B) above.

Penalty, see • 71.99

• 71.02 DEFINITIONS.

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

HIGHWAY. Any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them.

VEHICLE. All agencies for the transportation of persons or property over or upon the public highways of the commonwealth and all vehicles passing over or upon the highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, the vehicles as travel exclusively upon rails, and the vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five miles beyond the city limits of any municipality.

(•70 Code, • 10.04.020)

• 71.03 SCHOOL SAFETY ZONES.

(A) (1) There is hereby established a safety zone for each street tangent to school property upon which a school building exists in the city.

(2) The boundaries of any safety zone within the city shall be indicated by signs, either stationary or nonstationary, posted at each and every approach of the zone.

(B) Drivers of vehicles when operating within a properly marked school zone shall operate their vehicles in a reasonable and prudent manner at all times and shall not pass any other vehicle proceeding in the same direction within the school zone and shall not exceed a speed limit of 15 miles per hour while

in the zone. Where school zones are located along public highways which are maintained by the commonwealth, the speed limit shall be 25 miles per hour.

(C) The speed limits indicated in division (B) above shall be mandatorily enforced upon all drivers between the hours of 7:00 a.m. and 3:30 p.m. (EST) on every day from Monday through Friday of each week during any school term.
(♣70 Code, • 10.04.080) Penalty, see • 71.99

• 71.04 RAILROAD CROSSINGS.

(A) The railroad company or companies owning and operating tracks in the city across High Street and Ann Street are hereby authorized to erect and maintain electric flasher light signals at the intersections of the tracks with High Street and Ann Street. The flasher light signals shall be erected in accordance with the specifications shown and set out in print or map, revised January 16, 1950, on file in Contract Book, and the flasher light signals shall be maintained by the railroad company or companies in accordance with the specifications in good working order at all times. The flasher light signals shall be erected at the intersection of Ann Street and Broadway Street at the northwest and southeast corners of that intersection and on the property of the railroad company, and at the intersection of High Street and Broadway Street at the southeast corner of the intersection and in the west line of High Street at the northeast corner of the property of the railroad company as shown on the map or print, and the railroad company or companies shall commence erecting the signal lights within 90 days from the date the ordinance codified herein became effective, and shall erect the signal lights at their own expense.

(B) It shall be unlawful for any person, firm or corporation to operate any railroad locomotive engine, train, hi-rail car or other vehicle on railroad tracks in the city in a manner, when stopped, as to block vehicular traffic at the crossing of Taylor Avenue, Washington, Ann and High streets or any of them for more than five consecutive minutes at any time.
(♣70 Code, • 10.04.130) (Ord. 12-79, 1979, passed 5-14-79) Penalty, see • 71.99

• 71.05 APPLICATION TO BUSES.

All buses operating through the streets of the city shall be subject to the restrictions hereof and shall only stop at street intersections for the purpose of taking on or discharging passengers, except in residential sections when the stop is made near the curbing.

(✣70 Code, • 10.04.180)

PROHIBITIONS

• 71.30 SPILLING RUBBISH; HAULING TRASH.

(A) (1) The spilling of rubbish, rocks or refuse from vehicles transporting same is hereby deemed a menace and nuisance.

(2) Any driver of any vehicle spilling rubbish, rocks or refuse or allowing same to spill from any vehicle which he or she is driving, shall immediately stop his or her vehicle and remove the rubbish, rocks or refuse from the street.
(♣70 Code, • 10.04.040)

(B) It is unlawful to haul slop, garbage or refuse along and through the streets and alleys of the city, except in sealed or leak-proof containers, so constructed that no slop, garbage or refuse will seep or spill therefrom, and no vehicle containing slop, garbage or refuse will be permitted to park on any street or alley for a longer period than is absolutely necessary to receive and load the slop, garbage or refuse into their containers. (♣70 Code, • 10.04.060)
Penalty, see • 71.99

• 71.31 SPEED LIMITS.

(A) It shall be unlawful for any person, firm or corporation to operate any railroad locomotive engine, train, hi-rail car or other vehicle operating on railroad track at a speed in excess of ten miles an hour on and in the vicinity of Broadway Street, commencing at the westerly edge of Buttimer Avenue and extending to the westerly portal of the railroad tunnel east of High Street. (♣70 Code, • 10.04.240) (Ord. 10-70, 1970, passed 4-13-70; Am. Ord. 4-75, 1975, passed 2-10-75)

(B) (1) The speed limits over streets in the city, except those streets which are part of the state highway system and school zones, shall be 35 miles per hour unless a lesser limit is designated

and marked by the Traffic Department.

(2) When a determination is made by the Traffic Department and signs or markers are installed, the determination shall be as effective as if set out by ordinance. (70 Code, • 10.04.250) (Ord. 29-74, 1974, passed 8-9-74)

Penalty, see • 71.99

Cross-reference:

Railroad crossings, see • 71.07

School safety zones, see • 71.06

PARADES

• 71.50 DEFINITIONS.

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

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

PARADE PERMIT. A permit required by this subchapter.
(Am. Ord. 3, 2008, passed 1-28-08)

• 71.51 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Chief of Police.

(B) This subchapter shall not apply to:

(1) Funeral processions; or

(2) A governmental agency acting within the scope of its functions.
Penalty, see • 71.99

• 71.52 APPLICATION FOR PERMIT.

A person seeking issuance of a parade permit shall file an application with the Chief of Police

on forms provided by the Police Department.

(A) The application for a parade permit shall be filed not less than 21 days or not more than 60 days before the date on which it is proposed to conduct the parade.

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

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

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

(3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons, animals and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;

(10) The time at which units of the parade will begin to assemble at any assembly area or areas;

(11) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf; and

(12) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) There shall be paid at the time of filing an application for a parade permit a fee in the amount of $25 payable to the city•s Finance Department.

(Am. Ord. 4, 2008, passed 1-28-08) Penalty, see • 71.99

• 71.53 STANDARDS FOR ISSUANCE OF PERMIT.

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

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

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

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

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

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designated to be held purely for private profit; and

(H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.

(I) The applicant provides proof that it has provided notice to the public by newspaper, radio, television, and/or flyers delivered to properties along the parade route no less than seven days prior to the date of the parade, of the date and time a parade will be held and the route of the parade. (Am. Ord. 5, 2008, passed 1-28-08) Penalty, see • 71.99

• 71.54 NOTICE OF REJECTION OF PERMIT.

The Chief of Police or other authorized city official shall act on the application for a parade permit within three days, Saturdays, Sundays and holidays excepted, after filing thereof. If he or she disapproves the application, he or she shall mail to the applicant within the three days, Saturdays,

Sundays and holidays excepted, after the date on which the application was filed, a notice of his or her action stating the reasons for his or her denial of the permit.

• 71.55 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade.
Penalty, see • 71.99

• 71.56 PUBLIC CONDUCT DURING PARADES.

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

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

Cross reference:

Parking on parade routes, see • 72.07

• 71.57 REVOCATION OF PERMIT.

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

• 71.99 PENALTY.

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

(B) Any person, firm or corporation violating • 71.06 shall, upon conviction, be fined not more than $500 and/or imprisoned for not more than 12 months. (•70 Code, • 10.04.130) (Ord. 12-79, 1979, passed 5-14-79)

(C) (1) Any person, firm or corporation violating • 71.39(A) shall, upon conviction, be fined not less than $25 or more than $100. (•70 Code, • 10.04.240) (Ord. 10-70, 1970, passed 4-13-70; Am. Ord. 4-75, 1975, passed 2-10-75)

(2) Any person found guilty of speeding in the city shall, upon conviction, be fined not less than $10 nor more than $100 for each offense. (‡70 Code, • 10.04.250) (Ord. 29-74, 1974, passed 8-9-74)

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CHAPTER 72: PARKING REGULATIONS

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GENERAL PROVISIONS

• 72.01 SCHOOL SAFETY ZONES.

Safety zones have been established in front of every school building in the city. No parking shall be permitted in these zones between the hours of 7:00 a.m. and 3:00 p.m. each school day of the week.

(`70 Code, 10.08.140)

• 72.02 ALLEYS.

No parking shall be permitted in any of the alleys of the city at any time.

(`70 Code, 10.08.150)

• 72.03 PARKING NEAR FIRE HYDRANT.

It is unlawful for any person, firm or corporation to park an automobile, truck or other vehicle in front of or nearer than ten feet on either side of any fire hydrant in the city.

(`70 Code, 10.08.180; Ord. 11-80, 1980, passed 4-28-80)

• 72.04 PARKING NEAR INTERSECTION.

(A) All automobiles, trucks or other vehicles shall be parked within the inside of the line marked on the streets, running parallel with the curbing, and no vehicle shall be parked nearer to a corner or street intersection than is shown by the markings on the curbing indicating the no parking area.

(B) On all streets where there are no signs or markings to indicate the parking area, cars shall be parked next to the curbing and not extending more than six feet in the street from the curbing.

(C) It shall be unlawful for any person, owner or operator to park any vehicle as defined in • 72.55 closer than 25 feet to any intersection within the city unless indicated as permissible by existing traffic control devices (signs or curb markings).
(`70 Code, 10.08.190; Ord. 15-80, 1980, passed 4-28-80; Am. Ord. 10-92, 1992, passed 10-12-92)

• 72.05 PARKING ON RIGHT SIDE REQUIRED.

All parking along and on all streets designated arterial or collector streets in the Frankfort Comprehensive Plan shall be on the right side, computed from the front of the car or forward travel thereof.
(`70 Code, 10.08.200; Ord. 26-80, 1980, passed 6-30-80; Am. Ord. 19-92, 1992, passed 10-12-92)

• 72.06 DOUBLE PARKING.

Double parking shall mean where one car is already parked along the curbing, as permitted under this chapter, the driver of another car allows his vehicle to stand in the street on the outside of the car parked at the curbing, provided, however, vehicles are permittedtto stop a sufficient period of time for the actual taking on or discharge of passengers, or to receive small parcels from business places, and further provided that the vehicle is not entirely vacated or the motor of same stopped.
(70 Code, 10.08.210)

• 72.07 TRUCKS; PARKING FOR LOADING OR UNLOADING.

All trucks loading or unloading merchandise or other freight will be permitted to back into the curbing for such purposes, except trucks or vehicles measuring more than 20 feet in length, from front bumper to rear of body, when they will be required to park parallel with the curbing for such

purposes. Trucks or vehicles measuring more than 20 feet from bumper to rear of body or rear bumper, are not permitted to park diagonally or obliquely with the curbing at any time but shall park parallel with the curbing at all times.
(`70 Code, 10.08.230)

• 72.08 LARGE TRUCKS NOT TO BE PARKED ON STREETS; FLARES ON DISABLED TRUCKS.

(A) No person operating a truck exceeding the capacity of three-quarters of a ton shall stop the truck or leave it standing or cause it to stop or to be left standing upon any public street in the city; provided, however, that this section shall not be construed to prevent the stopping of trucks for the purposes of loading or unloading the truck.

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(B) Whenever any motor truck is disabled, at any time from a half an hour after sunset to a half an hour before sunrise, and the truck cannot be immediately removed from the street, the person in charge of the vehicle shall cause flares, lanterns or other signals to be lighted and placed upon the street, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle and a third upon the roadway side of the vehicle.
(`70 Code, 10.08.240)

• 72.09 FIRE LANES.

It shall be unlawful for any person, owner or operator to park any vehicle as defined in section 72.55 in any fire lane so designated and marked.
(`70 Code, 10.08.260; Ord. 12-80, 1980, passed 4-28-80; Am. Ord. 10-92,1992, passed 10-12-92).

• 72.10 BLOCKING ACCESS TO DRIVEWAYS.

It shall be unlawful for any person, owner or operator to park any vehicle in such manner as to block any residential or commercial driveway.
(`70 Code, 10.08.270; Ord. 14-80, 1980, passed 4-28-80; Am. Ord. 10-92, 1992, passed 10-12-92).

• 72.11 PARKING IN SPACES RESERVED FOR THE HANDICAPPED.

It shall be unlawful for any person, not authorized by state law, to park any motor vehicle in any parking space reserved, designated and marked for parking by handicapped persons upon any public way or parking lot open to the public within the city.
(`70 Code, 10.08.280; Ord. 9-83, 1983, passed 8-28-83; Am. Ord. 10-92, 1992, passed

10-12-92)

• 72.12 RESERVED.

• 72.13 PARKING OF CERTAIN VEHICLES PROHIBITED.

(A) No person shall park a camper, motor home, trailer or truck or other vehicle exceeding seven feet in overall width (excluding mirrors) or 20 feet in overall length or seven and one-half feet in overall height on any city street or in the right-of-way of any city street for more than six hours without first obtaining a special permit from the Police Department.

(B) No person shall park any abandoned vehicle as defined in KRS 189.751, junked vehicle, inoperable vehicle or unlicensed vehicle as defined in KRS 189.751, junked vehicle, inoperable vehicle or unlicensed vehicle on any city street or in the right-of-way of any city street for any period of time.
(Ord. 10, 2007, passed 4-23-07)

• 72.14 VICARIOUS RESPONSIBILITY.

(A) The person in whose name a vehicle is registered at the time of the violation shall be absolutely responsible for the violation and payment of all fines, fees and penalties. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner, unless it is shown by the owner that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.

(B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or leasing agreement shall not be liable for parking fines and penalties imposed under this chapter on such rented or leased vehicles, if within 15 days after receiving notice of a parking violation, the lessor provides to the Police Department the true name, address and driver•s license number of the person in possession of the vehicle at the time of the issuance of the citation. A lessor who fails to comply with this requirement shall be treated as any other owner.
(Ord. 10, 2007, passed 4-23-07)

• 72.15 TAMPERING WITH IDENTIFYING MARKS OR PARKING SPACES.

(A) It shall be a violation for any person to alter, remove, deface, tamper with, willfully destroy or impair the usefulness of any identifying marks or other methods used by the Police Department on any parked vehicle in order to identify the vehicle for areas where parking over a specified period of time is not allowed, unless the vehicle has been moved from such area. If such tampering occurs, the violation shall be issued against the owner of the vehicle.

(B) It shall be a violation for any person to alter, remove, deface, tamper with, willfully destroy or impair the usefulness of, any marks, paint or other methods used by the city to identify parking spaces or areas where parking is prohibited, limited or restricted, or to add parking spaces or parking restrictions or limitations.
(Ord. 10, 2007, passed 4-23-07)

IMPOUNDING

• 72.25 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

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

(B) A vehicle may be impounded or vehicle immobilization equipment may be used without giving prior notice to its owner only under the following circumstances:

(1) The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

(2) The vehicle poses an immediate danger to the public safety;

(3) The vehicle is illegally parking within ten feet of a fire hydrant or is parked in a fire lane;

(4) The vehicle, without a valid designated plate or placard under state law, is parked in a space clearly marked and designated for use for disabled persons.

(5) A police officer reasonable believes that the vehicle is stolen;

(6) A police officer reasonably believes that the vehicle or its contents constitute evidence of an offense and such impoundment or immobilization is reasonably necessary to obtain or preserve such evidence. Provided, however, that nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required;

(7) The vehicle is parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance or regulation, and there are five or more outstanding parking citations issued against the vehicle that have not been paid;

(8) The vehicle is impeding a salt truck or snow plow after notice of a snow emergency has been made pursuant to • 72.40 or an emergency vehicle; and

(9) The vehicle is an abandoned vehicle as defined in KRS 189.751, a junked vehicle, an inoperable vehicle or an unlicensed vehicle. Where such abandoned, junked, inoperable or unlicensed vehicle does not pose an immediate danger to the public, five days notice must be given

by placing same on the vehicle prior to tow.

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

(D) All fines, fees, delinquent parking tickets and charges must be paid in full before a release of impoundment can be issued for the vehicle•s release.
(Ord. 10, 2007, passed 4-23-07)

• 72.26 REQUIRED NOTICE TO OWNER.

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

(B) If a vehicle described in division (A) is placed in a garage or other storage facility, the owner of the facility shall attempt to provide the notice provided in division (A) by certified mail to the registered owner at the address of record of the motor vehicle or lessor of a motor carrier, as defined in KRS Chapter 281, within ten business days of recovery of, or taking possession of the motor vehicle. This notice shall contain the information as to the make, model, license number and identification number of the vehicle, the location of the vehicle, and the amount of reasonable charges due on the vehicle. When the owner of the facility fails to provide notice as provided herein, the motor vehicle storage facility shall forfeit all storage fees accrued after ten business days from the date of tow. This division (B) shall not apply to a tow lot or storage facility owned or operated by the city.
(KRS 376.275(1), (2))

• 72.27 SALE OF VEHICLE.

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of • 72.21 shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his or her possession. If after a period of 45 days, the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges for towing, transporting and storage, the sale and collection of proceeds shall not constitute a waiver or release of

responsibility for payment of unpaid towing, transporting and storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.
(KRS 376.275(3))

SNOW EMERGENCY

• 72.40 ANNOUNCEMENT OF SNOW EMERGENCY.

(A) Whenever the Chief of Police or other authorized city official finds that falling snow, sleet or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever he or she finds on the basis of a firm forecast of snow, sleet or freezing rain that the weather conditions so forecasted may create a condition making it necessary that the parking be prohibited, he or she is authorized to announce the prohibition, to become effective at a time specified by him or her.

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

(C) The prohibition of parking announced by the Chief of Police or other authorized city official under the authority of this section shall remain in effect until he or she announces the termination of the snow emergency, in part or in which the prohibition of parking authorized by this section shall no longer be in effect.
Penalty, see • 72.99

• 72.41 TERMINATION OF EMERGENCY.

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

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

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• 72.42 SNOW EMERGENCY ROUTES.

Snow emergency route is any route designated by the Chief of Police or other authorized city official. On the street or highway designated as a snow emergency route, special signs shall be posted to this effect.

ENFORCEMENT

• 72.55 DEFINITIONS.

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

DOUBLE PARKING. The leaving of a vehicle standing, whether occupied or unoccupied, in a marked traffic lane such that the flow of traffic is impeded.

PARKING ENFORCEMENT OFFICER. All police officers employed by the city and the community services specialist position.

PARKING SPACE. The space from the section of the street adjacent to the curb, painted and indicated by painted lines on the surface of the street, extending from the curb into the street.

VEHICLE. Any device in, upon or by which any person or property is or may be transported on a street or highway, except those operated on rails or tracks.
(♣70 Code, • 10.12.010) (Ord. 22-77, 1977, passed 9-26-77; Am. Ord. 10-92, 1992, passed 10-12-92)

• 72.56 HOURS OF ENFORCEMENT; LEGAL HOLIDAYS.

(A) It shall be unlawful for the owner or operator of any motor vehicle to allow the vehicle to continuously remain for more than two hours in any space designated two-hour parking between the hours of 8:00 a.m. and 5:00 p.m., prevailing time, except Sundays and legal holidays. The two-hour parking limits shall be in effect along streets in the central business district and clearly designated and signed by the traffic division. Subsequent violations of the two-hour parking shall constitute separate offenses.

(B) The Traffic Division shall designate by signs and similar devices the regulated parking zones of the city and shall cause the zones to be marked off in parking spaces of the dimensions as will accommodate ordinary passenger vehicles. The existence of signs, signals and markings duly installed, shall be sufficient proof of the existence of the regulated parking zones.

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(C) The street division shall place and maintain painted lines or marks on the curb and on the street to designate parking spaces to be used. Each vehicle parked alongside of or adjacent to the curb shall be parked within the lines or marks so established. It is unlawful to park any vehicle in a way that the same is not within the area so designated by the lines or marks.

(D) (1) Persons actually serving on jury duty in any federal, state, county or city court, and also all law enforcement officers of governments actually appearing in any courts as witnesses, shall for the hours of the jury service and for the hours of actual time spent in appearing as a witness, be exempted from the provisions of this section.

(2) All persons claiming the foregoing exemption shall be required to make a written notation as to the grounds for their exemption on the citation given for the parking violation and return the citation to the Police Chief, or deposit same in the receptacles provided for the payment of parking fines within 72 hours, excluding holidays and weekends, from the time of receipt of the citation.

(E) The provisions hereof shall not apply on the following legal holidays or Sundays:

(1) New Year's Day, January 1;

(2) Memorial Day, May 30;

(3) Independence Day, July 4;

(4) Labor Day, first Monday in September;

(5) Thanksgiving Day, fourth Thursday in November; and

(6) Christmas Day, December 25.

(70 Code, • 10.12.030) (Ord. 22-77, 1977, passed 9-26-77)

• 72.57 OVERPARKING NOTICES.

(A) It shall be the duty of each parking enforcement officer to take down in writing the state vehicle license number and description of any vehicle overparked in violation of • 72.56, the date of the overparking together with the date and time of overparking and to issue, in writing, on a form provided by the city, a notice to answer the charge of overparking within 72 hours, excluding holidays and weekends, of the date and time of violation.

(B) The Chief of Police shall cause to be kept an appropriate record of all notices of overparking presented to his or her Department as herein provided, and this record shall show, in numerical order, the names of the owners or operators or the vehicle license number of each vehicle or conveyance, the date each notice was presented to his or her Department, together with all sums of money paid thereon.

(✣70 Code, • 10.12.050) (Ord. 22-77, 1977, passed 9-26-77; Am. Ord. 10-92, 1992, passed 10-12-92)

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• 72.58 LOADING ZONES.

(A) The Traffic Division may designate the place or places within the two-hour parking area of the city where motor trucks and vehicles may stop and unload merchandise, and the Traffic Division shall appropriately designate and mark off the space or spaces so designated by the Traffic Division for loading and unloading. In using the space or spaces for loading and unloading all vehicles must be in the process of loading or unloading, and no vehicle shall remain parked in the space or spaces longer than is necessary to load, unload, deliver, receive, collect or give receipts for merchandise so delivered or received.

(B) The space or spaces are for public convenience and are not designated for the specific use of any person, firm or corporation, but they shall be used exclusively for loading and unloading purposes and no vehicles shall remain parked therein longer than necessary to accomplish such purposes. Use of a loading zone by a vehicle shall not exceed 30 minutes without a special permit from the Police Department.

(‡70 Code, • 10.12.060) (Ord. 22-77, 1977, passed 9-26-77; Am. Ord. 10, 2007, passed 4-23-07) Penalty, see • 72.99

• 72.59 TAMPERING WITH PAYMENT RECEPTACLES PROHIBITED.

It is unlawful for any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any city-owned payment receptacle for the payment of parking fines.

(‡70 Code, • 10.12.070) (Ord. 22-77, 1977, passed 9-26-77; Am. Ord. 10-92, 1992, passed 10-12-92) Penalty, see • 72.99

• 72.60 COLLECTIONS.

It shall be the duty of the parking enforcement officer to remove from the payment receptacles

the parking violation notices deposited in the receptacles and to deliver the notices and monies to the Chief of Police, as soon as practicable thereafter.

(♣70 Code, • 10.12.080) (Ord. 22-77, 1977, passed 9-26-77; Am. Ord. 10-92, 1992, passed 10-12-92)

• 72.99 PENALTY.

Any person receiving a citation for any parking violation in the city, with the exception of •• 72.03, 72.09 and 72.11, shall be deemed to have committed a violation and shall be fined in an amount as follows.

(A) An amount not less than $20 nor more than $100 for the initial violation;

(B) An amount not less than $40 nor more than $100 for a second violation in the same calendar year as the prior citation;

(C) An amount not less than $60 nor more than $100 for a third violation in the same calendar year as the prior citations;

(D) An amount not less than $80 nor more than $100 for a fourth violation in the same calendar year as the prior citations;

(E) An amount not less than $100 nor more than $150 for a fifth violation in the same calendar year as the prior citations;

(F) A person paying a parking citation within five days of receiving same shall in no event be required to pay more than $10 for that parking citation.

(G) A person receiving a citation for violating • 72.11 shall be fined the amount of $250 consistent with KRS 189.990; and

(H) A person receiving a citation for violating •• 72.03 or 72.09 shall be fined the amount of $50.00. (Ord. 10, 2007, passed 4-23-07)

Statutory-reference:

Penalties, see KRS 189.990(1))

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CHAPTER 73: [RESERVED]

[Text continues on page 41]

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CHAPTER 74: TRAFFIC SCHEDULES

Schedule

I. One-way streets
II. Through streets
III. Unlawful passing

SCHEDULE I. ONE-WAY STREETS.

The following streets are hereby declared to be one-way streets.

Street	*Location*
Ann Street	Between Mero Street and West Main Street going south
High Street	From East Main Street to Mero Street going north between East Main Street and Mero Street

(‡70 Code, • 10.04.100) (Ord. 29, 2007, passed 8-27-07)

SCHEDULE II. THROUGH STREETS.

The following named streets and thoroughfares are, between the points named, designated ■through streets• and are hereby declared to be of equal importance to a boulevard as defined by KRS 189.330. All vehicles being operated on any of the streets, or parts of streets, shall have the right-of-way.

Street	*Location*
Ann Street	From the north side of Mero Street to the south side of Broadway
Capitol Avenue	From the south side of Second Street to the New Capitol grounds
Conway Street	From the south side of Second Street to Campbell Street
High Street	From the north side of Mero Street to the south side of Broadway
Main Street	From the city limits on the east to the west side of St. Clair Street
Murray Street	From the south side of Second Street to Todd Street
Second Street	From the east side of Murray Street to the west side of where the Louisville Road intersects
Shelby Street	From the south side of Second Street to its intersection with Lafayette Drive
St. Clair Street	From the south side of Main Street to the bridge
Steele Street	From the south side of Second Street to Todd Street

(♣70 Code, • 10.04.110)

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SCHEDULE III. UNLAWFUL PASSING.

It is unlawful for any vehicle traveling on the following streets to pass another vehicle proceeding in the same direction. The passing prohibition shall be designated by applicable signs and markers.

Street	*Location*	*Unlawful Passing*
Lafayette Drive		To pass another vehicle proceeding in the same direction

(♣70 Code, • 10.04.200) Penalty, see • 70.99

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CHAPTER 75: PARKING SCHEDULES

Schedule

I. No parking areas

SCHEDULE I. NO PARKING AREAS.

The following areas are designated as ■no parking• areas. It shall be unlawful to park in any of the following areas.

Street	*Location*	*Direction*	*•70 Code Section*	*Ord. No.*	*Date Passed*
Georgetown Road	Beginning at its junction with U.S. 60 and ending at the east property line of the County Board of Education		10.08.010	30, 2007	8-27-07
Felmer Court Street	Except automobiles, trucks or other vehicles may be parked or left standing upon the west side of the street, provided the automobiles, trucks or other vehicles shall not be parked or left standing within four feet of any private driveway or within 12 feet of the intersection of Felmer Court Street and Third Street or within 12 feet of the intersection of		10.08.050	●	- -

Street	*Location*	*Direction*	*♣70 Code Section*	*Ord. No.*	*Date Passed*
	Felmer Court Street and the alley between Third and Fourth Streets in the city				
High Street	Between Main Street and Broadway	East	10.08.070	10-92, 1992	10-12-92
East Main Street	Commencing at the intersection of East Main and High Streets, east to the intersection of East Main Street and Broadway				
	Intersection of St. Clair and Wapping Streets; south to the bridge	West			

Street	*Location*	*Direction*	*70 Code Section*	*Ord. No.*	*Date Passed*
Lafayette Drive	From Shelby Street to U.S. Highway 60 (Louisville Road)	South			
Lafayette Drive	A distance of 20 feet west of the intersection of Lafayette Drive and Shelby Street	North	10.08.080	2-67, 1967	- -67
Shelby Street	From a point opposite the entrance of Lafayette Drive in a northerly direction 332 feet	North		●	- -
Shelby Street	From the intersection of Lafayette Drive and Shelby Street in a northerly direction a distance of 85 feet	West		●	- -
West Second Street	A distance of 200 feet east of the intersection of Taylor Avenue and Weber Court extended	South	10.08.100	1-68, 1968	- -68
East Main Street	Commencing at the intersection of Broadway and East Main Street, east to Glenn's Creek Pike	North			
Lewis Street	Commencing at the intersection of Lewis Street or Elk Place and Main Street, north to the intersection of Lewis Street or Elk Place and Broadway	West			
Elk Place	Commencing at the intersection of Lewis Street or Elk Place and Main Street, north to the intersection of	West	10.06.110	●	- -

Street	*Location*	*Direction*	*70 Code Section	*Ord. No.*	*Date Passed*
	Lewis Street or Elk Place and Broadway				
Lewis Street	Commencing at the intersection of Lewis Street and Broadway north to the intersection of Lewis and Clinton Streets	East			
	Alleys		10.08.150	●	- -
St. Clair Street Pedestrian Mall			10.08.290	●	- -

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TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

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92. HEALTH AND SANITATION; NUISANCES

93. FIRE PREVENTION

94. [RESERVED]

95. ABANDONED VEHICLES

96. FAIR HOUSING

97. HAZARDOUS MATERIALS

98. SMOKING REGULATIONS

99. PARKS, RECREATION AND PLAYGROUNDS

100. ABANDONED PROPERTY

CHAPTER 90: ANIMALS

Section

General Provisions

90.01 Definitions

90.02 Animals running at large

90.03 Cruelty to animals in the second degree

90.04 Dyeing or selling dyed chicks or rabbits

90.05 Abandoning domestic animals prohibited

90.06 Destruction of abandoned and suffering animal

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90.34 Reporting

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Cross-reference:

Circuses, see • 111.33

Removal of dead animals, see • 92.07

GENERAL PROVISIONS

• 90.01 DEFINITIONS.

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

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

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

FARM ANIMAL. One or more of the following domesticated animals, regardless of age: cattle, oxen, buffalo, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, ratites (ostrich, rhea, emu), and poultry (chickens, ducks, geese, turkeys, or other similar fowl) based on KRS 247.4015.

FARM, LIVESTOCK. Property that has one or more farm animals contained on such property.

OWNER. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care or permits it to remain on or about the premises owned or occupied by him or her.
(Am. Ord. 18, 2009, passed 9-28-09)

• 90.02 ANIMALS RUNNING AT LARGE.

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

or enclosure.

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

Penalty, see • 90.99

• 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

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

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in • 90.03 in causing it to fight for pleasure or profit (including, but not limited to, being a spectator or vendor at an event where a four-legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing, tormenting any animal other than a dog or cat, failing to provide adequate food, drink, space, health care or by any other means;

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

(3) Kills any animal other than a domestic animal killed by poisoning. This section shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

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

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

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

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered withe U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10)For any other purpose authorized by law.

(KRS 525.130) Penalty, see • 90.99

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see KRS 525.125

• 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks. (KRS 436.600) Penalty, see • 90.99

• 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.
Penalty, see • 90.99

• 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

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

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or his or her agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his or her agent at his or her last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may

deem proper.

(2) The giving of notice to the owner or the agent of the owner of the animal by the licensed veterinarian, shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.
(KRS 257.100)

• 90.07 STOCKYARDS/BARNS/PENS FOR LIVESTOCK OR EXOTIC ANIMALS.

(A) (1) It is unlawful for any person, firm or corporation to operate or maintain a stockyard, barn or enclosure for the purpose of buying, selling, keeping, harboring, or boarding one or more of the following animals:

(a) Livestock such as horses, mules, cattle, hogs, sheep, goats, oxen, ponies, ratites (ostrich, rhea, emu), poultry (chicken, ducks, geese, or turkeys); or

(b) Exotic animals such as tigers, lions, monkeys, bears, zebras, alligators, venomous reptiles, or other similar animal(s) commonly held captive at a zoo;

(2) Within the limits of the city without the permission of the Board of Commissioners granted at a regular meeting thereof, upon written application therefor filed in the Office of the City Clerk at least ten days prior to the granting thereof. (✤70 Code, ● 8.12.010)

(B) The Board of Commissioners shall not grant permission to any person, firm or corporation to operate or maintain within the limits of the city a stockyard, barn or enclosure for a purpose set forth in (A) above, unless it shall appear to the satisfaction of the Board of Commissioners that:

(1) The stockyard, barn or enclosure be located at least 300 feet from all residences and buildings occupied as either a residence or place of business adjoining thereto;

(2) The stockyard, barn or enclosure be equipped with a concrete floor with proper drains into enclosed city sewer and appropriate water facilities to enable a thorough washing away of all offal or other refuse at least once each day;

(3) The public welfare will not be harmed or negatively affected; and

(4) Property shall be zoned Agriculture and contain at least five acres.
(✤70 Code, ● 8.12.020) (Am. Ord. 18, 2009, passed 9-28-09) Penalty, see ● 90.99

DOGS AND CATS

• 90.20 PET LICENSE REQUIRED.

(A) All dogs and cats over the age of six months old which are kept, harbored or owned within the city shall be licensed and registered with the Humane Society and locally participating veterinarians. Dog and cat licenses shall be issued upon payment of an annual license fee.

(B) The license fee for each animal shall be:

(1) Neutered or spayed dogs and cats: $5.

(2) Unneutered or unspayed dogs and cats: $10.

(C) An unneutered or unspayed animal shall be exempt from the higher license fee if the owner/harborer provides the licensing authority a statement to show that the animal cannot be safely altered due to the age, health condition.

(D) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harborer to the penalties and fees sections of this subchapter.
(•70 Code, • 8.04.010) (Ord. 9-92, 1992, passed 10-12-92)

• 90.21 PROCEDURE.

(A) The effective date for the registration and licensing covered shall be July 1 and cover a 12-month period.

(B) The registration and licensing period provided for herein shall be July 1 through June 30 of the following year. Thereafter all dogs and cats shall be licensed and registered as provided herein on or before July 1 of each year.

(1) Each person applying for a dog or cat license shall fill out a form provided by the Humane Society and participating veterinarians containing the following information:

(a) Owner name and address;

(b) Name, breed, sex, color of each dog or cat;

(c) Proof, evidenced by a receipt, statement or certificate, from a veterinarian that the animal to be licensed has been spayed or neutered if applicable; and

(d) Proof that each dog and cat to be licensed has been inoculated against rabies.

(2) The license and registration provisions of this section shall not apply to dogs and cats whose owners or keepers are nonresidents temporarily within the city for a period less than 30 days, or to dogs and cats brought into the city for the purpose of exhibition in dog or cat shows.

(3) All dogs and cats over the age of six months which are brought into the city, except as provided in division (B)(2) above, shall be registered and licensed as provided herein within 30 days of arrival.

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(4) All dogs and cats in the city must be licensed and registered within 30 days of purchase or acquisition, if they are not licensed and registered when purchased or acquired.

(5) (a) Upon receipt of the properly executed application and payment of the license fee, the Humane Society and participating veterinarian shall issue to the applicant a license certificate and a tag for each dog or cat so licensed.

(b) The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.

(6) Persons obtaining dog and cat license tags shall see that each licensed dog and cat constantly wear the tag along with the rabies tag, except if the animal is in a show or exhibition or if the animal is in training and the owner is present and has the license in his or her actual possession.

(7) Lost, stolen or destroyed tags may be replaced by the Humane Society upon presentation of the receipt or registration showing that the license fee has been received for the current year, and the payment of $1 fee for the duplicate tag.

(8) If there is a change of owners of a licensed dog or cat during the current license period, the new owner may have the registration transferred to his or her name upon the payment of a $1 transfer fee to the Humane Society.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harborer to the penalties and fees sections of this subchapter.
(♣70 Code, • 8.04.020) (Ord. 9-92, 1992, passed 10-12-92)

• 90.22 PROHIBITION AGAINST DOGS AND CATS RUNNING AT LARGE.

(A) It shall be unlawful for any dog or cat to be allowed to run at large within the city, except

on land zoned agriculture.

(B) A cat is defined as running at large if it is off the owner♠s or harborer♠s property and is not under the owner♠s or harborer♠s direct control and supervision.

(C) (1) Dogs shall be confined behind a fence or within an enclosed area or otherwise securely restrained at all times while on the owner or harborer♠s property.

(2) A dog may be unconfined or unrestrained while on the owner or harborer♠s property where the dog is in the direct company of the owner or harborer and the dog is under the owner♠s or harborer♠s direct control and supervision.

(D) A dog shall be permitted off the owner♠s or harborer♠s property only if it is restrained by a chain or leash or under the owner♠s or harborer♠s direct control and supervision.

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(E) Any dog found to be unconfined or unrestrained while off the owner•s/harborer•s property, unattended by the owner or harborer, shall be presumed to be running at large and may be impounded by the Animal Control Officer of the city with the owner subject to the penalties and fines section of this subchapter.
(•70 Code, • 8.04.030) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see • 90.99

• 90.23 IMPOUNDMENT.

Any dog or cat found running at large, or any nuisance animal within the city limits whether licensed or unlicensed, may be taken up by the Animal Control Officer and impounded in the shelter designated as the city animal shelter and, there, confined in a humane manner for a period of not less than seven days exclusive of the date of seizure unless sooner claimed by the owner, harborer, custodian or person entitled to possession thereof, and may thereafter be destroyed in a humane manner if not otherwise claimed or adopted. Cats will be held for seven days and may be destroyed in a humane manner, if not otherwise claimed or sold thereafter, unless they are wild, based upon Humane Society guidelines of what constitutes ■feral,• and cannot be handled then they may be euthanized humanely as soon as possible. A reasonable effort shall be made by the animal shelter to contact the animal•s owner within impoundment periods before the animal is destroyed.
(•70 Code, • 8.04.040) (Ord. 9-92, 1992, passed 10-12-92)

• 90.24 RECLAMATION BY OWNER OR CUSTODIAN.

Any owner, custodian or other person entitled to possession of a dog or cat may reclaim the dog or cat upon payment of a $10 pickup fee and a boarding fee, both payable to the city designated animal shelter. There must also be proof that the animal has been or is licensed according to ordinance and proof that the dog has been inoculated against rabies.
(•70 Code, • 8.04.050) (Ord. 9-92, 1992, passed 10-12-92)

• 90.25 ADOPTION OF DOG OR CAT; TIME LIMIT.

(A) The manager of the animal shelter may transfer title to any dog or cat held after the legal detention period provided herein has expired and the animal has not been claimed by its owner, harborer, custodian or other person entitled to possession thereof.

(B) The person to whom title is being transferred must license the dog or cat according to city ordinance and secure and pay for a rabies inoculation for the animal, a $10 pickup fee, boarding fee and any other applicable charges.

(•70 Code, • 8.04.060) (Ord. 9-92, 1992, passed 10-12-92)

• 90.26 SHELTER.

The County Humane Society, Inc., small animal shelter, is hereby designated as the city animal shelter for purposes of this subchapter.
(*70 Code, • 8.04.070) (Ord. 9-92, 1992, passed 10-12-92)

• 90.27 PUBLIC NUISANCE ANIMAL.

(A) It shall be unlawful for any person to own or harbor within the city an animal that unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

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

PUBLIC NUISANCE ANIMAL. Any animal that:

(a) Is found at large;

(b) Damages the property of anyone other than its owner;

(c) Molests or intimidates pedestrians or passers-by;

(d) Excessively makes disturbing noises, including, but not limited to continued and repeated, defined as ■behavior which generates two or more complaints after initial warning by the Animal Control Officer,• howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(e) Caused fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(f) Cause unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(g) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; and/or

(h) Attacks other domestic animals.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harborer to the penalties and fees sections of this chapter.
(‹70 Code, • 8.04.080) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 18, 2009, passed 9-28-09) Penalty, see • 90.99

• 90.28 VICIOUS DOGS.

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

VICIOUS ANIMAL.

(a) Any dog with a tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

(b) Any dog which chases or approaches a person upon the streets, sidewalks or any public place in a menacing fashion or apparent attitude of attack;

(c) Any dog owned or harbored primarily or in part for purposes of fighting or dog trained for fighting; and

(d) Any dog which attacks a human being or domestic animal without provocation.

(B) It shall be unlawful for any person to own or harbor within the city a vicious dog unless:

(1) While off the owner•s or harborer•s property, it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the supervision and control of an adult; and

(2) While on the owner•s or harborer•s property it is securely confined indoors or in a

securely enclosed and locked outdoor pen or shelter suitable to prevent the entry of young children and designed to prevent the animal from escaping.

(3) The pen or structure must have minimum secure sides of five feet by ten feet and must have secure sides and a secure top. If it has no concrete, cement or asphalt bottom, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.

(C) When any dog is required by this section to be confined, it shall also be required that a conspicuous notice be posted at the place of confinement of a nature as to warn the public of the nature of the dog therein confined.

(D) No person under the age of 18 years shall be permitted to own, harbor or handle a vicious dog.

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(E) (1) Any person who shall be convicted of not keeping the animal confined after having been requested to do so by the Animal Control Officer shall be fined for each offense pursuant to the penalty section of this subchapter.

(2) Nothing in this section shall apply to any case wherein a person provoking the dog to bite or attack shall have broken or entered without permission any enclosure and shall have been pursued therefrom by the dog.

(F) The Animal Control Officer, in impounding an at large vicious animal, may destroy the dog without prior notice to the owner if the impoundment cannot be made with safety.
(70 Code, • 8.04.090) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see • 90.99

• 90.29 KENNEL; LICENSES, PERMITS AND STANDARDS.

(A) Any person who keeps or operates a kennel may, in lieu of the license for each dog or cat as required by KRS 258.135 or this subchapter, apply to the Animal Control Officer for a kennel license entitling him or her to keep or operate a kennel. The one-time fee shall be $100 for the license. In addition to complying with the zoning ordinance, each person who keeps or operates a kennel shall obtain from the Animal Control Officer, at no charge, a kennel permit, signifying that the kennel meets the following standards:

(1) Enclosures must be provided which allow adequate protection against weather extremes. Floors of buildings and runs shall be of an impervious material or covered throughout with a minimum of three inches of gravel. Walls must be impervious material. Runs must be cleaned daily with a disinfectant, cleanser or chlorine bleach. Cleaning materials must be present at the time of any inspection in an amount sufficient to clean the entire facility.

(2) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(3) Each dog or cat shall have sufficient space to stand up, lie down and turn around in a natural position without touching the sides or tops of cages.

(4) Cages are to be of a material and construction that permit cleaning and sanitizing.

(5) Cage floors must be of concrete, unless radiantly heated, and shall have resting board or some type of bedding.

(6) Runs shall provide an adequate exercise area and protection from the weather.

(7) All dog and cat quarters and runs are to be kept clean, dry and in a sanitary condition.

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(8) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutrition value to meet the normal daily requirements for the condition and size of the dog or cat.

(9) All dogs and cats shall have fresh water available at all times. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removable type.

(B) (1) Application for a kennel permit shall be made to the Animal Control Officer and a validly issued permit will be in effect from July 1 to June 30 of each year. Prior to initial issuance and each year prior to permit renewal, the Animal Control Officer shall inspect the premises for compliance with the above standards and no permit shall be issued without compliance.

(2) A permit may be revoked for repeated noncompliance. The basis for the revocation shall be verified by reinspections and stated in writing, dated and delivered or mailed to the kennel owner.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harborer to the penalties and fees sections of this subchapter.
(‡70 Code, • 8.04.100) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see • 90.99

• 90.30 RESPONSIBILITY OF OWNER TO REMOVE ANIMAL DUNG.

The owner/harborer of every animal shall remove any dung deposited by his or her animal(s) on any property not belonging to him or her within the corporate limits of the city.
(‡70 Code, • 8.04.110) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see • 90.99

• 90.31 CRUELTY TO ANIMALS UNLAWFUL.

(A) It shall be unlawful for any person within the corporate limits of the city to beat, cruelly ill

treat, abuse or torture any animal whether his or her own or that of another.

(B) Other forms of cruelty declared unlawful include:

(1) No person shall fail to provide his or her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter, space and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment.

(2) No owner of an animal shall abandon the animal.

(3) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render the assistance as may be possible and shall immediately report the injury or death to the animal•s owner. In the event the owner cannot be ascertained or located, the operator shall, at once, report the accident to the Animal Control Officer.

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(4) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be lawful for a person to expose on his or her own property common rat poison.

(5) Minimum standards for restraint of dogs.

(a) It shall be a violation of this section for the owner or person in possession of any dog to tie, chain, or otherwise tether a dog; provided, however, that a dog may be temporarily tethered, tied or chained if attended by its owner or any person over the age of 14 years. A person walking a dog on a leash shall not be considered to be tethering a dog.

(b) The prohibition of this section does not apply to a temporary restraint during a lawful animal event, veterinary treatment, grooming, or law enforcement activity.

(c) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. All collars used for the purpose of tethering animals must be made of durable and non-metallic material. Using a chain, choke or pinch collar while tethering is prohibited. A person may not restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

(d) Where an officer authorized to enforce this section pursuant to • 90.32 observes a dog being kept on a chain or tether in violation of this section, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not comply with this section within seven days of issuance of this notice, the dog may be impounded and the owner shall be fined as set forth in • 90.99 (C).

(e) A person is considered to be attending a dog while tethered if the dog is under the person's direct and immediate control and supervision.

(•70 Code, • 8.04.120) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 19, 2010, 12-16-10)

Penalty, see • 90.99

• 90.32 ENFORCEMENT.

(A) The provisions of this chapter shall be enforced by the Animal Control Officer of the city regardless of title, sworn law enforcement officers or any animal control officer of the County Humane Society or the county when requested to do so by the Chief of Police through cooperative, reciprocal and written agreement.

(B) It shall be a violation of this subchapter to interfere with any of the aforementioned officers when they are acting in the performance of their duties.

(‹70 Code, • 8.04.130) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see • 90.99

• 90.33 FEES.

(A) All fees collected from the sale of city dog and cat licenses shall go to the Humane Society, except that portion of the State Department of Agriculture license fee ($.75 per license) encompassed in the city license fee and the amount due ($.25 per license) to any participating veterinarian for the service of selling licenses on behalf of the city and Humane Society.

(B) This delegation of fee retention is based upon the Society serving as the city♣s agent in rendering a public service that the city would be authorized to perform in its own right.
(♣70 Code, • 8.04.150) (Ord. 9-92, 1992, passed 10-12-92)

• 90.34 REPORTING.

The Humane Society shall provide a monthly report to the city to include an accounting of all funds received and expended, incoming and outgoing inventory of animals processed. It shall also provide the city with a copy of its annual audit and minutes of Board meetings.
(♣70 Code, • 8.04.160) (Ord. 9-92, 1992, passed 10-12-92)

• 90.99 PENALTY.

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

(B) Any person, firm or corporation violating the provisions of • 90.07 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $10 nor more than $100. (♣70 Code, • 8.12.030)

(C) (1) Any owner, custodian, harborer or possessor of any dog or cat who violates all or part

of •• 90.20 through 90.23, 90.27 and 90.29 through 90.32 as a first offender receiving a citation may be dismissed at the Court♠s discretion, provided that the owner/harborer/possessor can show that he or she has complied with the section or sections for which he or she was cited prior to appearing in court.

(2) Failure to establish compliance as provided in Section 99 (C)(1) shall upon conviction result in a fine for the first time offender of not less than $50 nor more than $500; not less than $100 nor more than $500 for the second offense; and not less than $150 nor more than $500 for the third and all subsequent offenses.

(D) Any owner, custodian, harborer or possessor of any dog who violates all or part of • 90.28, in particular, fails to keep his or her dog confined after being requested to do so by an Animal Control

Officer, shall receive a citation and upon conviction as a first offender be fined not less than $250 and not more than $500; not less than $500 and not more than $1,000 for the second offense. Also, the animal shall be impounded by the Animal Control Officer and destroyed at the owner or harborer♠s expense together with same paying the boarding fees during any required quarantine period ordered prior to the animal being destroyed.
(♣70 Code, • 8.04.140) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 19, 2010, passed 12-16-10)

CHAPTER 91: STREETS AND SIDEWALKS

Section

General Provisions

91.01 House numbering; dividing lines

91.02 Street names

91.03 State highways

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91.16 Restoration of excavated street

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Cross-reference:

Damaging trees or plants, see • 130.01

Obstruction; cleaning or washing things in streets, see • 130.07

GENERAL PROVISIONS

• 91.01 HOUSE NUMBERING; DIVIDING LINES.

The city will be divided by the river north and south and by Capital Avenue east and west on the south side and by High Street east and west on the north side.

(✣70 Code, • 12.16.010)

Cross-reference:

Naming and numbering of streets and properties, see • 93.52

• 91.02 STREET NAMES.

Whenever any new street is laid off in the city, by any property owner or subdivider, the street names shall be approved by the Planning Commission by approval of the final subdivision plat.

(✣70 Code, • 12.20.010) (Ord. 27-69, 1969, passed - -69)

• 91.03 STATE HIGHWAYS.

(A) Authority for state contract.

(1) Whenever the Commissioner of Highways of the Commonwealth, by authority of KRS 177.041 to 177.047 designates any streets or portions thereof, including viaducts and bridges, as connecting links of state and federal maintained highways, or necessary feeder streets thereto and thereby undertakes the future maintenance, repair, construction or reconstruction of the streets, bridges, or viaducts in the manner provided by the aforesaid statutes, the Mayor of the city is hereby expressly authorized, instructed and directed to enter into any and all contracts and agreements with the Department of Highways necessary to carry out the purposes and provisions of the statutes.

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(2) Should the Department of Highways construct or reconstruct any streets in the city, the work shall be done by the Department as the agent of the city, as set out in KRS 177.044(3).
(♣70 Code, ● 12.24.010)

(B) Execution of right-of-way deeds.

(1) The Mayor of the city is hereby expressly authorized, empowered and directed to convey to the commonwealth all rights-of-way for the use and benefit of the Department of Highways of the Commonwealth, to any streets, viaducts or bridges affected by KRS 177.041 to 177.047 whenever the department of highways designates the same as part of the state primary roads.

(2) All provisions of KRS 177.041 to 177.047 are hereby expressly accepted by the city.

(3) It is the purpose of this section to clothe the Mayor with the authority to at any time without the passage of specific ordinance to enter into the necessary contracts and agreements and convey the necessary rights-of-way at any time the State Department of Highways shall declare its intention to construct or maintain any street, viaduct or bridge within the corporate limits of the city, by declaring the same to be an integral part of the state highway system of roads.

(4) The Board of Commissioners through the passage of this section or the acceptance of the benefits of KRS 177.041 to 177.047 does not intend to impair or that the passage of the ordinance or the performance of any act authorized to be done pursuant thereto shall be construed as impairing the existing rights, duties and obligations of the city and the Department of Highways of the Commonwealth, respectively, under the contract between the Board of Commissioners and the city and the Departments of Highways of the Commonwealth.
(♣70 Code, ● 12.24.010)

EXCAVATIONS AND CONSTRUCTION

• 91.15 PERMIT FOR EXCAVATION IN STREET.

No person, firm, corporation or association shall be permitted to cut into or tear up a street, alley or roadway or pavement within the corporate limits of the city until such person, firm, corporation or association shall before doing the work obtain from the City Engineer a permit to do so, and deposit with the City Engineer, either in cash or by certified check, a sum equal to the estimated cost of restoring the street, alley, roadway or pavement to its original condition. The estimates are to be made by the City Engineer at the time of the issuance of the permit.

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• 91.16 RESTORATION OF EXCAVATED STREET.

(A) When any person, firm or corporation has dug into, excavated or disturbed in any way any public street, alley, sidewalk, or other public thoroughfare or place of the city, the person, firm or corporation, upon completion of this work, shall immediately notify the City Engineer, and under the supervision of the City Engineer shall refill the ditch or excavation, thoroughly tamping same and restoring it to its former condition.

(B) If the street, sidewalk, alley or other public thoroughfare or place so dug, excavated or disturbed has been constructed or resurfaced with asphalt, concrete or other improved paving or surfacing material, the person, firm or corporation shall, upon the completion of the work for which such excavation was made, immediately notify the City Engineer, and the City Engineer shall himself or herself have the ditch or excavation filled under his or her own immediate supervision and shall have the surface restored with the same material and put in the same condition as it was before the work was done. The payment for the refilling and resurfacing shall be paid for out of the funds or deposits with the City Engineer, required under • 91.15. If any part of the deposit remains unexpended when the work is completed, it shall be repaid to the person, firm or corporation depositing the same.

• 91.17 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see • 91.99

• 91.18 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner

obstructing a portion or all of any street, sidewalk, alley or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see • 91.99

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• 91.19 SIDEWALK CONSTRUCTION.

(A) It shall be the duty of the Director of Public Works, or his or her designee, to supervise construction, repair or replacement of sidewalks owned by the city or within the city right-of-way, hereinafter referred to as public sidewalks. He or she shall cause specifications to be prepared for the construction of the various kinds of public sidewalk pavements and transmit the specifications to the Board of Commissioners for approval. Any public sidewalk determined by the Director of Public Works to be deteriorated or otherwise in a condition unsafe or unfit for use shall be repaired or replaced by the city in accordance with the specifications and policies adopted by the Board of Commissioners, except as set forth below.

(B) The Public Works Director or designee, shall, on an annual basis, inspect all public sidewalks to determine the condition of same, and develop a program for the repair and/or replacement of any public sidewalk determined to be in need of repair and/or replacement. The Director shall, annually, provide to the Board of Commissioners for approval a listing of the public sidewalks proposed to be repaired and/or replaced. Upon the approval of the listing, the Board of Commissioners shall authorize the Director of Public Works to advertise for proposals to do all the work which may be ordered by the city in maintaining, replacing and/or repairing public sidewalks, and shall authorize the contract therefore.

(Am. Ord. 24, 2009, passed 12-17-09)

Statutory reference:

Sidewalks; construction along public roads; specifications, see KRS 178.290

Sidewalks; ramps for wheelchairs, see KRS 66.660

• 91.20 DEFACING, DAMAGING OR DESTROYING CITY SIDEWALKS.

(A) No person or entity shall remove, deface, damage, destroy or otherwise alter the condition of any public sidewalk within the city right-of-way without the express written authorization of the Director of Public Works. This prohibition shall not apply to easily removable chalk markings (which are water soluble) on public sidewalks, written or drawn in connection with traditional children's

games, or in any lawful business or public purpose or activity.

(B) Any damage or destruction to a public city sidewalk which is occasioned by the abutting property owner, whether accidental or otherwise, shall be repaired or replaced immediately by the abutting property owner. In the event the abutting property owner fails to repair or replace the public sidewalk within a reasonable time period as designated by the Director of Public Works, the city may undertake such repairs and/or replacement and the abutting property owner shall be required to pay for the cost of the repair and/or replacement. All work shall be done in accordance with such regulations and directions as the city may impose. In the event the damage or destruction is occasioned by a third party, whether accidental or otherwise, said public sidewalk shall be repaired or replaced immediately

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by the Director of Public Works of the city or his or her designee, and the third party shall be required to pay for the cost of the repair or replacement.

(C) No utility company shall remove, deface, damage, destroy or otherwise alter the condition of any sidewalk within the city without the express written authorization of the Director of Public Works of the city. Any utility construction work performed which removes, defaces, damages, destroys or otherwise alters the condition of any sidewalk shall be caused to be repaired or replaced immediately by the utility company. All work shall be done in accordance with such regulations and directions as the city may impose.
(Am. Ord. 24, 2009, passed 12-17-09)

• 91.21 SIDEWALK MAINTENANCE.

Every person, firm or corporation owning all or part of any property abutting and/or fronting upon a public sidewalk or utility strip shall maintain such sidewalk and abutting aprons at his, her or its own expense by keeping such sidewalk and utility strip free of trash, debris, leaves, branches, snow and ice and other items or conditions that may interfere with the use of said public sidewalks and utility strips.
(Ord. 2, 2010, passed 1-25-10)

ROAD AND BRIDGE PROJECTS

• 91.35 PUBLIC HEARING REQUIRED.

Before the city expends state derived tax revenues on a municipal highway, road, street or bridge it shall hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge

purposes.
(KRS 174.100)

• 91.36 NOTICE REQUIREMENTS.

(A) Prior to the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall hold a public hearing for the purpose of taking the sense of the public with regard to road and bridge matters within the city.

(B) Notice of the hearing shall be given not less than seven days nor more than 21 days before the scheduled date of the public hearing and before beginning work on any project covered by this subchapter.
(KRS 174.100(1))

• 91.37 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he or she feels should be built or done which has not been proposed, priorities for completion of projects and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.
(KRS 174.100(2),(3))

• 91.38 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the hearing as provided herein has been held.
(KRS 174.100(4))

• 91.39 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.
(KRS 174.100(5))

• 91.40 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or human-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project.

(KRS 174.100(6), (7))

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OBSTRUCTIONS

• 91.50 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk or other public way, without first placing some sufficient protection over the pavement.

Penalty, see • 91.99

• 91.51 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see • 91.99

• 91.52 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see • 91.99

Cross-reference:

Littering, see Chapter 94

DRIVEWAY STANDARDS

• 91.65 DEFINITIONS.

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

APRON. The portion of a passageway that lies between the street side of the sidewalk and the curb line or edge of roadway surface.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works of the city.

JOINT DRIVEWAY. A passageway for vehicle ingress or egress to two or more parcels of property.

NONRESIDENTIAL DRIVEWAY. A passageway for vehicle ingress or egress to private property meeting one or more of the criteria for a residential driveway and which must be for the purpose of passageway to an area of sufficient size between the street right-of-way line and the building line to permit storage and maneuvering of a vehicle or vehicles in a manner as not to encroach upon the street right-of-way, except at an approved driveway.

RESIDENTIAL DRIVEWAY. A passageway for vehicle ingress and egress to private property meeting one or more of the following criteria:

(1) Must extend into an enclosed area such as a garage or carport;

(2) Must extend a sufficient distance beyond the front building line for a parked vehicle to completely clear the front building line; and

(3) In the event of a corner lot, where the passageway leads from the street side lot line, then the passageway must extend a sufficient distance beyond the street side building line for a parked vehicle to completely clear the street side building line.

SIDEWALK. A public passageway within or adjacent to the street right-of-way intended for the use of pedestrians and generally separated from the curb or roadway surface by a utility strip or grass plot.

(‹70 Code, • 12.08.010) (Ord. 17-68, 1968, passed - -68)

• 91.66 PERMIT REQUIRED.

(A) Any person, firm or corporation desiring to construct a driveway, to depress the curb or change the grade of any public sidewalk for the purpose of constructing or reconstructing or altering a driveway or driveways, either residential or nonresidential, to provide ingress to and egress from property owned by them or under their control shall apply for a permit for the work from the Director of Public Works.

(B) It shall be the duty of the Director of Public Works, before issuing the permit, to first determine the type of driveway proposed, its width and location, and if, in his or her opinion, the proposed construction conforms to the requirements of this chapter.

(C) Final approval shall be contingent on the work being done so as to conform to all other requirements of this chapter.
(‡70 Code, • 12.08.020) (Ord. 17-68, 1968, passed - -68)

• 91.67 RESIDENTIAL DRIVEWAYS.

(A) When application for a permit is made to the Director of Public Works, it shall be the duty of the Director of Public Works, before issuing the permit, to first determine the type of driveway proposed, its width and location, and if, in his or her opinion, the proposed construction conforms to the requirements of this subchapter.

(B) Final approval shall be contingent on the work being done in conformance with the following specifications:

(1) (a) Driveway width measured at any point on the sidewalk shall not exceed 12 feet for a single driveway or 20 feet for a double and/or joint driveway.

(b) In the event the sidewalk is not separated from the curb by a utility strip or grass plot at any point along the frontage of the property, then the point at which the above measurement is made will be determined by the Director of Public Works in accord with good engineering practices.

(2) Width of driveway apron, measured at the curb line, shall not exceed 18 feet for a single driveway or 26 feet for a double driveway.

(3) The sidewalk portion of the driveway shall be of Portland cement concrete with a minimum thickness of four and one-half inches.

(4) The apron shall be either six inches of rock base with a one and one-half inch bituminous surface or a six-inch thickness of Portland cement concrete.

(‡70 Code, • 12.08.030) (Ord. 17-68, 1968, passed - -68)

• 91.68 NONRESIDENTIAL DRIVEWAYS.

(A) When application for a permit is made to the Director of Public Works, it shall be the duty of the Director of Public Works, before issuing the permit, to first determine the type of driveway proposed, its width and location, and if, in his or her opinion, the proposed construction conforms to the requirements of this subchapter.

(B) However, final approval shall be contingent on the work being done in conformance with the following specifications:

(1) (a) At the time a request is made for a permit, there shall be submitted to the Director of Public Works a plat and plan of the area to be improved.

(b) The plat shall be drawn to a scale of not less than one-eighth inch to one foot and with all principal dimensions shown.

(c) The plan shall show the location of all existing walks, curbs and the relative elevation of the gutters, the top of the curb, and the sidewalk, all existing trees, their size and kind, fire hydrants, mail boxes, traffic signs, water shut-off boxes, storm sewer inlets, utility poles and conduits and any other structures existing on or in the street adjacent to the property, and shall also show the proposed locations of tanks, buildings, air hose, wash racks, oil pits, pump islands and all other equipment which applicant proposes to install on the property, together with the distance from the equipment to the street property line.

(2) Where the property line on any street extends for a distance of 150 feet or less, there shall not be more than two driveways constructed at not more than 30 feet in width at the property line and not more than 40 feet at the curb line.

(3) Where the property line on any street extends for a distance greater than 150 feet there shall not be more than three driveways of the same dimensions set forth in division (B)(2) above.

(4) Where two or more driveways are constructed on any one property there shall be a curb between each driveway of not less than six feet in length measured at and parallel to the curb line.

(5) The curb for the driveway shall not be cut except in front of the property for which the driveway is to be used and in no event shall it be cut to a point closer than three feet from the side property line.

(6) When property used for nonresidential purposes is located at an intersection of two streets, no driveway or any part thereof which is intended to serve the property shall be closer than five feet to the intersection of the street right-of-way lines, but in no event shall be closer than 25 feet from the point of intersection of a projection of the face of the curb line or edge of the pavement surface.

(7) The apron shall be of Portland cement concrete of a minimum depth of six inches and where it adjoins the gutter line shall be faced with a raised vertical lip of not less than one and five-eighths inch.

(8) The sidewalk portion of the driveway shall be of Portland cement concrete with a minimum thickness of six inches.

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(9) To prevent any part of any vehicle using the driveway from projecting over or crossing the public sidewalk, except at points designated, there shall be installed on the property six inches inside the property line a curb or other suitable barrier to be approved by the Director of Public Works.

(♣70 Code, • 12.08.040) (Ord. 17-68, 1968, passed - -68)

• 91.69 UNLAWFUL USES OF DRIVEWAYS.

(A) It is unlawful for the owner of any property to regularly use or permit to be used any part of any public sidewalk abutting his or her property for vehicle ingress or egress to same, except over an approved driveway.

(B) It is unlawful for any owner or occupant of any property to erect or permit to be erected any wooden or metal ramp from the gutter line to the top of the curb. It is unlawful for any person to place dirt, ashes, drain pipes or other material in the gutter for the purposes of building up an approach for a driveway.

(C) It is unlawful, in the case of nonresidential driveways, to permit surface or roof drainage water to flow over that portion of the driveway that is on the public right-of-way.

(♣70 Code, • 12.08.050) (Ord. 17-68, 1968, passed - -68) Penalty, see • 91.99

• 91.70 ABANDONED DRIVEWAYS.

Whenever a driveway has been abandoned, either by closing the entrance to the property, or by changing the use of the property, in a way as to no longer make the driveway necessary, it shall be the duty of the property owner to have the driveway removed, and the sidewalk and curb restored to the line and grade of the adjoining sidewalk and curb. The Director of Public Works is hereby authorized to order the removal of the driveway and any property owner shall comply with the order within ten days after receipt of same.

(‡70 Code, • 12.08.060) (Ord. 17-68, 1968, passed - -68)

• 91.71 UTILITIES.

Wherever there are encountered within the right-of-way, cables, poles, guys, water main or other utilities, that interfere with the proposed driveway location, the applicant shall obtain the consent of the utility company involved and the reasonable expense and cost of the changes shall be a matter between the two parties.

(‡70 Code, • 12.08.070) (Ord. 17-68, 1968, passed - -68)

• 91.72 PROTECTION OF CONSTRUCTION SITE.

Applicants for a driveway permit shall, during construction, reconstruction or alteration, maintain the premises in a safe manner and shall provide adequate barricades and lights at his or her own expense to protect the safety of the public using the adjacent streets and sidewalks and shall hold the city free from any damages incurred by his or her operations. All debris and surplus material shall be removed immediately.

(♣70 Code, • 12.08.080) (Ord. 17-68, 1968, passed - -68)

• 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is prescribed shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than $500.

(B) Any person, firm or corporation violating any provisions of •• 91.65 through 91.72 shall be fined not less than $10 nor more than $100. Each day during which any violation continues shall be considered a separate offense.

(C) Any person, firm, corporation or association who shall violate • 91.15 shall be deemed guilty of a misdemeanor and upon conviction in the police court of the city shall be fined $10 for each offense.

(♣70 Code, • 12.08.090) (Ord. 17-68, 1968, passed - -68)

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CHAPTER 92: HEALTH AND SANITATION; NUISANCES

Section

92.01 Removal of dead animals

92.02 Water as nuisance

92.03 Stagnant water

92.99 Penalty

Cross-reference:

Junk dealers, see • 111.30

Peddlers, Itinerant Merchants and Solicitors, see Chapter 112

Purchase of used beverage bottles, see • 111.02

Statutory reference:

Private nuisances, see KRS 411.500 through 411.570

• 92.01 REMOVAL OF DEAD ANIMALS.

The owner or possessor of any animal which shall have died from disease, or been accidentally or intentionally killed, who shall knowingly suffer the same to lie on any street, alley or public place, or on any private lot or premises within the city, for more than ten hours after death of the animal, shall be fined.

(*70 Code, • 6.20.040) Penalty, see • 92.99

• 92.02 WATER AS NUISANCE.

Whenever any cellar, vault, pool, sink, sewer, stagnant water or putrefying material of any kind

upon premises or grounds belonging to or occupied by any person, corporation or entity within the city shall become foul, offensive or injurious to the public health, same is hereby declared to be a nuisance, and the person or persons on whose premises the same is suffered or permitted shall be deemed guilty of suffering and permitting a nuisance and shall upon conviction, be fined in accordance with • 92.99.

• 92.03 STAGNANT WATER.

Any person who shall allow any water from any well, spring, water pipe, ice house or other place over which he has control, to run to waste, so that it shall form or be liable to form a stagnant pool or

mud hole, on any premises belonging to him or under his or her control or in any street, alley or public place in the city, shall upon conviction be fined in accordance with • 92.99.

• 92.99 PENALTY.

Whoever violates any provision of this chapter for which no specific penalty is prescribed shall be guilty of a misdemeanor and shall be fined not more than $500 for each offense. Each day•s continued violation shall constitute a separate offense.

[Text continues on page 35]

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CHAPTER 93: FIRE PREVENTION

Section

Fire Code

93.01 Adoption of Kentucky Fire Prevention Code
93.02 Enforcement

Fire Prevention

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93.99 Penalty

Cross-reference:

Burning refuse, see • 130.09

FIRE CODE

• 93.01 ADOPTION OF KENTUCKY FIRE PREVENTION CODE.

The State Uniform Fire Code (Standards of Safety), as promulgated in 815 KAR 10:060 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshal, a copy of which is on file in the Office of the City Clerk and copies available through the Department of Housing, Buildings and Construction of the commonwealth, is hereby adopted in full as an ordinance of the city as if set out at length herein. (✣70 Code, • 15.08.010) (Ord. 3-64, 1964, passed - -64; Am. Ord. 11-78, 1978, passed 4-27-78; Am. Ord. 16-98, 1698, passed 8-6-98; Am. Ord. 18, 2010, passed 12-16-10)

• 93.02 ENFORCEMENT.

The Chief of the Fire Department along with all other officers, agents and employees of the city, are hereby charged with the enforcement of the provisions of the State Uniform Fire Code (Standards of Safety) as promulgated in 815 KAR 10:060.
(✣70 Code, • 15.08.020) (Ord. 16-98, 1998, passed 8-6-98; Am. Ord. 18, 2010, passed 12-16-10)

FIRE PREVENTION

• 93.30 INTENT.

(A) It is the intent of this subchapter to prescribe regulations consistent with state and nationally recognized codes and good practice for the safeguarding to a reasonable degree of life and property

from

the hazards of fire and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

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(B) Where no specific standards or requirements are specified in this subchapter or contained within other applicable laws (or adopted codes) or ordinances, compliance with the National Fire Protection Association's codes and standards, and in particular N.F.P.A. #1, N.F.P.A. #24, N.F.P.A. #291, current editions, or as may be updated from time to time, as are approved by the city, shall be deemed as prima facie evidence of compliance with this intent.
(♣70 Code, • 15.46.010) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed 6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.31 SCOPE.

(A) The provision of this subchapter shall supplement any and all laws relating to fire safety and shall apply to all persons without restrictions unless specifically exempted.

(B) The provisions of this subchapter shall apply to existing conditions as well as to conditions arising after the adoption thereof, except that conditions legally in existence at the adoption of this subchapter and not in strict compliance therewith shall be permitted to continue only if they do not constitute a distinct hazard to life or property (for example, multifamily residential, congested one- and two-family development with sufficient water supply for fire suppression absent).

(C) Where there is a conflict between a general requirement and a specific requirement for an individual occupancy, the specific requirement shall be applicable.
(♣70 Code, • 15.46.020) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.32 AUTHORITY.

This subchapter is adopted under the authority of KRS 96.160.
(♣70 Code, • 15.46.030) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.33 ENFORCEMENT.

(A) The Fire Department shall be responsible for enforcement of this subchapter. The Electric and Water Plant Board shall be responsible for the administration of those subsections that come under their authority.

(B) Building plans showing location and placement of fire hydrants and fire lanes on public and private property, accompanied with detailed specification of other applicable fire protection materials or devices, shall be submitted to the Fire Chief or his or her designated representative for review and approval prior to the issuance of any construction permits.

(←70 Code, • 15.46.040) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed 6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.34 EXCEPTIONS.

Modification of any of the provisions of this subchapter will be considered by the enforcement authority only when written application is submitted verifying impractical difficulties created by strict compliance with the fire prohibition requirements.
(♣70 Code, • 15.46.050) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.35 ACCESS ROADWAYS FOR FIRE APPARATUS.

(A) (1) Access roadways for fire apparatus shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed goads of fire apparatus and having a minimum of 13 feet, six inches of vertical clearance.

(2) Fire lanes shall be provided for all buildings that are set back more than 150 feet from a public road or exceed 30 feet in height and are set back over 50 feet from a public road.

(3) Dead-end Fire Department access roads in excess of 150 feet long shall be provided with approved provisions for the turning around of fire apparatus.

(B) During periods of utility work or street and roadway construction or repairs, access of one lane of travel with a minimum of ten feet shall be maintained to provide access for fire apparatus to all areas upon which buildings or portions of buildings are hereafter constructed.

(C) Fire lanes shall be marked with free standing signs and marked curbs, sidewalks or other traffic surfaces that have the words ■fire lane - no parking• painted in contrasting colors at a size and spacing approved by the Fire Department.
(♣70 Code, • 15.46.060) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed

6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.36 OBSTRUCTION OF FIRE PROTECTION EQUIPMENT.

(A) No person shall place or keep any post, fence, vehicle, growth, trash or storage or other material or thing near any fire hydrant, Fire Department connection or fire protection control valve that would prevent the equipment or hydrant from being immediately discernable or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant.

(B) A minimum three-foot clear space shall be maintained around the circumference of the fire hydrants, except as otherwise required or approved by the Fire Chief.
(✣70 Code, • 15.46.070) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.37 KEY BOX.

(A) When access to or within a structure or any area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving and firefighting purposes, the Fire Chief may require a key box to be installed in an accessible location.

(B) The key box shall be a type approved by the Chief and shall contain keys to gain access.
(♣70 Code, • 15.46.080) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.38 APPROVAL AND TESTING.

All fire systems, fire hydrants and other fire protection systems and appurtenances there to shall meet the approval of the authority having jurisdiction as to the installation, location and testing as required in N.F.P.A. 13, 13A, 13D, 13E, 13R and the State Building Code and the applicable National Fire Codes and Standards.
(♣70 Code, • 15.46.090) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed 6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.39 TIMING OF INSTALLATION.

When fire hydrants and other fire protective systems are to be installed by the developer, the facilities including all surface roads shall be installed and made serviceable prior to construction beyond the foundation stage. All surface roads shall meet the dense grade specification of the City Engineer.
(♣70 Code, • 15.46.100) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.40 PRIVATE FIRE PROTECTION SYSTEMS.

(A) (1) Private fire protection systems consist of automatic sprinklers, hose standpipes, hydrants or a combination of these.

(2) The cost of installation, maintenance and periodic inspection and repair cost shall be borne by the property owner as outlined in N.F.P.A. 291.

(B) Whenever buildings are constructed, added to or located in a manner where access to a public fire hydrant is minimal or of a distance such that firefighting operations would be impaired, the Fire

Chief may require the provisions of a water supply system (public or private) installed in accordance with the provisions of N.F.P.A. 24. All costs for the installation shall be borne by the property owner.

(♣70 Code, • 15.46.110) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed 6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.41 COLOR OF PRIVATE HYDRANTS.

All private hydrants, when in public streets, shall be painted entirely red to distinguish them from public hydrants (N.F.P.A. 291).

(♣70 Code, • 15.46.120) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.42 WATER SUPPLIES.

(A) Water supplies capable of supplying required fire flows or established by the Plant Board Engineering Division shall be provided to all premises upon which building or portions of building are hereafter constructed.

(B) All premises which the fire department may be called upon to protect from fire or provide emergency medical services shall be provided suitable access as required in N.F.P.A. 1997 or current edition, as adopted by the commonwealth.

(♣70 Code, • 15.46.130) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.43 WATER MAINS.

(A) Water mains shall be not less than six inches in diameter, including fire hydrant branch

connections for low-density residential properties (for example, one- to two-family residences).

(B) Main sizes for high value commercial and high-density residential properties shall be established on the basis of the type, size, occupancy and exposures of the building(s), based upon sound engineering judgment. But in no case shall any main be less than six inches in diameter. All installations of water mains must be in compliance with the regulations of the Frankfort Plant Board. (✣70 Code, • 15.46.140) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.44 WATER MAIN; INTERSECTIONS.

Water mains shall be arranged so that the distance between intersecting mains does not exceed 800 feet. When intersecting mains are a distance in excess of 800 feet, the size of the main shall be eight inches or larger as determined by sound engineering judgment.
(✣70 Code, • 15.46.150) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.45 WATER MAIN; SIZES.

A minimum of eight-inch mains shall be used where dead end and poor circulation grid-ironing is likely to exist for a considerable period of time or where the layout of the streets and topographical characteristics are not well adopted to a circulating system.
(♣70 Code, • 15.46.160) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.46 DISTRIBUTION SYSTEMS.

Distribution systems shall be equipped with a sufficient number of valves, so located that breakage will not cause the shutdown of any portion of a main greater than 800 feet.
(♣70 Code, • 15.46.170) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.47 FIRE HYDRANTS.

(A) The location, number and type of fire hydrants connected to the Water Plant Board service shall meet the required design of the Water Plant Board Engineering Division.

(B) All hydrants shall be accessible to the Fire Department and located by the authority having jurisdiction.

(1) *Flow requirements.* All hydrants installed shall be capable of delivering the necessary fire flow for protecting the zone-approved occupancies. The Water Plant Board Engineering Division shall be responsible for those determinations based on pertinent data.

(2) *Outlets.* All fire hydrants shall be equipped with two two and one-half inch outlets and one four and one-half inch main steamer or pumper outlet. Installation shall be in a manner so that

the four and one-half inch outlet will be at least 18 inches above the final pavement level or ground.

(3) *Gate valves.* All fire hydrant installations must be accompanied by the installation of an approved gate valve between the hydrant connection and the street main.

(4) *Spacing.* Hydrant spacing shall be determined by the fire flow demand established by engineering studies and based on upon the size and type of occupancy and exposure of structures.

(5) *Distance between hydrants and buildings.* All fire hydrants shall be placed at approximately 50 feet from the exterior wall of any building to be protected. When the placement is impossible, hydrants shall be placed where the chance of injury by falling walls is minimized and where firefighters are not likely to be driven away by smoke or heat. Height of building shall be considered for minimum distance when the 50-foot distance is not possible.

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(6) *Hydrant distances from Fire Department connections.* Hydrants shall be located within 50 feet of pumper vaults and standpipe and/or sprinkler connections unless otherwise approved by the Fire Department.

(7) *Required protection for hydrants.* Hydrants that must be installed in areas subject to heavy traffic shall be protected against damage for collision.

(♣70 Code, • 15.46.180) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.48 HIGH-DENSITY RESIDENTIAL.

High-density residential, three units and above, and commercial property shall have hydrants located as to keep hose lines at a maximum of 500 feet. At a minimum, there shall be enough hydrants so spaced to make two streams available, capable of providing a flow of 500 gallons per minute, each line, at every part of the interior and exterior of each building not covered by standpipe protection.

(♣70 Code, • 15.46.190) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed 6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.49 LOW-DENSITY RESIDENTIAL.

For low-density residential areas (one- and two-family development), hydrant spacing shall not exceed 800 feet between hydrants. In high-density residential and commercial developments, hydrant spacing shall not exceed 500 feet between hydrants, nor shall any portion of a building be farther than 500 feet from a hydrant installed to protect it.

(♣70 Code, • 15.46.200) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.50 FIRE HYDRANT INSTALLATIONS.

Fire hydrants shall be located as close to a street intersection as possible with intermediate hydrants along the street or on the site of the premises so as to meet area requirements. Hydrants should be located between seven to 12 feet from the road right-of-way.

(✣70 Code, • 15.46.210) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.51 HYDRANT MEASUREMENTS.

Measurements for distances shall be made along all-weather hard surface road (never measured through or across yards, fields, woods, creeks, major thoroughfares or other avenues not accessible to fire apparatus) for laying hose lines.

(✣70 Code, • 15.46.220) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 21-89, 1989, passed 6-12-89; Am. Ord. 4, 2001, passed 5-10-01)

• 93.52 NAMING AND NUMBERING OF STREETS AND PROPERTIES.

(A) The Planning and Building Codes Department shall be furnished a list of all proposed street names and numbers for purposes of review and approval to avoid conflict with existing named streets and for informational use.

(B) Each structure and each unit of a multi-tenant structure to which a street number has been assigned shall have such number displayed in a position easily observed from the public right-of-way. Numbers shall contrast with their background so as to be easily distinguished. All numbers shall be in Arabic numbers at least three inches high and 1/2 inch stroke.
(⁂70 Code, • 15.46.230) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01; Am. Ord. 8, 2007, passed 4-23-07)

• 93.53 APPLICABILITY.

This subchapter shall be applicable to all properties within the city limits and to all development within five miles of the city limits and which is served by the Electric and Water Plant Board and all industrial and major commercial development to which the Fire Department provides initial fire response.
(⁂70 Code, • 15.46.240) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

• 93.54 BLASTING AGENTS; PERMIT.

(A) (1) This section shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents.

(2) This section shall not apply to:

(a) Explosives or blasting agents while in the course of transportation via railroad, water, highway or air when the explosives or blasting agents are moving under the jurisdiction of, and in conformity with, regulations adopted by any federal or state department or agency.

(b) The transportation and use of explosives or blasting agents in the normal and emergency operation of state or federal agencies nor to municipal Fire and Police departments, providing they are acting in their official capacity and in the proper performance of their duties.

(c) Small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968, 18 USC 44, and regulations promulgated thereunder.

(d) Blasting standards KRS 351.320, 351.330, and 351.340 and regulations 805 KAR 4:010 through 4:060.

(e) Explosives or blasting agents being used on the site of federal or state projects. (‡70 Code, • 15.30.010)

(B) All activities within the scope of this section shall conform to the regulations of the State Department of Mines and Minerals, 805 KAR 4:070 through 4:080 and 805 KAR 4:090 through 4:145 (E&B R900 through 914). (‡70 Code, • 15.30.020)

(C) (1) No person or corporation shall conduct a blasting operation within the city without first obtaining a permit from the Fire Inspector.

(2) The fee for a blasting permit or permit renewal shall be $200.

(3) No person or corporation shall be issued a permit to blast on public property unless the person to be in charge of the blasting holds a valid state blaster‡s license.

(4) No person or corporation shall be issued a permit to blast on private property with more than five pounds of explosives unless the person in charge of the blasting holds a valid state blaster‡s license.

(5) The blasting permits shall specify the times and locations of the blasting to be permitted.

(6) In the event that a project is not completed, blasting permits must be renewed annually, 12 months after date of issuance, upon the applicant‡s payment of the renewal fee.

(7) A permit allowing blasting shall be issued upon application but, on public property, shall not become valid until seven days after its issuance.

(8) If unanticipated blasting on public property is required, the permit may become valid as soon as the Fire Inspector notified the Police Chief, City Engineer, City Manager, Fire Chief and managers of the Sewer Department and Electric and Water Plant Board.

(9) On any contract issued by an agency of the city, blasting permits shall be required unless otherwise specified in the contract.

(10) False statements, made for the purpose of obtaining a permit, shall render the permit null and void from the time of issuance.

(11) Copies of blasting permits shall be distributed by the Fire Inspector to the following persons: Police Chief, City Engineer, Fire Chief, City Manager and managers of the Sewer Department and Electric and Water Plant Board.
(*70 Code, • 15.30.030)

(D) (1) No person or corporation shall operate a business establishment where explosives are maintained for sale, or manufactured for sale, in the city without first obtaining a permit from the Fire Inspector.

(2) The fee for the permit is $40 per calendar year or any portion thereof.
(70 Code, • 15.30.040) (Ord. 26-76, 1976, passed 7-26-76; Am. Ord. 2, 2004, passed 1-15-04)

(E) (1) 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.

(2) 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 • 93.99

• 93.55 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 the 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 • 93.99

• 93.99 PENALTY.

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

(B) (1) Any and all persons, firms or corporations convicted of violating any provision of KRS 227.200 through KRS 227.500, •• 93.01 and 93.02 or any ordinance or resolution established pursuant to the provisions of the State Fire Prevention Code (Standards of Safety), or who violate or fail to comply with an order or regulation made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every violation and noncompliance respectively be fined in the sum of not less than $25 nor more than $500 or imprisoned for not more than 50 days or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

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(2) The imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.
(♣70 Code, • 15.08.030) (Ord. 13-87, 1987, passed 4-27-87; Am. Ord. 16-98, 1998, passed 8-6-98)

(C) Any person or persons who shall violate any provision of •• 93.30 through 93.55 shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than $25 nor more than $500 or imprisonment for not more than one year or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each days that prohibited conditions are maintained shall constitute a separate offense. (♣70 Code, • 15.46.250) (Ord. 20-87, 1987, passed 7-13-87; Am. Ord. 4, 2001, passed 5-10-01)

(D) Any person or corporation violating the provisions of • 93.54 shall be fined not more than $500 and/or shall be imprisoned up to, but no more than, 90 days. (♣70 Code, • 15.30.050) (Ord. 26-76, 1976, passed 7-26-76)

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CHAPTER 94: [RESERVED]

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CHAPTER 95: ABANDONED VEHICLES

Section

95.01 Removal of vehicles
95.02 Parking on private property
95.03 Removal from private premises
95.04 Impoundment
95.05 Prerequisite to release of vehicle
95.06 Contract for towing and storage

• 95.01 REMOVAL OF VEHICLES.

Any abandoned vehicle may, after failure of the owner to comply with the notice of removal, be towed away by authorization of officers of the Police Department and the cost of towing and any storage charges which may accrue must be paid by the owner of the vehicle before the vehicle is released from the custody of the Police Department.
(♣70 Code, • 10.24.020) (Ord. 11-65, 1965, passed - -65)

• 95.02 PARKING ON PRIVATE PROPERTY.

Any person who shall park any motor vehicle in any residential driveway or upon any private yard or upon any private or commercial parking lot which is clearly marked as such shall be prima facie guilty of trespassing, but proof of permission by the owner shall be a defense, with the burden being on the person to prove consent.
(♣70 Code, • 10.24.030) (Ord. 3-69, 1969, passed - -69; Am. Ord. 12-66, 1966, passed - -66)

• 95.03 REMOVAL FROM PRIVATE PREMISES.

The motor vehicle of any person so trespassing may be removed from the private premises by the owner, lessee or person in control thereof upon notification to the Police Department of his or her intention to remove the vehicle together with the license number and information as to the place to which the vehicle is being removed. The owner of the illegally parked vehicle shall be responsible for all towing and storage charges.

(♣70 Code, • 10.24.050) (Ord. 3-69, 1969, passed - -69; Am. Ord. 12-66, 1966, passed - -66)

• 95.04 IMPOUNDMENT.

Any motor vehicle used in the commission of a public offense or any motor vehicle illegally parked or left standing on the public streets or private property within the city in violation of any law or ordinance may be impounded, towed away and stored at the expense of the owner or operator thereof by order of the Police Department or any officer thereof.
(✣70 Code, • 10.24.060) (Ord. 22-68, 1968, passed - -68)

• 95.05 PREREQUISITE TO RELEASE OF VEHICLE.

(A) All violators shall be subject to the schedule of fines levied for parking and traffic offenses. Violators shall pay all reasonable towing and handling charges, and all reasonable storage charges.

(B) Impounded vehicles shall be released only upon advance payment of the towing, handling and storage changes imposed thereon. A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession.

(C) The provisions of KRS 376.275, or other applicable statute, shall prevail for any vehicle not released to the owner or other person entitled to possession within ten business days of its impoundment.
(✣70 Code, • 10.24.080) (Ord. 22-68, 1968, passed - -68)

• 95.06 CONTRACT FOR TOWING AND STORAGE.

All towing, impounding and storage which shall be required hereunder by the Police Department shall be handled by the duly authorized grantee of a contract to be entered into with the city after duly advertised bids.
(✣70 Code, • 10.24.090) (Ord. 22-68, 1968, passed - -68)

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CHAPTER 96: FAIR HOUSING

Section

96.01 Policy

96.02 Definitions

96.03 Unlawful practice

96.04 Discrimination in sales or rentals

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96.06 Discrimination in brokerage services

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96.09 Education and conciliation

96.10 Enforcement

96.11 Investigations; subpoenas; giving evidence

96.12 Enforcement by private persons

96.13 Prevention of intimidation

96.99 Penalty

• 96.01 POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city•s jurisdiction.

(•70 Code, • 2.96.010) (Ord. 27-96, 1996, passed 12-9-96)

• 96.02 DEFINITIONS.

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful hereunder.

DWELLING. Any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.

FAMILY. Includes a single individual.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT. To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
(*70 Code, • 2.96.020) (Ord. 27-96, 1996, passed 12-9-96)

• 96.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below and • 96.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

(A) All dwellings, except as exempted by division (B) below; and

(B) Nothing in • 96.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that the private individual owner does not own more than three single-family houses at any one time. In the case of sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this section shall apply only with respect to one sale within any 24-month period. The bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time. The sale or rental of any single-family house shall be excepted from the application of this chapter only if the house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of the facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent, salesperson or person; and

(b) Without the publication, posting or mailing, after notice of any advertisement or written notice of any advertisement in violation of • 96.04, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other professional assistance as necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.

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(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
(✣70 Code, • 2.96.030) (Ord. 27-96, 1996, passed 12-9-96)

• 96.04 DISCRIMINATION IN SALES OR RENTALS.

As made applicable by • 96.03, and except as exempted by • 96.03(B) and • 96.07, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, familiar status or disability status;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, familial status or disability status;

(C) To make, print or publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, sex, familial status or disability status;

(D) To represent to any person because of race, color, religion or national origin, sex, familial status or disability status, that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available; and

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, familial status or disability status. (70 Code, • 2.96.040) (Ord. 27-96, 1996, passed 12-9-96) Penalty, see • 96.99

• 96.05 DISCRIMINATION IN FINANCING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance, because of race, color, religion, national origin, sex, familial status or disability status of the person or of any person associated with him or her in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which the loan or other financial assistance is to be made or given. Nothing contained in this section shall impair the scope or effectiveness of the exception contained in • 96.03(B).

(♣70 Code, • 2.96.050) (Ord. 27-96, 1996, passed 12-9-96) Penalty, see • 96.99

• 96.06 DISCRIMINATION IN BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers♠ organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions such access, membership or participation, on account of race, color, religion, national origin, sex, familial status or disability status.

(♣70 Code, • 2.96.060) (Ord. 27-96, 1996, passed 12-9-96) Penalty, see • 96.99

• 96.07 EXEMPTION.

(A) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a

religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to the persons, unless membership in the religion is restricted on account of race, color, national origin, sex, familial status or disability status.

(B) Nor shall anything in this chapter prohibit a private club, not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which is owns or operates for other than commercial purposes for limiting the rental or occupancy of the lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.
(♣70 Code, • 2.96.070) (Ord. 27-96, 1996, passed 12-9-96)

• 96.08 ADMINISTRATION.

(A) The responsibility for administering this policy shall currently be by the Mayor, or any other as designated by the Mayor, as the Fair Housing Officer.

(B) (1) The Mayor may delegate any of these functions, duties and powers to the State Human Rights Commission or to a designated employee of the city, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this chapter.

(2) The Mayor shall by rule prescribe the rights of appeal from the decisions of his or her hearing examiners to other hearing examiners or to the State Human Rights Commission as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Mayor or Fair Housing Officer to further purposes.
(♣70 Code, • 2.96.080) (Ord. 27-96, 1996, passed 12-9-96)

• 96.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the Mayor or Fair Housing Officer shall commence the educational and conciliatory activities as will further the purposes of this policy. He or she shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this policy and his or her suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.
(♣70 Code, • 2.96.090) (Ord. 27-96, 1996, passed 12-9-96)

• 96.10 ENFORCEMENT.

(A) (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be irrevocably injured by a discriminatory housing practice that is about to occur, hereafter ■person aggrieved,• may file a complaint with the Mayor or Fair Housing Officer. Complaints shall be in writing and shall contain the information and be in the form as the Mayor or Fair Housing Officer requires. Upon receipt of a complaint, the Mayor shall furnish a copy of same both to the State Human Rights Commission and to the person or persons who allegedly committed or was about to commit the alleged discriminatory housing practice. The Mayor will request assistance from the State Human Rights Commission in resolving this complaint either through informal endeavors or through procedures, conciliation, agreement and/or enforcement for KRS 344.200 through 344.290.

(2) The Mayor shall act as a facilitator and will assist, when requested and/or where appropriate, the State Human Rights Commission in resolving the complaint. Nothing said or done in

the course of informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the city who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(B) A complaint under division (A) above shall be filed with the State Human Rights Commission within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him or her and with the leave of the State Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his or her answer at any time. Both complaints and answers shall be verified.

(C) If, within 30 days after a complaint is filed with the State Human Rights Commission, the State Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The State Human Rights Commission will assist in this filing.

(•70 Code, • 2.96.100) (Ord. 27-96, 1996, passed 12-9-96)

• 96.11 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.

In conducting an investigation, the Mayor or Fair Housing officer shall make access available to the State Human Rights Commission at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence, and may examine, record and copy the materials and take and record the testimony or statements of the persons as are reasonably necessary for the furtherance of the investigation per KRS 344.200 through 344.290; provided, however, that the State Human Rights Commission first complies to the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The State Human Rights Commission

may issue subpoenas to compel the production of the materials, or the appearance of the persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. (♣70 Code, • 2.96.110) (Ord. 27-96, 1996, passed 12-9-96)

• 96.12 ENFORCEMENT BY PRIVATE PERSONS.

The rights granted by this chapter may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred. The court shall continue the civil case brought pursuant to this section or • 96.99 from time to time before bringing it to trial if the court believes that the conciliation efforts of the Fair Housing Officer and State Human Rights Commission are likely to result in satisfactory settlement of

the discriminatory housing practice complained of in the complaint made to the Fair Housing Officer, which practice forms the basis for the action in court. Any sale encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this policy shall not be affected.
(♣70 Code, • 2.96.120) (Ord. 27-96, 1996, passed 12-9-96)

• 96.13 PREVENTION OF INTIMIDATION.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his race, color, religion, national origin, sex, familial status or disability status, and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been or in order to intimidate the person or any other person or any class or persons from:

(1) Participating, without discrimination on account of race, color, religion, national origin, sex, familial status or disability status, in any of the activities, services, organizations or facilities described in division (A) above; or

(2) Affording another person or class or persons opportunity or protection so to participate.

(C) Any citizen because he is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, national origin, sex, familial status or disability status, in any of the

activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than $500, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results, shall be subject to imprisonment or any term of years or for life.
(♣70 Code, • 2.96.140) (Ord. 27-96, 1996, passed 12-9-96)

• 96.99 PENALTY.

(A) Any person who willfully fails or neglects to attend an testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his or her power to do so, in obedience to the

subpoena or lawful order of the State Human Rights Commission shall be fined no more than $500 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the State Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the State Human Rights Commission pursuant to his or her subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in the reports, accounts, records or other documents or shall willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than $500 or imprisoned for more than one year, or both. (✣70 Code, • 2.96.110)

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, and may award to the plaintiff actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the plaintiff, in the opinion of the court, is not financially able to assume the attorney♠s fees. (✣70 Code, • 2.96.120)
(Ord. 27-96, 1996, passed 12-9-96)

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CHAPTER 97: HAZARDOUS MATERIALS

Section:

97.01 Establishment of Hazardous Materials Response Team
97.02 Definitions
97.03 Training
97.04 Region 14 Hazardous Materials/WMD Response Team
97.05 Authority to coordinate response
97.06 Cost recovery

• 97.01 ESTABLISHMENT OF HAZARDOUS MATERIALS RESPONSE TEAM.

(A) The city hereby establishes a Hazardous Materials Response Team (■Haz-Mat Response Team•) to respond to releases or spills of hazardous material and terrorism incidents involving biological, radiological, nuclear, incendiary, chemical or explosive materials or other weapons of mass destruction. The Haz-Mat Response Team shall be a function of the city•s Disaster and Emergency Services Agency established by • 36.095 and the Director of the Disaster and Emergency Services Agency shall be the oversight officer of the Haz-Mat Response Team.

(B) The city Haz-Mat Response Team shall jointly operate with the county Haz-Mat /WMD Response Team to create and form the Region 14 Haz-Mat Response Team pursuant to KRS 39B.070.

(C) The city hereby authorizes the Director of the Disaster and Emergency Services Agency to execute an agreement with the County Fiscal Court and the Commonwealth of Kentucky for the formation and operation of the Haz-Mat 14 Response Team, and ratifies the Memorandum of Understanding between the Kentucky Division of Emergency Management and Region 14 Haz-Mat Response Team dated May 12, 2003.

(Ord. 9, 2004, passed 6-21-04)

• 97.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter.

ENVIRONMENT. The navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within the

county. The terms shall include air only for the purposes of reporting releases pursuant to the further provisions of this chapter.

FACILITY. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included.

HAZARDOUS MATERIALS OR HAZ-MAT. Any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is a hazardous substance, pollutant or contaminant as defined in KRS 224.01 - 400, designated a hazardous material pursuant to the ■Hazardous Materials Transportation Act• (49 USCA 1801, et seq.) or is listed by Appendix A, 40 CFR 302, ■List of Hazardous Materials and Reportable Quantities,• as amended, published by the U.S. Environmental Protection Agency (EPA), in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

PERSON. Any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department agency or political subdivision thereof, the United States Government, or any other commercial or legal entity.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to emissions from the engine exhaust due to the normal operation of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and the normal application of fertilizers and pesticides.

REMOVAL. The cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize or mitigate damage to public health or welfare or the environment, and to restore the environment to its pre-release condition. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons, diking of fuel storage tanks.

RESPONSE. Any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment.

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THREATENED RELEASE OR POTENTIAL RELEASE. A situation or circumstances which presents a substantial threat of release.

WEAPONS OF MASS DESTRUCTION or *WMD*: Weapons or agents of terrorism including but not limited biological, nuclear, incendiary, chemical and explosive agents that result in or have the potential to result in mass casualties.
(Ord. 10, 2004, passed 6-21-04)

• 97.03 TRAINING.

The Hazardous Materials Response Team shall operate within the constraints of it training and available equipment. All sworn personnel of Frankfort Fire and EMS shall be considered a member of the team and shall be trained to HAZ-MAT Operations Level or greater and shall meet requirements to maintain said training. The team shall conduct emergency response operations for releases of, or the substantial threatened releases of, hazardous substances or materials, including agents or weapons of mass destruction that may require the possible close approach to a hazardous substance or material in order to control the actual or potential release, leak, or spill, or to perform initial life safety or incident stabilization protective actions, or to contain or minimize the spread of contamination.
(Ord. 10, 2004, passed 6-21-04)

• 97.04 REGION 14 HAZARDOUS MATERIALS/WMD RESPONSE TEAM.

The team shall jointly with the Franklin County Fire Department be a part of Kentucky Region 14 Hazardous Materials/WMD Response Team, to be known as HAZ-MAT 14. HAZ-MAT 14 shall operate under its adopted bylaws as approved by the Kentucky Division of Emergency Management and in compliance with KRS 39 A - F.
(Ord. 10, 2004, passed 6-21-04)

• 97.05 AUTHORITY TO COORDINATE RESPONSE.

The Hazardous Materials Response Team shall have primary authority to coordinate response to any release or threatened release of hazardous materials within the limits of the city. If this agency cannot fulfill this function due to equipment, personnel, or education constraints, or due to the extent or type of event, HAZ-MAT 14 shall respond to the incident as a unified hazardous materials response team. HAZ-MAT 14 may respond in accordance with established bylaws to other areas of the state upon request.

(Ord. 10, 2004, passed 6-21-04)

• 97.06 COST RECOVERY.

The following persons shall be jointly and separately liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment. These costs include all expenses incurred by the city, and HAZ-MAT 14 in responding to any hazardous material spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. Costs recovered shall include but not be limited to costs incurred for personnel, equipment and the use thereof, material, supplies, services, lost wages of personnel, damage or loss of equipment, evacuation expenses and related expenses resulting directly or indirectly from response to a release or threatened release of a hazardous material into the environment.

(A) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials.

(B) Any person who, at time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of release of hazardous materials.

(C) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party of entity from which facility there is a release or substantial threat of a release of hazardous materials.

(D) Any person who accepts or accepted any hazardous material for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

(E) The city and/or HAZ-MAT 14, shall not be responsible for the cost of cleanup of released hazardous materials. All cleanup, disposal, mitigation, response and other related expenses or costs

shall be the sole responsibility of the responsible parties.

(Ord. 10, 2004, passed 6-21-04)

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CHAPTER 98: SMOKING REGULATIONS

Section

98.01 Findings and intent
98.02 Definitions
98.03 Prohibition
98.04 Reasonable distance
98.05 Posting signs
98.06 Non retaliation and non waiver of rights
98.07 Enforcement
98.08 Public education

98.99 Penalty

• 98.01 FINDINGS AND INTENT.

The City Commission finds that:

(A) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution. Breathing secondhand smoke is a cause of disease in healthy nonsmokers. These diseases include heart disease, stroke, respiratory disease and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

(B) The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

(C) A study of hospital admissions for acute myocardial infarction in Helena, Montana before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., A Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study,@ British Medical Journal 328: 977-980, April 24, 2004.)

(D) Secondhand smoke is particularly hazardous to the elderly, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", Tobacco Control 6(4): 346-353, Winter, 1997.)

(E) The Americans With Disabilities Act, which mandates access to public places and workplaces for persons with disabilities, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," Nonsmokers' Voice 15(1): 8-9.)

(F) The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. The Health Consequences of Involuntary Smoking: A Report of the Surgeon General. Public Health Service, Centers for Disease Control, 1986.)

(G) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," Washington, D.C.: Environmental Protection Agency (EPA), June 1989.)

(H) The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, A Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?@ British Medical Journal,

328: 980-983, April 24, 2004.)

(I) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

(J) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased

liability claims for diseases related to exposure to secondhand smoke. (■The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

(K) Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free. Creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A.; Smith, L., The Effect of Ordinances Requiring Smoke-Free Restaurants on Restaurant Sales in the United States. American Journal of Public Health, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)

(L) Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to business health 15(8), Supplement A: 6-9, August 1997.

(M) The smoking of tobacco is a form of air pollution, a danger to health and a material public nuisance.

(N) A survey of the indoor air quality of 11 locations in the city, including ten restaurants and one miscellaneous entertainment venue, reflected that individuals at those locations are exposed to tobacco smoke constituents at approximately 2.7 times the National Ambient Outdoor Standard and the level of indoor air pollution at these locations as measured by the average PM 2.5 level was approximately 9.6 times higher than the Lexington, Kentucky post smoking regulation law average PM 2.5 level. Accordingly, the City Commission hereby adopts the foregoing findings as justification for the chapter, the purpose of which is:

(1) To protect the public health and welfare by regulating smoking in buildings open to the public; and

(2) To guarantee the right of non-smokers to breathe smoke-free air; and

(3) To recognize the public's need to breathe smoke-free air shall have priority over the individual's desire to smoke.

(Ord. 17, 2006, passed 7-24-06)

• 98.02 DEFINITIONS.

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

BUILDING. Any structure open to the public that is enclosed from the weather, whether or not windows or doors are open. If a person owns, leases or possesses only a portion of a building, the term building applies to the ownership, leasehold or possessory interest as well.

DWELLING. Any place used primarily for sleeping overnight and conducting activities of daily living, including, without limitation, a hotel or motel room, but not a hotel or motel lobby, common elevator, common hallway or other common area. A dwelling does not include a hospital room, hospice facility, or nursing home room.

ENCLOSED AREA. An area that:

(1) Is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

(2) Has 40% or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

PRIVATE ORGANIZATION. An establishment which maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest and is not profit oriented.

RETAIL TOBACCO STORE. A retail store devoted primarily to the sale of any tobacco product, including but not limited to cigarettes, cigars, pipe tobacco and chewing tobacco, and accessories and in which the sale of other products is merely incidental. The sale of such other products shall be considered incidental if such sales generate less that 50% of the total annual gross sales.

TOBACCO WAREHOUSE. Any warehouse building offering tobacco for purchase at auction and meeting the definition established in KRS 248.010(4).

SMOKING. Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product.
(Ord. 17, 2006, passed 7-24-06)

• 98.03 PROHIBITION.

(A) No person shall smoke within any building except in one of the following locations:

(1) In any dwelling. This exception does not extend to a lobby, common elevator, common hallway, or any other common area of a building containing attached dwelling units, hotel rooms or motel rooms.

(2) In a room or hall being used by a person or group for a private social function that is not open to the public, in any room used for psychological treatment of nicotine addiction by a licensed health care professional, or in a physically separate and independently ventilated room in a hospital, hospice facility, or nursing home open to all residents as a smoking room and for no other purpose.

(3) In a retail tobacco store.

(4) A performer as part of a theatrical production so long as adequate notice is provided patrons both before the performance and by specific signage at the theater.

(5) Indoor smoking areas provided in state or federal governmental office buildings or workplaces pursuant to KRS 61.165.

(6) Facilities not open to the public operated by private organizations.

(7) In a tobacco warehouse.

(B) Nothing in this chapter shall prevent an owner, lessee, principal manager or person in control of any place, including, without limitation, any motor vehicle, outdoor area, or dwelling, from prohibiting smoking completely in such place, and no person shall fail to abide by such a private prohibition.

(C) Nothing in this chapter shall authorize smoking in any place where it is otherwise prohibited by statue, ordinance, regulation or by order of the Fire Marshal.
(Ord. 17, 2006, passed 7-24-06) Penalty, see • 98.99

• 98.04 REASONABLE DISTANCE.

Smoking is prohibited within a reasonable distance of the outside entrance to or open windows of any building and from the air intake of a ventilation system serving a building in order to ensure that tobacco smoke does not enter the building through entrances, windows, ventilation systems or other means.
(Ord. 17, 2006, passed 7-24-06) Penalty, see • 98.99

• 98.05 POSTING SIGNS.

(A) ■No Smoking• signs or the international No Smoking symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in every building. The party responsible for the placement of the signage is the owner, operator, lessee, manager or other person in control of the building.

(B) A conspicuous sign clearly stating that smoking is prohibited shall be posted at each entrance utilized by the public entering and exiting the building. A conspicuous sign clearly stating that smoking is prohibited shall be posted at each entrance utilized by employees entering or exiting a building.

(C) All ashtrays shall be removed from any building, except for ashtrays displayed for sale and not for use on the premises. Any permanent structure that functioned or was used as an ashtray shall be disabled or altered to prevent its use as an ashtray.

(D) Nothing in this chapter shall authorize smoking in any place where it is otherwise prohibited by statue, ordinance, regulation or by order or the Fire Marshal.
(Ord. 17, 2006, passed 7-24-06) Penalty, see • 98.99

• 98.06 NON RETALIATION AND NON WAIVER OF RIGHTS.

No person or employer shall discharge, refuse to hire, or any manner retaliate against an employee, applicant for employment or customer because that employee, applicant or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter.
(Ord. 17, 2006, passed 7-24-06) Penalty, see • 98.99

• 98.07 ENFORCEMENT.

(A) The City Manager's office shall designate the departments responsible for enforcing this chapter.

(B) Notice of the provisions of this chapter shall be given to all applicants for a business license in the city.

(C) Any citizen who desires to register a complaint under this chapter may initiate enforcement with any of the authorized persons listed above.

(D) The following departments, or their designees, shall, while in a building performing otherwise legal inspections, inspect for compliance with this chapter;

(1) Fire Department;

(2) Code Enforcement Department;

(3) Public Works Department; and

(4) Finance Department.

(E) The owner, operator, manager or lessee of a building or the owner, operator, manager, designee or employee of every place of employment in a building shall inform persons violating this chapter of the applicable provisions thereof and require compliance.

(F) No owner, lessee, principal manager, or person in control of a building or place of employment in a building shall fail to:

(1) Immediately ask smokers to refrain from smoking in any no-smoking area;

(2) Use any other legal means which may be appropriate to further the intent of this chapter.

(G) No owner, principal manager, proprietor, or any other person in control of a building or place of employment in a building shall fail to ensure compliance by subordinates, employees, and agents with this chapter.

(H) The mere presence of a person smoking within a building governed by this chapter does not constitute a violation on the part of the building's owner, manager, lessee or designee or the owner, manager, lessee, employee or designee of a place of employment in a building. A violation of this chapter shall only be charged if the responsible person or agent[s] of the building or place of employment fails to timely satisfy each responsibility prescribed for them in this chapter.

(I) Notwithstanding any other provision of this chapter, the city, an employee, or any person aggrieved by a failure to comply with this chapter, whether by commission or omission, including violations on the part of an owner, operator, manager, employee or other person[s] in control of a building or place of employment in a building covered by this chapter may bring legal action to enforce this chapter, either by civil action seeking injunctive relief or by criminal complaint in a court of competent jurisdiction.
(Ord. 17, 2006, passed 7-24-06) Penalty, see • 98.99

• 98.08 PUBLIC EDUCATION.

The city shall take steps to offer a continuing program by which the purpose and requirements of this chapter is made clear to citizens and to the owners, operators, managers and employees

required to comply with it. The program may include publication of a brochure, publication of news releases and public meetings.

(Ord. 17, 2006, passed 7-24-06)

• 98.99 PENALTY.

(A) A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding fifty dollars ($50.00).

(B) A person who owns, manages, operates, leases or otherwise controls a building or is an employee in a place of employment within a building and who fails to comply with the provisions of this chapter shall be guilty of a violation, punishable by:

(1) A fine not exceeding $50 for a first violation within a one-year period.

(2) A fine not exceeding $100 for a second violation within one year.

(3) A fine not exceeding $250 for each additional violation within one year.

(C) Persons who smoke in an area where smoking is prohibited and who refuse to extinguish their smoking material when asked, may be required to leave the premises, and shall be subject to prosecution for trespass if they do not leave when asked.

(D) In addition to the fines established by this section, violations of this chapter by a person who owns, manages, operates, leases or otherwise controls a building or place of employment within a building may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(E) Violation of this chapter is declared to be a public nuisance, which may be abated by the city or its designated agents by restraining order, preliminary and permanent injunction, or other means provided for by law. The city may recover the reasonable costs of any court enforcement action seeking abatement of this nuisance.

(F) Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation.

(Ord. 17, 2006, passed 7-24-06)

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CHAPTER 99: PARKS, RECREATION AND PLAYGROUNDS

Section

99.01 Permits and recycling for fairs, festivals and special events

Cross-reference:

Parks and recreation governing bodies, see •• 36.145 et seq.

• 99.01 PERMITS AND RECYCLING FOR FAIRS, FESTIVALS AND SPECIAL EVENTS.

All persons or entities holding a fair, festival or special event at which city services are provided shall be required to obtain a permit from the Department of Parks and Recreation at a cost of $10 per event. The City Parks and Recreation Department will then place containers for the disposal of plastic, glass and aluminum containers at the location of the event so that these items can be recycled and eliminated from the waste stream. The City Parks and Recreation Department shall collect the containers at the conclusion of the event.

(Ord. 37, 2007, passed 10-22-07)

CHAPTER 100: ABANDONED PROPERTY

Section

100.01 Abandoned property classified as real property

• 100.01 ABANDONED PROPERTY CLASSIFIED AS REAL PROPERTY.

(A) Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation. As used in this section, abandoned urban property means any vacant structure or vacant or unimproved lot or parcel of ground which has been vacant or unimproved for a period of at least one year and which:

(1) Because it is dilapidated, unsanitary, unsafe, vermin infected, or otherwise dangerous to the safety of persons, it is unfit for its intended use;

(2) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infected with rodents or other vermin; or

(3) Has been tax delinquent for a period of at least three years.

(B) The Planning and Building Codes Department shall each year determine which properties are abandoned urban properties and shall prepare and furnish a list to the Department of Finance of the city and to the office of the county Property Valuation Administrator prior to January 1 of each year.

(C) Except as otherwise provided in division (D) of this section, a property classified by the Property Valuation Administrator as abandoned urban property as of January 1 shall be taxed as

abandoned urban property for such tax year. If the owner repairs, rehabilitates or otherwise returns the property to productive use so that the property is no longer abandoned urban property, he or she shall notify the Planning and Building Codes Department of the city which shall certify that the property has been repaired, rehabilitated or otherwise returned to productive use, and shall remove the property from the list of abandoned urban properties as of the succeeding January 1.

(D) (1) No later than March 1 of each year, the Planning and Building Codes Department of the city shall deliver, by first class mail or by posting on the abandoned property, to the owner or other party in interest as listed in the records of the Property Valuation Administrator of each abandoned urban

property notice that the property has been classified as abandoned urban property pursuant to this section.

(2) Property identified as abandoned urban property pursuant to division (A)(3) of this section shall be removed from the current list of abandoned urban properties if all delinquent taxes, penalties and interest applicable to said property are paid in full on or before May 31, or an Agreement to pay delinquent taxes for the subject property has been signed by the taxpayer, approved by the Finance Director and the payments on said agreement are current.

(3) The owner or other party in interest of any abandoned urban property who believes that his or her property has been incorrectly classified may appeal such classification to the Board of Zoning Adjustments. Such appeal shall be in writing and shall be made no later than May 1 of that year. The Board of Zoning Adjustments shall afford the owner the opportunity for a hearing. If the Board of Zoning Adjustments finds that the property was incorrectly classified as abandoned urban property it shall cause the property to be removed from the list of properties so classified. Appeal to the Board of Zoning Adjustments may only be made on the basis that the property was incorrectly classified as abandoned urban property in that it did not meet the criteria established in division (A) of this section as of January 1 of the tax year. Appeals to the Board of Zoning Adjustments shall follow the same policies and procedures as other appeals of administrative decisions found in Article 18, Section 18.07 of the Zoning Regulations.

(E) Abandoned urban property is to be taxed at three times the normal tax rate applicable to real property for the purpose of ad valorem taxation.
(Ord. 21, 2009, passed 11-23-09)

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TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL LICENSING PROVISIONS

111. REGULATORY LICENSES

112. CHARITABLE SOLICITATIONS

113. [RESERVED]

114. [RESERVED]

115. ALCOHOLIC BEVERAGES

116. [RESERVED]

117. TAXICABS

118. PRECIOUS METALS

119. OUTDOOR CAFÉS AND THE LIKE

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

Occupational License Tax

110.01 Definitions

110.02 Levy of license fee

110.03 Employees

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110.05 Apportionment of net profits or gross receipts of business entity

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110.12 Tax liability of business entity that ceases doing business in the city

110.13 Use of tax year and accounting methods required for federal income tax purposes

110.14 When returns are to be made, copy of federal tax return to be submitted with return

110.15 Extensions

110.16 Enforcing officers; powers and duties

110.17 Tax due when return filed; minimum and maximum liability

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110.19 Revocation or suspension of license; right to appeal

110.20 Audit and assessment appeal process

110.21 Payment of tax not delayed; claims for refund or credit

110.22 Employer to withhold tax

110.23 Employer to report tax withheld; liability of employer for failure to withhold or pay tax

110.24 Personal liability of officers of business entity
110.25 Application for refund or credit; when employee may file for refund
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110.28 Severability

OCCUPATIONAL LICENSE TAX

• 110.01 DEFINITIONS.

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

BUSINESS ENTITY. Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

COMPENSATION. Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401 (k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code;

FISCAL YEAR. As defined in Section 7701(a)(24) of the Internal Revenue Code.

EMPLOYEE. Any person who renders services to another person or business entity for

compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency or instrumentality of any one or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee;

EMPLOYER. As defined in Section 3401(d) of the Internal Revenue Code.

GROSS RECEIPTS. All revenues or proceeds derived from the sale, lease, or rental of goods, services, or property by a business entity reduced by the following:

(1) Sales and excise taxes paid; and

(2) Returns and allowances;

INTERNAL REVENUE CODE. The Internal Revenue Code in effect on December 31, 2006, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2006, that would otherwise terminate;

NET PROFIT. Gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

(1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

(2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;

(3) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;

(4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution or the Constitution and statutory laws of the United States;

NON-RESIDENT. An individual, fiduciary, association or corporation domiciled outside the corporate limits of the city.

PERSON. Every natural person, whether a resident or non-resident of the city. Whenever the

word *PERSON* is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

RENTAL REAL ESTATE. Is as follows:

(1) A structure or mobile home located within the corporate limits of the city, which is regularly offered for occupancy, either wholly or in part in return for the payment of rent.

(2) Corporations, limited liability companies and partnerships, which receive income from rental real estate located within the city are presumed to be in the business of renting real estate and

therefore subject to the license fee imposed by this subchapter on net profits derived therefrom and the other provisions of this subchapter.

(3) Individuals and fiduciaries who receive income from rental real estate located within the city are rebuttably presumed to be in the business of renting real estate and therefore subject to the license fee imposed by this subchapter on net profits derived therefrom and the other provisions of this subchapter if they receive more than $100,000 gross receipts annually from the rental of real estate located within the city.

(4) The Director of Finance shall establish by regulation those factors which will be considered in determining whether the presumption of being in the business of renting real estate has been rebutted.

RESIDENT. An individual, fiduciary, association or corporation domiciled or having a business situs within the corporate limits of the city.

SALES REVENUE. Receipts from the sale, lease, or rental of goods, services, or property.

TAX DISTRICT. A city of the first to fifth class, county, urban-county, charter county, consolidated local government, school district, special taxing district, or any other statutorily created entity with the authority to levy net profits, gross receipts, or occupational license taxes.

TAXABLE GROSS RECEIPTS. In case of a business entity having payroll or sales revenues both within and without a tax district, means gross receipts as defined in this section, as apportioned under KRS 67.753.

TAXABLE GROSS RECEIPTS. In case of a business entity having payroll or sales revenue only in one tax district, means gross receipts as defined in this section.

TAXABLE NET PROFIT.

(1) In case of a business entity having payroll or sales revenue only in one tax district, means net profit as defined in this section.

(2) In case of a business entity having payroll or sales revenue both within and without a tax district, means net profit as defined in this section, as apportioned under • 110.02.

TAXABLE YEAR. The calendar year or fiscal year ending during the calendar year, upon the basis of which net income or gross receipts is computed.
(Ord. 12, 2008, passed 6-23-08)

• 110.02 LEVY OF LICENSE FEE.

There is hereby levied and imposed an annual license fee upon all persons, fiduciaries and business entities engaged in any occupation, trade, profession or other business activity in the city for the privilege of engaging in the occupation, trade, profession or other business activity, which license fee shall be measured by and be equal to 1.75% of all salaries, wages, commissions and other compensation, including deferred compensation, earned by every person in the city for work done or services performed or rendered in the city and of the net profits of all businesses, professions or occupations from activities conducted within the city.
(Ord. 12, 2008, passed 6-23-08)

• 110.03 EMPLOYEES.

(A) *Employees in general.* The license fee is imposed on both residents and nonresidents of the city at the rate of 1.75% of all salaries, wages, commissions and other compensation, including deferred compensation, earned for work done or services performed or rendered in the city. The following are subject to the license fee:

(1) Wages, bonuses or incentive payments received by an individual, whether directly or through an agent and whether in cash or in property, for services rendered:

(a) As an officer, agent or employee or both of a business entity, including a non-profit business entity;

(b) As an agent or employee, as distinguished from the proprietor, of a business, trade or profession, conducted by an individual owner;

(c) As an officer, agent or employee, whether elected or appointed, enlisted or commissioned, of a governmental entity, except those enlisted or commissioned in the State National Guard for compensation received for active duty training, training assemblies and annual field

training; and

(d) As an officer, agent or employee of any other entity.

(2) Wages, bonuses or incentive payments received by an individual, whether directly or through an agent and whether in cash or in property, for services rendered:

(a) Whether based upon hourly, daily, weekly, semimonthly, monthly, annual, unit of production of piece rates; and

(b) Whether paid by an individual, fiduciary, business entity, including a nonprofit business entity, governmental entity or any other entity.

(3) Commissions received by an employee, whether directly or through an agent, and whether in cash or in property for services rendered, regardless of how computed or by whom paid. If amounts received as a drawing account exceed the commissions earned the tax is payable on the amounts received. If the commissions are included in the net earnings of an occupation, trade, profession or other business activity regularly carried on by the individual and, therefore, are subject to license fee under • 110.04, they shall not again be separately taxed.

(4) Fees, unless the fees are properly included as part of the net profits of occupation, trade, profession or business activity regularly carried on by the individual and the net profits, are subject to tax under • 110.04. A corporation is permitted but not required to withhold and remit the license fee on compensation paid to directors. If the corporation does not withhold the fees, it must submit to the city a copy of IRS Form 1099.

(5) Other compensations will be treated as follows:

(a) Subject to the license fee:

1. Tips received by waiters and others (tips received are subject to the license fee and will be reported in the same manner as regular earnings);

2. Vacation and holiday benefits (payments made to employees by an employer as vacation wages are subject);

3. Separation payments (payments made to employees by an employer at the time of voluntary or involuntary separation, or dismissal, of the employee from the service of the employer are to be regarded as subject);

4. Deferred compensation (payments made to deferred compensation funds are

subject to license fee at time of payment into a fund);

5. Flexible benefit plan (payments by employees to Section 125 plans, sometimes referred to as cafeteria plans, flexible benefit plans or miniflex plans, which provide the opportunity for employees to elect to reduce their taxable compensation to pay for nontaxable benefits such as hospitalization, group term life insurance, group disability insurance and the like, not otherwise paid for by the employer);

6. Non-cash fringe benefits (fringe benefits received by an employee to the extent that the benefits are taxable for federal income tax purposes); and

7. Other income: All other income paid by an employer and received by an employee for the performance of any activity subject to the license fee not expressly exempt unless the income is to be reported and a net profit license fee paid thereon under the provisions of this subchapter.

(b) Not subject to the license fee:

1. Old-age or retirement payments (periodical payments, commonly recognized as old-age or retirement pensions, made to persons retired from service after reaching a specified age or after a stated period of employment are not subject to the license fee);

2. Disability, sickness, accident benefits and unemployment compensation (Payments made to employees by an employer under a disability, sickness and accident plan are not subject to the license fee. Unemployment compensation payments by the state or any other governmental agency are not subject);

3. Death benefits (death benefits payable by an employer to the beneficiary of an employee or to his or her estate, whether payable in a single sum or otherwise, are not subject to the license fee);

4. Benefits arising under the workers compensation act (amounts received by employees under the workers compensation act as compensation for a disability sustained during the course of employment, together with any amount of damages received by suit or agreement on account of the disability are not subject to the license fee);

5. Employee under age 16 (Compensation paid to employees who have not attained age 16 on or before the date the income is earned. Earnings of employees shall be subject on the day that age 16 is attained.);

6. Domestic servants (Compensation received by domestic servants is exempt from the license fee on wages imposed by the city. For purposes of this section, a ***DOMESTIC***

SERVANT is defined as an individual employed to drive his or her employer as a chauffeur or employed on the grounds or in the home of his or her employer to cook, clean, wash, garden, transport or otherwise care for or wait upon the employer, the employer's family and guests or to care for the person, home, grounds and/or vehicles of the employer, the employer's family and guests, including, but not limited to maids, butlers, nurses, nursemaids, gardeners, cooks, launderers and chauffeurs engaged to serve the employer, the employer's family and guests, but not including the individuals who are employed by a cleaning service, personal nursing service, chauffeuring service or other entity which offers the services of its employees to the public);

7. State elected officers, who are paid on a per diem basis, as exempted by KRS 82.090. Applicability of the foregoing to employees whose compensation is not wholly subject to the city occupational license fee.

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(c) 1. Individuals whose compensation is earned for services performed both within and without the city are subject to the license fee in the same proportion that services performed within the city bear to their total employment time. The occasional entry into the city of an employee, who:

(i) Performs the duties for which he or she is employed entirely outside the city, but enters the city for the purposes of reporting, receiving instructions, testifying, accounting, and the like, incidental to his or her duties outside the city; or

(ii) Spends a total of two eight-hour work-days or less providing services in the city and whose receipts for such services provided in the city are less than $1,600 annually, shall not be deemed activities for which occupational license fee is required to be paid to the city.

2. An employee earning not more than $4,000 in the city per year or working not more than a total of five eight-hour work days in the city per year for which the employee earns not more than $4,000, may elect to pay a flat occupational license fee to the city in the amount of $35. In order to elect this payment option, the individual's employer is required to file with the city a completed Election to Pay Flat Tax Return Form signed by the employer and employee with the required $35.00 payment with the employer's fourth quarter occupational license tax return no later than January 31 of the following year. The filing of this completed form with the required payment on behalf of an employee qualified to elect this payment option is deemed to satisfy the requirements of • 152.02.

(B) *Specific groups of employees.*

(1) *Musicians and entertainers.*

(a) *Contractor.* An individual musician through whom the purchaser and the musician negotiate the contract of services and the performance thereof. The contractor may or may not perform actual musical service under a contract which he or she has negotiated.

(b) *Purchaser of music.* The person, fiduciary, corporation or association for whom or for which the musical services are to be performed or furnished and who exercises an employer's control over the conduct of the musicians; for example, hotels, cafes, adult entertainment establishments, taprooms, restaurants, theaters, clubs, radio stations and radio sponsors.

(c) *Responsibility for withholding fee.* When a contract for the purchase of music has been executed between a purchaser and a contractor, the musician shall be deemed to be the employee of the purchaser. The purchaser shall be the person responsible for withholding the license fee from the wages paid to the musicians, and the remittal thereof to the Director of Finance.

(d) *Entertainers other than musicians.*

1. An entertainer other than a musician is usually engaged by a purchaser through a booking agent. The booking agent, once the contract of employment has been executed, does not exercise an employer's control over the entertainer. The owner of any place which furnishes entertainment to the public or to its patrons, shall be deemed the person liable as an employer of entertainers.

2. The employers must deduct the license fee from the compensation paid to the entertainer and remit the same to the Director of Finance.

(2) *Individuals earning commission sales.*

(a) *General.* Individuals engaged in the sale of products and/or services may be either employees or independent contractors.

1. Where the individual is subject to the direct control of another as to the manner of his or her conduct and is paid a fixed fee, he or she is considered an employee and the amount of the license shall be withheld at the source.

2. Where the individual is not under the direct control of another and may conduct the sale as he or she sees fit, receiving his or her payment in the form of commission from the sale, he or she is considered an independent contractor and shall file his or her own return and make payment as an independent contractor subject to the provisions hereof.

(b) *Commissions subject to license fee.*

1. In determining whether the commissions payable by reason of the selling of any product and/or service by an agent resulted from work done or services performed or rendered in the city, the test shall be the residence of the purchaser at the time of issuance of the product and/or service, rather than the actual place of solicitation. However, where the solicitation is in the city and the individual's established place of business is within the city, the commission is subject to the license fee regardless of the residence of the purchaser.

2. If an individual has an office outside the city as well as an office within the city, the commission on products and/or services sold to nonresidents, if handled through the outside office, are not subject to a license fee.

(C) *Withholding of license fee.*

(1) It is the duty of each employer who employs one or more persons on a salary, age, commission or other compensation basis, to deduct at the time of the payment of the compensation, the

license fee on the salary, wage, bonus, incentive payment, commission or other compensation due by the employer to the employee. The license fee shall be deducted by the employer from all compensation paid to employees for activities in the city. However, the fact that the license fee is not withheld by the employer will not relieve the employee of the responsibility of filing a return and paying the fee on the compensation received. A nonresident employer maintaining in the city an office or business address or doing business therein is subject to the withholding provisions of this section.

(2) Where an employee receives compensation for personal services rendered or performed partly within and partly outside the city, the employer shall deduct and withhold that portion of the compensation which is earned within the city in accordance with the following rules of apportionment:

(a) If the licensee is a traveling sales person, agent or other employee whose compensation on the basis of commissions depends directly on the volume of business transacted by him or her, the deducting and withholding shall attach to the portion of the entire compensation which the volume of business transacted by the employee within the city bears to the volume of business transacted by him or her both within and outside of the city.

(b) The deducting and withholding of compensation of all other employees, including officers and directors of corporations, shall attach to the portion of the compensation of the employee which the total number of days employed within the city bears to the total number of working days employed both within and outside the city.

(c) If it is impossible to apportion the earnings as provided above because of the peculiar nature of the services of the employee, or of the usual basis of compensation, apportionment shall be made by other equitable method approved by the Director of Finance.

(d) The occasional entry into the city of an employee, who performs the duties for which he or she is paid entirely outside the city, but enters the city only for the purposes of reporting, receiving instructions or accounting incidental to duties performed outside the city shall not be deemed to take the employee out of the class of those rendering their services entirely outside

the city.

(D) *Returns of license fee withheld and payment.*

(1) The return and payment to be made on account of deductions by employees from salaries, wages and other compensation of employees shall be made on a quarterly basis.

(2) The employer shall make a return and pay to the city the full amount of the license fee so deducted or withheld with respect to compensation paid to all employees and the return shall be due on or before the last day of the month following each quarterly period.

(3) The return required to be filed under this subchapter shall be made on a form furnished by or obtainable from the Director of Finance.

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(4) If the due date of a return falls on a Saturday, Sunday or legal holiday, the return due date shall be the next succeeding day, which is not a Saturday, Sunday or legal holiday. Returns submitted other than by U.S. mail must be received on or before the due date. Returns submitted by U.S. mail will be considered received when mailed.

(5) On or before January 31, unless written request for extension is made to and granted by the Director of Finance, following any calendar year in which the deductions have been made by any employer, the employer shall file with the Director of Finance in the form prescribed by the Director an information return for each employee from whom the city license fee has been withheld.

(6) For convenience of employers, the information return may be made in one of two ways at the election of each employer, as follows:

(a) May submit a copy of Form W-2 for each employee; and

(b) Furnish a list of all employees from whom the fee has been withheld, which list shall set out the employee's full name, employee's taxable federal wages subject to the license fee, wages and other compensation subject to the license fee that is not included in federal taxable wages, total compensation paid subject to the license fee, and the amount of city license fee withheld. The list may be compiled on any mechanical equipment presently used by the employer. The employee's name must be indicated on each sheet, each sheet must be numbered and the total number of sheets comprising the complete report indicated on the first page.

(7) The gross compensation to be reported for each employee should be the full 12 calendar months of the year or the portion thereof as the employee reported on was employed.

(8) In addition to the information returns, and at the time the same are filed, the employer shall file with the Director of Finance a statement to enable the Director to reconcile the sum total of compensation paid and taxes withheld as disclosed by information return, W-2 or list and prior returns and remittances made pursuant to this subchapter.

(9) The failure of any employer, either residing within or outside of the city, to collect the license fee and to make the return shall not relieve the employee from compliance with this subchapter, with regard to the filing of returns and the payment of license fees. In the event the employer fails to make the return and pay the fee, the employee is required to make the return and pay the fee.

(10) Every employer is deemed to be a trustee of the city in withholding and collecting, the license fee required under this subchapter to be withheld, and the funds so collected by the withholding are deemed to be funds held in trust for the city. Every employer required to withhold and collect the license fee is liable directly to the city for the payment of the fee whether actually collected by the employer or not.
(Ord. 12, 2008, passed 6-23-08)

• 110.04 NET BUSINESS PROFITS.

In the case of an individual, fiduciary, or business entity engaged in the conduct, operation or prosecution of any occupation, trade, profession or other business activity for profit there is imposed an annual license fee being the greater of $35 or 1.75% of the net profits of the occupation, trade, professional or other business activity conducted in or derived from activity within the city. In determining the proportion or amount of the subject net profits of the person or entity doing business within and without the city, the licensee shall use and apply a business allocation percentage formula computed on the basis of business receipts within and without the city and payrolls within and without the city.
(Ord. 12, 2008, passed 6-23-08)

• 110.05 APPORTIONMENT OF NET PROFITS OR GROSS RECEIPTS OF BUSINESS ENTITY.

(A) Except as provided in division (D), net profit or gross receipts shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue in more than one tax district, by multiplying the net profit or gross receipts by a fraction, the numerator of which is the payroll factor, described in division (B) of this section, plus the sales factor, described in division (C), and the denominator of which is two; and

(2) For business entities with sales revenue in more than one tax district, by multiplying the net profits or gross receipts by the sales factor as set forth in division (C).

(B) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is

performed within the city.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

(1) The sale, lease, or rental of tangible personal property is in the city if:

(a) The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is the United States government.

(c) A sale resulting in the delivery of goods outside the city by the U.S. Postal Service or by common carrier, originating from the seller's facility inside the city, is not a sale made within the city. Deliveries made by a private carrier, hauler or other delivery agent or consignee, not otherwise identified as the U.S. Postal Service or a common carrier are sales within the city.

(2) Sales or revenues, other than revenues from the sale, lease, or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.

(3) Sales revenue from the lease or rental of real property is allocated to the tax district where the property is located.

(D) However, if one of the factors, receipts or payrolls is missing, the remaining percentage is the business allocation percentage. A factor is not to be deemed missing merely because the expenditures of the licensees for payrolls or the gross receipts of the licensees are found to be situated, incurred or received either entirely within or without the city.

(E) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one or more of the factors;

(3) The inclusion of one or more additional factors which will fairly represent the business

entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit or gross receipts.

(F) *Compensation for work done and performed or services rendered.*

(1) The term *COMPENSATION* may include not only payment in cash or property but also the gross credits to or charges by the licensee, under its normal and usual accounting practices, for the performance of work or services. For example, a plant, factory or other establishment in the city which

processes material or manufactures parts for other plants or factories owned by the licensee, and which may receive credit for the performance of the services only by bookkeeping entries, may be chargeable under this section with the gross amount of the entries in applying the formula discussed hereunder. Furthermore, the bookkeeping entries may be considered in lieu of cash or property payment in determining the net profits of any licensee under this subchapter, even though the business allocation percentage formula may not be used by or be applicable to the licensee. However, whenever the gross receipts or charges are included in computing the net profits of any licensee shall not be twice subject in the same fee period by the separate imposition of a fee upon the gross credits or charges.

(2) Compensation and other receipts from work done or services performed within the city are allocable to the city and subject under this section. All amounts so received credited or charged by a licensee in payment for the work or services are so allocable, irrespective of whether done or performed by employees or agents of the licensee, by subcontractors or by any other persons. It is immaterial where the amounts were payable or where they were received. Commissions or fees received by the licensee are allocated to the city if the services for which the commissions were paid were performed in the city. If the licensee's services for which commissions or fees were paid were performed for the licensee by salespersons or other agents or employees attached to or working out of the city place of business of the licensee, the licensee's services will be deemed to have been performed in the city. Where a lump sum is received by the licensee in payment for services within and without the city, the amount attributable to services within the city is to be determined on the basis of the relative values of or amounts of time spent in the performance of the services within and without the city or by some other reasonable method approved by the Director of Finance. Full details must be submitted with the licensee's report.

(3) All business receipts earned by the licensee within the city are allocable to the city. Business receipts are not considered to have been earned by the licensee in the city solely by reason of the fact that they were payable in or actually received in the city. Receipts for sales of capital assets, property not held by the licensee for sale to customers in the regular course of business, are not business receipts. Receipts from the sale of real property held by the licensee as a dealer for sale to customers in the regular course of business are business receipts and are

allocable to the city if the real property was situated in the city. Receipts from sales of intangibles included in business capital, held by the licensee as a dealer for sale to customers in the regular course of business, are business receipts and are allocable to the city if the sales were made in the city or through a regular place of business of the licensee in the city.

(G) *Wages, salaries and other compensation.* Wages, salaries and other compensation are computed on the cash or accrual basis in accordance with the method of accounting used in the computation of the entire net income of the licensee Employees within the city include all employees regularly connected with a place of business maintained by the licensee in the city. Wherever it appears that the licensee's payroll was paid to employees attached to places of business outside the city who performed services within the city, the payroll factor is to be computed by deriving the percentage which the licensee's payroll paid in the city bears to his or her total payroll. In any such case, where an employee performed

services both within and without the city, the amount treated as compensation for services performed within the city shall be deemed to be:

(1) In the case of an employee whose compensation depends directly on the volume of business secured by him or her, such as a salesperson on a commission basis, the amount received by him or her for the business attributable to his or her efforts within the city;

(2) In the case of an employee whose compensation depends on other results achieved, the proportion of the total compensation which the value of his or her services within the city bears to the value of all his or her services; and

(3) In the case of an employee compensated on a time basis, the proportion of the total amount received by him or her which the working time employed in the city bears to the total working time.

(H) *New business license fee.* Every person, fiduciary, or business entity conducting a business, as defined in this subchapter, shall obtain a license from the Director of Finance before commencement of the business, the fee for which shall be $35, except that no fee shall be required of minors of the ages of 16 and 17. This fee will be credited in full to the account of the license payer and applied against the annual net business profit fee on the first occasion it regularly becomes due thereafter.

(I) *Sufficient nexus test.* A business entity or individual engaged in a business, profession, trade or occupation shall be deemed to be subject to the net business profits fee if the business entity or individual has a nexus with the city sufficient to justify the imposition of the license fee in a manner consistent with the commerce clause and due process clause of the Fourteenth Amendment to the Constitution of the United States and other applicable federal law. If the business entity or individual has a sufficient nexus with the city, but also has a sufficient nexus with other governmental units, then the net profits derived from activities conducted within the city shall be determined by the apportionment formula set forth in this subchapter.

(1) *Establishing nexus.* Without excluding by implication other activities which may create a nexus, one or more of the following connections between a business entity, or individual and in the city shall normally establish a sufficient nexus;

(a) Location of a place of business in the city;

(b) Frequent and continuing entry into the city in the course of business by an officer or employee of the business entity. The occasional entry into the city by an officer or employee of a business entity for which said officer or employee is not required to pay occupational license fee to the city under • 110.03(A)(5)(c) does not, by itself, constitute frequent and continuing entry into the city in the course of business by an officer or employee of the business entity for purposes of this section;

(c) Delivery of goods to residents in the city other than through the mails or by common carrier;

(d) Contracting to sell goods in the city; and

(e) Conducting substantial business activity in the city leading to a contract to buy or sell goods;

(2) *Business locations within the city.* The absence of a branch, office, store, warehouse or other permanent place of business within the city shall not exempt or render non-licensable the net profits of any trade, business, profession, enterprise, undertaking or other activity on which a license fee is imposed by the subchapter.

(J) *Payment election.* Every person, fiduciary, or business entity conducting business in the city that earns not more than $4,000 per year in net profits on business conducted in the city and that does not have an employee working more than a total of five eight-hour work days per year in the city for which the employee earns more than $4,000, may elect to pay a flat business license fee to the city in the amount of $100. In order to elect this payment option, the person, fiduciary, or business entity conducting business in the city is required to file a completed election to pay flat net business profits tax return form with the required $100, and submit it with the net profits tax return form on or before April 15 of the following year. The filing of the completed forms with the required payment on behalf of a person, fiduciary, corporation or association qualified to elect this payment option is deemed to satisfy the requirements of this subchapter. This section shall not apply to itinerant merchants within the meaning of • 111.21.
(Ord. 12, 2008, passed 6-23-08)

• 110.06 EXEMPTIONS.

The following are exemptions to this subchapter:

(A) Compensation received by ministers of religion taxable for federal income tax purposes pursuant to the Internal Revenue Code is exempt from the license fee on wages imposed by this subchapter. Compensation received by ministers not taxable for federal income tax purposes pursuant to the Internal Revenue Code is not subject to the license fee imposed by this subchapter. For purposes of this section, a ■minister• is defined as a natural person who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect or other religious organization, to teach and preach its doctrine or to administer rites in public worship, and who regularly performs one or more of these duties. No person is exempt from the payment of an employee license fee on compensation earned in activities, not connected with the regular functions of a religious organization. Thus, compensation earned by ordained persons employed as chaplains, teachers, administrators, musicians or counselors whose employment is connected with the regular functions of a religious organization is exempt.

Compensation earned by persons who are not ordained is not exempt regardless of the religious nature of the individual's work.

(B) Persons under age 16.

(C) (1) The legally blind shall be exempt from the payment of the city occupational license tax to the extent that their net annual salaries, wages or other compensation does not exceed $15,000 per year. The legally blind shall be exempt from the payment of the city net business profits tax in excess of $35.00 to the extent that their net annual income does not exceed $15,000 per year.

(2) ■Legally blind•, as used herein, shall mean that the individual claiming exemption has

(a) Central visual acuity of not better than 20/200 in the better eye with corrective lenses; or

(b) Such individual's visual acuity is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(3) The return required by • 110.09 must be filed by or on behalf of the individual, fiduciary, association or corporation claiming the exemption in order to qualify for the exemption.
(Ord. 12, 2008, passed 6-23-08)

• 110.07 PURPOSE OF SUBCHAPTER.

This subchapter is enacted as a revenue measure and not as a regulatory measure. All revenue derived as a result of this subchapter shall be deposited in the general fund of the city for general municipal expenses.
(Ord. 19, 1999, passed 7-12-99)

• 110.08 QUARTERLY ESTIMATED TAX PAYMENTS.

(A) Every business entity, other than a sole proprietorship, subject to a net profits, gross receipts, or occupational license tax levied by the city shall make quarterly estimated tax payments on or before the fifteenth day of the fourth, sixth, ninth, and twelfth month of each taxable year if the tax liability for the taxable year exceeds $5,000.

(B) The quarterly estimated tax payments required under division (A) shall be based on the lesser of:

(1) Twenty-two and one-half percent of the current taxable year tax liability;

(2) Twenty-five percent of the preceding full year taxable year tax liability; or

(3) Twenty-five percent of the average tax liability for the three preceding full year taxable years' tax liabilities if the tax liability for any of the three preceding full taxable years exceeded $20,000.

(C) Any business entity that fails to submit the minimum quarterly payment required under division (B) by the due date for the quarterly payment shall pay an amount equal to 12% per annum simple interest on the amount of the quarterly payment required under division (B) from the earlier of:

(1) The due date for the quarterly payment until the time when the aggregate quarterly payments submitted for the taxable year equal the minimum aggregate payments due under division (B); or

(2) The due date of the annual return. A fraction of a month is counted as an entire month.

(D) The provisions of this section shall not apply to any business entity's first full or partial taxable year of doing business in the city or any first taxable year in which a business entity's tax liability exceeds $5,000.
(Ord. 12, 2008, passed 6-23-08)

• 110.09 RETURNS AND PAYMENT OF FEES.

(A) Every person, fiduciary, or business entity whose earnings or net profits are subject to the license fee imposed by this subchapter shall make and file a return with the Director of Finance. In the return filed, there shall be set forth the aggregate amount of salaries, wages, bonuses, incentive payments, commissions, fees and other compensation received or net profits earned by and during the preceding year within the city and subject to the license fee, together with other pertinent information as the Director of Finance may require.

(B) Where the entire earnings for the year are paid by the same employer and the license fee has in each instance been withheld or deducted by the employer from the gross amount of compensation without adjustment for expenses, it shall not be necessary for the employee to file a return for the year unless required or requested to do so by the Director of Finance.

(C) Where any portion of the license fee otherwise due shall have been deducted at the source and shall have been paid to the city, a credit equal to the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing the return.

(D) Persons, fiduciaries, or business entities temporarily engaged in business within the city or temporarily performing services within the city shall file a return and pay the license fee upon the completion of the business or employment.

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(E) On or before February 28 of the year following the year for which the return and licensee fee are due unless written request for extension is made to and granted by the Director of Finance, every individual, fiduciary, corporation or association making non-employee payments within the city shall file with the Director of Finance in the form prescribed by the Director, an information return disclosing non-employee payments of $600 or more made for services performed within the city. For convenience of the payer, the information return may be made in either of the following methods:

(1) The payer may submit a copy of applicable IRS Form 1099(s); and

(2) The payer may furnish a list of non-employee payments made, which list shall set out the name, mailing address, social security number or Federal I.D. number of the non-employee, the total payments made to the non-employee and the amount of non-employee payment made that were for services that were performed within the city.
(Ord. 12, 2008, passed 6-23-08)

• 110.10 REFUND OF ESTIMATED TAXES.

(A) In the case where the tax computed under this subchapter is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund shall be made upon the filing of a return.

(B) (1) Overpayment resulting from the payment of estimated tax in excess of the amount determined to be due upon the filing of a return for the same taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year;

(2) No refund shall be made of any estimated tax paid unless a complete return is filed as required by this subchapter.

(C) At the election of the business entity, any installment of the estimated tax may be paid prior

to the date prescribed for its payment.

(Ord. 12, 2008, passed 6-23-08)

• 110.11 APPLICABILITY OF FEDERAL INCOME TAX LAW, BUSINESS ENTITY TO KEEP RECORDS.

(A) For purposes of this subchapter, computations of gross income and deductions therefrom, gross receipts or sales, and deductions therefrom, accounting methods, and accounting procedures shall be as nearly as practicable identical with those required for federal income tax purposes.

(B) Every business entity subject to an occupational license tax governed by the provisions of this subchapter shall keep records, render under oath statements, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the tax district may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the city deems sufficient to determine the tax liability of the business entity.

(C) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.
(Ord. 12, 2008, passed 6-23-08)

• 110.12 TAX LIABILITY OF BUSINESS ENTITY THAT CEASES DOING BUSINESS IN THE CITY.

If any business entity dissolves or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of net profit or gross receipts taxes or tax withheld for the period of that taxable year during which the business entity had net profit or gross receipts or tax withheld in the city.
(Ord. 12, 2008, passed 6-23-08)

• 110.13 USE OF TAX YEAR AND ACCOUNTING METHODS REQUIRED FOR FEDERAL INCOME TAX PURPOSES.

If a business entity makes, or is required to make, a federal income tax return, the net profit or gross receipts shall be computed for the purposes of this subchapter on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of

accounting required for federal income tax purposes.
(Ord. 12, 2008, passed 6-23-08)

• 110.14 WHEN RETURNS ARE TO BE MADE, COPY OF FEDERAL TAX RETURN TO BE SUBMITTED WITH RETURN.

(A) All business entities' returns for the preceding taxable year shall be made by April 15 in each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city.

(B) Every business entity shall submit a copy of its federal income tax return at the time of filing its return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal

income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of all statements and schedules in support thereof The city may also require copies of reports of adjustments made by the federal government.
(Ord. 12, 2008, passed 6-23-08)

• 110.15 EXTENSIONS.

(A) The city may grant any business entity or person an extension of not more than six months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity or person, for filing its return, if the business entity or person, on or before the date prescribed for payment of the tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the time for filing a return is extended, the business entity or person shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due on the return, but not previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.

(C) Procedure. No standard form for requesting an extension of time for filing is prescribed. Any written communication from the applicant, or his or her attorney or accountant, which clearly states the request, will be acceptable if filed with the Director of Finance on or before the due date involved. Federal forms 4868, 8736 or 7004 will be accepted as a valid written request for extension.
(Ord. 12, 2008, passed 6-23-08)

• 110.16 ENFORCING OFFICERS; POWERS AND DUTIES.

(A) The Director of Finance is hereby charged with the enforcement of the provisions of this subchapter and he or she is hereby empowered to prescribe, adopt, promulgate and enforce rules

and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this subchapter, including, but not limited to provisions for the reexamination and correction of returns as to which an overpayment or underpayment is claimed or found to have been made. The rules and regulations promulgated by him or her shall be binding upon the licensees and the employers.

(B) The Director of Finance or any agent or employee designated in writing by him or her is hereby authorized to examine the books, papers and records of any employer or supposed employer or of any licensee or supposed licensee in order to determine the accuracy of any return made or if no return was made to ascertain the amount of license fee imposed by the terms of this subchapter. Each employer or supposed employer or licensee or supposed licensee is hereby directed and required to give to Director

of Finance or his or her duly authorized agent or employee the means, facilities and opportunity for the examination and investigation as are hereby authorized. The Director of Finance is hereby authorized to examine any person under oath concerning any wages, salaries, commissions or other compensation or net profits which were or should have been returned; and to this end, he or she may compel the production of books, papers, records including copies of forms and schedules filed with the Internal Revenue Service or the Secretary of the Revenue Cabinet and the attendance of all persons before him or her, whether as parties or witnesses, whom he or she believes to have knowledge of the wages, salaries, commissions or other compensation or net profits, to the extent that any officer empowered to administer oaths in the state is permitted to so order.
(Ord. 12, 2008, passed 6-23-08)

• 110.17 TAX DUE WHEN RETURN FILED; MINIMUM AND MAXIMUM LIABILITY.

(A) The full amount of the unpaid tax payable by any business entity or person, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the tax return, determined without regard to any extension of time for filing the return.

(B) The city may impose minimum and maximum tax liabilities for the tax on net profits or gross receipts.
(Ord. 12, 2008, passed 6-23-08)

• 110.18 AUDITING OF RETURNS; PAYMENT OF ADDITIONAL TAX; FEDERAL AUDIT.

(A) Definitions. As used in this section and this subchapter, unless the context requires otherwise:

CONCLUSION OF THE FEDERAL AUDIT. The date that the adjustments made by the Internal Revenue Service to net income or gross receipts as reported on the business entity's or person's federal income tax return become final and unappealable; and

FINAL DETERMINATION OF THE FEDERAL AUDIT. The revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

(B) As soon as practicable after each return is received, the city may examine and audit it. If the amount of tax computed by the city is greater than the amount returned by the business entity or person, the additional tax shall be assessed and a notice of assessment mailed to the business entity or person by the city within five years from the date the return was filed, except as otherwise provided in this subsection.

(1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.

(2) In the case of a return where a business entity or person understates net profit or gross receipts, or omits an amount properly includable in net profit or gross receipts, or both, which understatement or omission or both is in excess of 25% of the amount of net profit or gross receipts stated in the return, the additional tax may be assessed at any time within six years after the return was filed.

(3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six months from the date the city receives the final determination of the federal audit from the business entity, whichever is later. The times provided in this subsection may be extended by agreement between the business entity or person and the city. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(C) Every business entity or person shall submit a copy of the final determination of the federal audit within 30 days of the conclusion of the federal audit.

(D) The city may initiate a civil action for the collection of any additional tax within the times prescribed in division (B).
(Ord. 12, 2008, passed 6-23-08)

• 110.19 REVOCATION OR SUSPENSION OF LICENSE; RIGHT TO APPEAL.

(A) Any business license issued by the city may be revoked by the Director of Finance or suspended for any period of time determined by the Director to be reasonable and appropriate under the circumstances, for any of the following reasons:

(1) Failure of any person, fiduciary, business entity or employer to timely file any return required by this subchapter;

(2) Failure of an employer to pay to the city the occupational license fees withheld and collected pursuant to this subchapter;

(3) Failure of any person, fiduciary, or business entity to pay any fee imposed by this subchapter when due; or

(4) Failure of the licensee to comply with the applicable provisions of this chapter.

(B) Upon a determination that any one or more of the above derelictions have occurred, the Director of Finance shall notify the licensee in writing of the city's intention to revoke or suspend the licensee's

business license for cause, as the case may be, and shall direct the licensee to appear at the Director of Finance's Office, or respond in writing, within ten days of receipt of notice, to show cause why the licensee's business license should not be revoked or suspended. This notification shall be sent to both the owner and operator of the business licensed therein, if the two are not the same. During the ten-day response period the licensee shall have the opportunity to present any evidence that a return has been filed or that the aforementioned fees and/or taxes have been paid or are not due, or other evidence of good cause for failure to file and/or pay same.

(C) Within 30 days after the expiration of the ten-day response period, the Director of Finance shall review all evidence submitted by the licensee, require the audits as are necessary for the determination of whether or not the contested amounts are disputed in good faith and upon a preliminary determination that cause for revocation or suspension of the licensee's business license is found to exist, the Director of Finance shall promptly conduct a due process hearing at which time the licensee shall be allowed to appear and present witnesses and/or evidence on its behalf. Notice of the hearing shall be sent by the Director of Finance to the licensee, by certified mail, return receipt requested at least seven days prior to the scheduled hearing. A record of the hearing shall be kept. If the licensee fails to appear at the hearing, or fails to establish full compliance with this subchapter, the Director of Finance shall revoke or suspend the license of the business, as deemed as reasonable and appropriate under the circumstances, and the licensee shall immediately cease operation of its business for the duration of the revocation or suspension. Notice of revocation or suspension of any business license shall be sent to the licensee or operator of the business license therein.

(D) Right of appeal. Any business licensee whose occupational license has been revoked or suspended by the Director of Finance pursuant to the foregoing provisions, may appeal the revocation or suspension to the Board of Commissioners, by filing with the City Clerk within ten days of the date of revocation or suspension, a written notice of appeal, along with a copy of the notice of revocation or suspension and a statement of the reasons why the revocation or suspension should be overruled. Within 30 days of the filing of the notice of appeal hereunder, the Board of Commissioners shall review all evidence of record on appeal, and may consider additional testimony or evidence from the licensee or city personnel, in its sole discretion. The Board of Commissioners

shall uphold the revocation or suspension imposed by the Director of Finance if it is supported by substantial evidence. The Board of Commissioners shall notify the Director of Finance and the licensee of its decision within seven days after the completion of its appellate review. The decision of the Board of Commissioners upon the appeal shall be a final administrative determination.

(E) Revocation or suspension of a business license hereunder shall be in addition to the imposition of any other penalty prescribed by this subchapter or any other subchapter, statute or law. The city may take any and all necessary and appropriate measures to enforce this section including obtaining injunctive relief to prevent a person or entity from operating a business within the city without first obtaining the required license.
(Ord. 12, 2008, passed 6-23-08)

• 110.20 AUDIT AND ASSESSMENT APPEAL PROCESS.

(A) The Department is authorized to make refunds on claims filed with the Department of Finance. The licensee may initiate a refund by filing a claim with the Department. The claim must be prepared so as to set out: the licensee's name, address and the form of organization; the calendar or fiscal year involved; amount of license fee paid with dates of pavement; amount of license fee refund requested; a certificate that the licensee is not indebted to the city for other fees or taxes; and a statement of licensee's reason for believing that a refund should be granted. Separate claims shall be filed for each period. If the basis of the claim rests upon an interpretation of law or of the treatment of any item or items in the return, an amended return is ordinarily not required and the claim alone will be sufficient. If the original return contained errors of fact necessitating correction, an amended return must be filed. No claim for refund of taxes paid pursuant to a net profit license tax return filed by the taxpayer shall be allowed after three years from the original due date of the return. No claim for refund of license fee tax withheld by an employer shall be allowed after April 15 of the year following the year in which the claimed overpayment was withheld.

(B) A licensee subject to the license fee is required to keep the records as will enable the filing of true and accurate returns, and the records must be preserved to enable the Department of Finance to verify the correctness of returns filed. The Department or its representative may audit any return and examine any records bearing upon matter required to be included in the return. Proof may be required in support of any item. If as a result of audit a return is found to be incorrect, the Department must assess and collect any underpayment for the entire period that erroneous returns were filed. No audit assessment can be made on a filed return three years past the original due date of the return, except the three-year assessment period will be extended for any audit year when the audit begins prior to and ends after the three-year assessment date.

(C) A licensee shall have the right to appeal audit findings or an additional assessment within 30 days from notification to the licensee of the audit results by: sending a written notice, including sufficient documentation to support the appeal, to the Director of Finance; or scheduling a meeting with the Director of Finance to explain the appeal and present evidence. After receiving documentation and/or hearing the licensee, the Director of Finance shall, within seven days after the

conclusion of the review, in writing affirm, modify or withdraw the assessment.

(D) A licensee shall have the right to appeal a reaffirmed or adjusted audit assessment of the Director of Finance within 30 days from the date of adjusted audit assessment by sending a written notice of appeal, including sufficient documentation to support the appeal, to the City Manager. Within 30 days of the filing of the notice of appeal hereunder, the City Manager shall review all evidence of record on appeal. The City Manager shall, within seven days after the completion of the review, in writing affirm, modify or reverse the Director of Finance assessment.

(E) A licensee shall have the right to appeal a reaffirmed or adjusted audit assessment of the City Manager within 30 days from the date of adjusted audit assessment by sending a written notice of appeal,

including sufficient documentation to support the appeal to the City Clerk. Within 30 days of the filing of the notice of appeal hereunder, the Board of Commissioners shall review all evidence of record on appeal. The Board of Commissioners shall, within seven days after the completion of its appellate review, in writing affirm, modify or reverse the City Manager assessment. The decision of the Board of Commissioners upon the appeal shall be final.
(Ord. 12, 2008, passed 6-23-08)

• 110.21 PAYMENT OF TAX NOT DELAYED; CLAIMS FOR REFUND OR CREDIT.

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of any tax subject to the provisions of this subchapter.

(B) Any tax collected pursuant to the provisions of this subchapter may be refunded or credited within two years of the date prescribed by law for the filing of a return or the date the money was paid to the tax district, whichever is the later, except that:

(1) In any case where the assessment period contained in • 110.18 has been extended by an agreement between the business entity or person and the city, the limitation contained in this subsection shall be extended accordingly.

(2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity or person shall file a claim for refund or credit within the time provided for in this subsection or six months from the conclusion of the federal audit, whichever is later.

(3) For the purposes of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) Exclusive authority to refund or credit overpayments of taxes collected by the city is vested in that the city.
(Ord. 12, 2008, passed 6-23-08)

• 110.22 EMPLOYER TO WITHHOLD TAX.

Every employer making payment of compensation to an employee shall deduct and withhold upon the payment of the compensation any tax imposed against the compensation by a tax district. Amounts withheld shall be paid to the city in accordance with • 110.23. The city may impose minimum and maximum tax liabilities for the tax on compensation.

(Ord. 12, 2008, passed 6-23-08)

• 110.23 EMPLOYER TO REPORT TAX WITHHELD; LIABILITY OF EMPLOYER FOR FAILURE TO WITHHOLD OR PAY TAX.

(A) Every employer required to deduct and withhold tax under • 110.22 shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter make a return and report to the city the tax required to be withheld under • 110.22 unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city.

(B) Every employer who fails to withhold or pay to the city any sums required by this subchapter to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of • 110.22.

(C) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under • 110.22. If the employer withholds but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.

(D) Every employer required to deduct and withhold tax under • 110.22 shall annually on or before February 28 of each year complete and file on a form furnished or approved by the city a reconciliation of the tax withheld in each tax district where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information as determined by the city shall be submitted.

(E) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.
(Ord. 12, 2008, passed 6-23-08)

• 110.24 PERSONAL LIABILITY OF OFFICERS OF BUSINESS ENTITY.

(A) An employer shall be liable for the payment of the tax required to be deducted and withheld under • 110.22.

(B) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to • 110.22 shall be personally and individually liable, both jointly and severally, for any tax required to be withheld under this subchapter from compensation paid to one or more employees of any business entity, and neither the corporate dissolution or withdrawal of the business entity from the tax district nor the cessation of holding any corporate office

shall discharge that liability of any person; provided that the personal and individual liability shall apply to each or every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay over any tax imposed by this subchapter at the time that the taxes imposed by this subchapter become or became due.

(C) Every employee receiving compensation in the city subject to the tax imposed under KRS 68.180, 68.197, 91.200, or 92.281 shall be liable for the tax notwithstanding the provisions of division (A) and (B).
(Ord. 12, 2008, passed 6-23-08)

• 110.25 APPLICATION FOR REFUND OR CREDIT; WHEN EMPLOYEE MAY FILE FOR REFUND.

(A) Where there has been an overpayment of tax under • 110.22, refund or credit shall be made to the employer only to the extent that the amount of the overpayment was not deducted and withheld under • 110.22 by the employer.

(B) Unless written application for refund or credit is received by the city from the employer within two years from the date the overpayment was made, no refund or credit shall be allowed.

(C) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted the occupational license fee on the compensation attributable to activities performed outside the city to the city, may file for a refund within two years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.
(Ord. 12, 2008, passed 6-23-08)

• 110.26 PENALTIES; CONFIDENTIALITY OF INFORMATION FILED WITH THIS CITY.

(A) A business entity or person subject to tax on gross receipts or net profits may be subject to a penalty equal to 5% of the tax due for each calendar month or fraction thereof if the business entity or person:

(1) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or

(2) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment. The total penalty levied pursuant to this subsection shall not exceed 25% of the total tax due; however, the penalty shall not be less than $25.

(B) Every employer who fails to file a return or pay the tax on or before the date prescribed under • 110.23 may be subject to a penalty in an amount equal to 5% of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not 25% of the total tax due; however, the penalty shall not be less than $25.

(C) In addition to the penalties prescribed in this section, any business entity, person, or employer shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.

(D) Every tax subject to the provisions of this subchapter, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(E) In addition to the penalties prescribed in this section, any business entity, or person, or employer who willfully fails to make a return, willfully makes a false return, or willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.

(F) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this subchapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.

(G) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and required to be filed with the city by the provisions of this subchapter,

or by the rules of the city or by written request for information to the business entity or person by the city.

(H) (1) No present or former employee of the city shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the city or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's

properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the city from testifying in any court, or from introducing as evidence returns or reports filed with the city, in an action for violation of a tax district tax laws or in any action challenging the city tax laws.

(2) Any person who violates the provisions of this section by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than $500 or imprisoned for not longer than six months, or both.

(3) Any person who violates the provisions of this section by divulging confidential taxpayer information shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(I) The city may file a lawsuit against business entities and/or persons to enforce the provisions of this chapter, including the requirement to make and file returns, to pay occupational license fee and net profits tax, and shall be entitled to recover its attorneys fees and court costs incurred in said lawsuit.
(Ord. 12, 2008, passed 6-23-08)

• 110.27 THE CITY MAY LEVY ONE TIME TAX RATE.

Notwithstanding the maximum tax rates in KRS 68.180, 68.197, and 91.200, the city may levy a net profits tax rate that would generate approximately the same amount of revenues as the prior year plus normal revenue growth experienced by the city over the prior five years. The city may invoke the provisions of this section only once.
(Ord. 12, 2008, passed 6-23-08)

• 110.28 SEVERABILITY.

Each section and each provision of each section of this chapter is severable, and if any

provision, section, paragraph, sentence or part thereof, or the application thereof to any person, licensee, class or group, is held by a court of law to be unconstitutional or invalid for any reason, such holdings shall not affect or impair the remainder of this chapter, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently from the rest.

(Ord. 12, 2008, passed 6-23-08)

CHAPTER 111: REGULATORY LICENSES

Section

General Provisions

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Cross-reference:

Transient room tax, see • 36.133

GENERAL PROVISIONS

• 111.01 RECORDS OF PURCHASES BY JUNK DEALERS.

Any person, firm or corporation doing business as a junkyard dealer shall be required to keep a daily record of all purchases made by them from any sources other than an authorized, licensed business establishment dealing with the aforesaid junkyard operator or junk dealer. The file shall consist of a chronological order of purchases, showing the date of purchase, name of the individual or individuals from whom purchased, the address of each and the item purchased. The item shall be so described as to readily identify it from the record. The above record or file shall be made available for inspection by the owners or operators of junk establishments aforesaid to peace officers to assist them in any investigation they may be engaged in, in trying to locate lost or stolen property.

(•70 Code, • 5.24.010) Penalty, see • 111.99

• 111.02 PURCHASE OF USED BEVERAGE BOTTLES.

It is unlawful for any person, firm or corporation to purchase at retail from any person or persons, used milk, beer or soft drink bottles. Nothing herein shall be construed to prohibit any vendor from reclaiming or redeeming bottles, which, at the time of the sale, he or she had issued redemption checks identifying bottles sold.

(‡70 Code, • 5.24.020) Penalty, see • 111.99

• 111.03 UNCRATING OR DISPLAY OF MERCHANDISE ON STREET OR SIDEWALK.

(A) It is unlawful for any person, firm or corporation to uncrate or display any furniture or goods or merchandise along the sidewalks or public ways of the city.

(B) It is unlawful for any person, firm or corporation to impede pedestrian traffic along the sidewalks or public ways of the city by uncrating or displaying furniture, goods or merchandise.
(‡70 Code, • 5.24.030) Penalty, see • 111.99

• 111.04 PERIODIC REPORTS.

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

PAWNBROKER. Any person, firm or corporation whose occupation is or includes the taking and receiving by way of pledge, pawn or exchange of any goods, wares or any kind of merchandise as security for payment of money.

(B) (1) Each pawnbroker operating in the city shall keep a record of all purchases made by him or her wherein shall be stated, as to each item purchased, the name and address of the seller, physical description, including height, weight, color of hair and eyes of the seller.

(2) This record shall also contain a description of the item and price paid therefor.

(3) The record shall be kept on forms furnished by the Police Department and shall be filed with the Police Department monthly, not later than five days following the last day of each calendar month.
(‡70 Code, • 5.24.040) (Ord. 18-78, passed 5-8-78)
Cross-reference:
Pawnbrokers, see Chapter 113

• 111.05 SETTLEMENTS OF INSURANCE CLAIMS.

(A) (1) On or before the tenth day of each month, every adjuster investigating or settling any

claim for loss or damage from fire, lightning or explosions to insured property in the city shall report in writing to the Fire Department of the city all settlements of the claims made during the previous calendar month.

(2) It shall be the duty of the insurer either to cause the adjuster to make the report or to make the report itself.

(B) The report shall state the location of the property damaged or lost, the date of the loss or damage, the owner, the amount or amounts paid, and the person or persons to whom paid.
(♣70 Code, • 5.24.050)

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SPECIFIC REGULATORY LICENSES

• 111.15 GENERAL REGULATIONS.

The legislative body of the city hereby finds that the following occupations are of a nature as to require special regulation and supervision, and, therefore, along with the business license tax imposed by the provisions hereof, the following additional police license fees are imposed on every person, corporation, association and the like involved in the business, occupation, calling or profession named in this chapter who shall pay in advance, in the case of enterprises not operating throughout the year, to the Director of Finance for a year beginning on May 1 and ending on April 30 of any given year the additional license fee or fees herein set forth. Payment must be made in the case of businesses operating continuously during the month of May of the current year. In the case of businesses not operating continuously, payment must be made prior to the beginning of operations.

(♣70 Code, • 5.08.010) (Ord. 23-66, 1966, passed - -66)

• 111.16 AMUSEMENTS.

Amusement, athletic contest or entertainment not a part of a duly licensed business or not held in a regularly licensed theater or in a publicly-owned or religious building and not sponsored by a bona fide civic, patriotic, religious or educational organization shall pay a license fee of $50 per show or $100 per year, the fee to be paid prior to the show.

(♣70 Code, • 5.08.020) (Ord. 23-66, 1966, passed - -66)

• 111.17 MASSAGE PARLORS.

Any person, firm or corporation engaged in the operation of a massage parlor in the city shall pay an annual license fee of $25.

(♣70 Code, • 5.08.025) (Ord. 6-77, 1977, passed 2-14-77)

• 111.18 DANCE HALLS.

Each dance hall in the city shall pay a license fee of $50 per year or $10 per dance. Any place of business held open to the general public where patrons are permitted to dance shall be deemed a dance hall within the meaning of this section.

(♣70 Code, • 5.08.030) (Ord. 23-66, 1966, passed - -66)

• 111.19 POOL AND BILLIARD TABLES.

Every person or corporation operating for hire a pool or billiard table in the city shall pay an annual license fee of $25 for each table.

(♣70 Code, • 5.08.040) (Ord. 23-66, 1966, passed - -66)

• 111.20 FORTUNETELLERS.

Any person engaging in the practice of being a medium, clairvoyant, soothsayer, fortuneteller, palmist, phrenologist, spiritualist or like activity shall pay an annual license fee of $1,500. Nothing contained in this section shall be construed to apply to persons pretending to tell fortunes as a part of any play, exhibition, fair or amateur show presented by any religious, charitable or benevolent institution.

(♣70 Code, • 5.08.050) (Ord. 23-66, 1966, passed - -66)

• 111.21 ITINERANT MERCHANTS.

Every person who shall engage in, do, or transact any temporary or transient business in the city, for the sale of any goods, wares or merchandise, or who, for the purpose of carrying on the business, shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, lot, boat or public room or any part thereof, including rooms in hotels, lodging houses, or in any street, alley or other public place or elsewhere, for a period of less than one year for the exhibition of or sale of goods, wares or merchandise shall pay a license fee of $150. No person shall be exempt from the payment of the license imposed by this section by reason of a temporary association with any local merchant, dealer or trader or by reason of conducting the temporary or transient business in connection with or as a part of the business in the name of any local merchant, dealer or trader.

(♣70 Code, • 5.08.060) (Ord. 23-66, 1966, passed - -66)

• 111.22 ICE CREAM VENDORS.

Any person, association or corporation engaged in the business of retail distribution or sale of packaged ice cream or other frozen confections and employing for that purpose carts, bicycles, wagons or other vehicles propelled by hand, foot or other means, shall pay an annual license fee of $10 for each vehicle employed and receive therefor a certificate or tag which shall be conspicuously attached to the vehicle at all times. No person operating any vehicle shall be required to pay the license fee provided above, but the persons operating the vehicle shall pay in lieu thereof an annual fee of $1 and receive therefor a certificate bearing thereon an adequate identification of the persons. (•70 Code, • 5.08.070) (Ord. 23-66, 1966, passed - -66)

• 111.23 TAXICABS.

(A) Before any taxicab shall be operated in the city, the owner thereof shall procure a license therefor from the Director of Finance and shall pay in advance therefor a license fee of $25 per year for each taxicab. The Director shall furnish a suitable emblem evidencing the license, and it shall be the duty of the owner or operator of the taxicab to display the emblem prominently in the taxicab. Prior to the license being issued, the taxicab owner shall be required to submit to the Director of Finance proof of satisfactory safety inspection by an ASE, automotive service excellence, certified technician dated no more than 30 days prior to date of submission.

(B) All taxicab licenses issued by the city, unless sooner revoked, shall expire on April 30, each year.

(♣70 Code, • 5.08.080) (Ord. 23-66, 1966, passed - -66; Am. Ord. 6-98, 1998, passed 3-5-98)

• 111.24 COLLECTING AGENCIES.

Every person, corporation, agency and the like, engaged solely in the business of collecting accounts for others, shall pay an annual license fee of $25.

(♣70 Code, • 5.08.090) (Ord. 23-66, 1966, passed - -66)

• 111.25 LOAN COMPANIES.

Every person, corporation, agency and the like, engaged in the business of buying notes or obligations or of lending money on assignment of salaries, wages due or to become due, on chattels or other notes, shall pay an annual license fee of $150.

(♣70 Code, • 5.08.100) (Ord. 23-66, 1966, passed - -66)

• 111.26 PAWNBROKERS.

A pawnbroker shall pay an annual license fee of $250.

(♣70 Code, • 5.08.110) (Ord. 23-66, 1966, passed - -66)

• 111.27 PROFESSIONAL BONDSPERSONS.

The annual license fee for any person engaged in the business of a professional bondsperson shall be $100 per year for each individual or each individual member of a firm or corporation so engaged.

(♣70 Code, • 5.08.120) (Ord. 23-66, 1966, passed - -66)

• 111.28 THEATERS.

Every theater shall pay to the Director of Finance an annual license fee of $300.
(♣70 Code, • 5.08.130) (Ord. 4-66, 1966, passed - -66; Am. Ord. 23-66, 1966, passed - -66)

• 111.29 DEALERS IN FIREARMS.

Every person, corporation, partnership and the like who engages in the business of buying, selling or trading in firearms of any type shall pay an annual fee of $25.
(♣70 Code, • 5.08.140) (Ord. 23-66, 1966, passed - -66)

• 111.30 ITINERANT BUSINESSMEN AND CONTRACTORS.

All persons, agencies, corporations and the like, engaging in any temporary or transient occupation, not included elsewhere in the provisions of this chapter, shall pay a license fee of $25 per year, or any part thereof spent in transacting that occupation in this city.
(♣70 Code, • 24.051) (Ord. 23-66, 1966, passed - - 66; Am. Ord. 5-77, passed 2-14-77)

• 111.31 JUNK DEALERS.

Every person, corporation and the like engaged in the business of buying or selling objects or items commonly termed ■junk• shall pay an annual fee of $50.
(♣70 Code, • 5.08.160) (Ord. 23-66, 1966, passed - -66)

• 111.32 BOWLING ALLEYS.

Every person, corporation, partnership and the like engaged in the business of operating a

bowling alley shall pay an annual fee of $15 for each bowling lane in the bowling alley.
(♣70 Code, • 5.08.170) (Ord. 23-66, 1966, passed - -66)

• 111.33 SKATING RINKS.

Every person, corporation, partnership and the like who operates a skating rink in the city shall pay an annual fee of $50.
(♣70 Code, • 5.08.180) (Ord. 23-66, 1966, passed - -66)

• 111.34 CIRCUSES.

Every person, corporation, partnership and the like who engages in the business of operating a circus, regardless of local sponsorship, shall pay a fee of $25 per week or any part thereof for each week that the business is in the city. Before any license is issued the applicant shall furnish proof of insurance coverage covering personal injury to any patron of the circus in an amount not less than $25,000 for any one individual or $50,000 for any one accident.
(✣70 Code, • 5.08.190) (Ord. 23-66, 1966, passed - -66; Am. Ord. 26-68, 1968, passed - -68)

• 111.35 CARNIVALS.

(A) Every person, corporation, partnership and the like engaged in the business of operating a carnival regardless of local sponsorship shall pay a license fee of $25 per week or any part thereof for each week that the carnival is operating in the city.

(B) Before any license is issued, the applicant shall furnish an affidavit stating that all rides or mechanical devices upon which passengers are carried have been inspected within 90 days of the date of application and found to be safe.

(C) In addition, before any license is issued, the applicant shall furnish proof of insurance coverage covering personal injury to any patron of the carnival in an amount not less than $25,000 for any one individual or $50,000 for any one accident.
(✣70 Code, • 5.08.200) (Ord. 23-66, 1966, passed - -66; Am. Ord. 26-68, 1968, passed - -68)

• 111.36 COIN-OPERATED MACHINES FOR AMUSEMENT.

Every person, corporation, partnership and the like who has on the premises any pinball or other coin-operated machine for amusement only shall pay for each machine an annual fee of $10.
(✣70 Code, • 5.08.210) (Ord. 23-66, 1966, passed - -66)

• 111.37 INSURANCE COMPANIES.

(A) *General provisions.* 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 beginning on July 1, 1989, and thereafter on a calendar-year basis.

(B) *Life insurance.* The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 6% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

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(C) *All others.* The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be as follows: 6% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of the business which such company is authorized to transact, less all premiums returned to policy holders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2).

(D) *Due date; interest rate.* All license fees imposed by this section shall be due no later than 30 days after the end of each calendar quarter. 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).

(E) *Written breakdown of collections.*

(1) Every insurance company subject to the license fees imposed by this section shall, on a quarterly basis, furnish the city with a written breakdown of all collections in the preceding quarter for the following categories of insurance:

(a) Casualty;

(b) Automobile;

(c) Inland marine;

(d) Fire and allied perils;

(e) Health;

(f) Life; and

(g) All other types of insurance.

(2) This written breakdown shall include each policyholder's name and his/her address, the address where the insured or the insured's property is located (if different than the policyholder's address), the period covered by the policy, and the amount of insurance premium surcharge tax paid by the policyholder. The insurance company shall submit the required information on the form provided by the city.

(F) *Insurance agents report.* As of January 1, 2006, each insurance agent doing business in the city shall submit, on a quarterly basis, a list of the insurance companies upon which they have written insurance policies covering property or individuals living in the city.

(G) *Transmission of copy to Commonwealth.* The Finance Director is hereby directed to transmit a copy of the ordinance [Ordinance No. 11-89] from which this section is derived, and any amendment thereto, to the Commissioner of Insurance, Commonwealth of Kentucky.
(Ord. No. 25-84, •• 1-5, 10-22-84; Ord. No. 11-89, 5-1-89; Am. Ord. 1, 2007, passed 1-22-07)

• 111.38 FURNITURE AUCTIONEERS.

Any person, firm or corporation engaged in the business of auctioning off furniture in the city and owning or leasing any property for the purposes of carrying on the business shall pay an annual license fee of $50.
(⌖70 Code, • 5.08.240) (Ord. 3-66, 1966, passed - -66)

• 111.39 MODELING BUSINESSES.

Every person, corporation or other legal entity who engages in the business of providing, obtaining or attempting to obtain training or employment for models shall pay an annual license fee of $100.
(Ord. 12, 2000, passed 3-27-00)

• 111.40 ALCOHOLIC BEVERAGE LICENSES.

(A) The legislative body of the city hereby finds that the business or occupation of selling alcoholic beverages, either wholesale or retail, is of a nature as to require special regulations and supervisions and special license provisions.

(B) Therefore, the following license fees for each place of business falling into one of the following categories is hereby imposed upon that business exclusive of all other business license fees including occupation and business license fees:

(1) Wholesale liquor dealers: $200.

(2) Retail liquor package dealers: $500.

(3) Retail liquor drink dealers: $500.

(4) Retail liquor drink dealers, private clubs: $300.

(5) Wholesale beer dealers: $200.

(6) Dealers in malt beverages, by the bottle or keg or draft malt beverages alone: $25.

(7) Dealers in beer, by the bottle or can, not for consumption on the premises: $75.

(8) Dealers in malt beverages, by the bottle or can, for consumption on the premises: $75.

(9) Restaurant wine license: $75.

(10) Caterer: $250.

(11) Convention center or convention hotel complex: $1,000.

(12) Temporary:

(a) Distilled spirits and wine: $125.

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(b) Malt beverage: $25.

(c) Wine only: $25.

(13) Distilled spirits and wine special Sunday retail drink license, per annum: $300.
(♣70 Code, • 5.08.250) (Ord. 30-64, 1964, passed - -64; Am. Ord. 4-77, 1977, passed 2-14-77; Am. Ord. 23-78, 1978, passed 6-12-78; Am. Ord. 10, 2000, passed 2-28-00; Am. Ord. 14, 2006, passed 7-24-06)

• 111.41 LICENSE EXPIRATION; FEE REDUCTION.

(A) (1) All regulatory licenses issued by the city, except temporary licenses, shall be valid for a period of one year and shall expire on June 30 of each year.

(2) Any applicant for a new regulatory license shall be charged the full fee for the respective license if six months or more remains before the license is due to be renewed and one-half the fee if less than six months or more remains before the license is due to be renewed.

(B) No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(C) All validly issued regulatory licenses scheduled to expire on April 30, 2006 shall be decreed to be in effect until June 30, 2006, and shall expire on that date.
(♣70 Code, • 5.08.260) (Am. Ord. 10, 2000, passed 2-28-00)

• 111.42 PRORATED TAX FOR PART OF YEAR.

(A) Persons, firms or corporations engaging in any occupation, calling or trade or enjoying any

privilege for which a license is required under the provisions hereof after the beginning of the regular license year shall be subject to the following prorated percentages of the annual license tax:

(1) For one month or any part thereof: 20%.

(2) For two months or any part thereof: 30%.

(3) For three months or any part thereof: 40%.

(4) For four months or any part thereof: 50%.

(5) For five months or any part thereof: 60%.

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(6) For six months or any part thereof: 70%.

(7) For seven months or any part thereof: 75%.

(8) For eight months or any part thereof: 80%.

(9) For nine months or any part thereof: 85%.

(10) For ten months or any part thereof: 90%.

(11) For eleven months or any part thereof: 95%.

(B) All prorated licenses shall expire on April 30 next succeeding the issuance thereof and shall be paid for up to that date unless otherwise provided for in the chapter.
(‡70 Code, • 5.08.270)

• 111.43 APPLICATION OF CERTAIN SECTIONS.

The administrative and enforcement provisions hereof are in effect pursuant to the provisions hereof and shall pertain and control the regulation of the licenses provided for herein.
(‡70 Code, • 5.08.280)

• 111.44 PENALTY FOR DELINQUENCY; COLLECTION OF LICENSES.

(A) All licenses imposed by this chapter remaining unpaid 30 days after they become due shall be deemed delinquent and shall have added to them a penalty of 10% and shall thereafter bear interest at the rate of .5% for each month or fraction of a month until paid.

(B) It shall be the duty of the finance director to proceed to collect the delinquent licenses 30

days after the penalty is imposed, and at the expiration of 30 days or 60 days from the time the licenses become due, he or she shall take out warrants in the police court against all persons, corporations, partners or firms, whether public, private or professional, who owe and have not paid the license tax required to be paid by them under this chapter.
(♣70 Code, • 5.08.290) (Ord. 38-69, 1969, passed 9-8-69)

• 111.45 POSTING OF LICENSES; INSPECTION.

All license certificates issued by the city shall be posted in a conspicuous place in the house, office or place for which the same is granted and shall be subject at all times to inspection by the license inspector.
(♣70 Code, • 5.08.300)

• 111.46 TRANSFER OF LICENSES; REVOCATION.

(A) All licenses may by the consent of the Board of Commissioners, entered of record, be transferred from one place to another to which the business authorized may actually be removed.

(B) (1) The Board of Commissioners shall have the right to revoke the license of any person, firm or corporation who violates any portion of this chapter, or who shall be found guilty in any court of competent jurisdiction of violation of any law, state, federal or municipal prohibiting the illicit sale, transportation of, or having in possession intoxicating liquors of any kind.

(2) The revocation to be made by resolution of the Board of Commissioners upon the filing by the City Solicitor with the City Clerk an authenticated copy of the judgment of conviction.

(C) No license shall be issued to any person, firm or partnership unless the licensee or transferee be a person or persons of good moral character or to any corporation unless the officers are of good character. If the Director of Finance is in doubt as to the moral character of persons seeking license to do business, he or she shall refer the same to the Board of Commissioners and the Chief of Police.
(‡70 Code, • 5.08.310)

• 111.47 TEMPORARY MOTOR VEHICLE SALES AND DISPLAYS.

That off-site temporary motor vehicle sales or display events are permitted within the corporate limits of the city upon the following conditions:

(A) The motor vehicle dealer shall hold a valid business license to sell motor vehicles within the corporate limits of the city or hold a valid city Itinerant Merchants License;

(B) The motor vehicle dealer shall comply with all city planning and building codes requirements and ensure that the site for the temporary motor vehicle sales or display shall be in compliance with

all applicable city requirements and standards, including the requirement that the site of the temporary sale must be properly zoned to allow for this commercial use;

(C) The site and the motor vehicle dealer shall comply with all proper business regulations and requirements, including advertising the sale as temporary in nature and the sale shall consist of a representative sampling of the inventory of each participating licensed motor vehicle dealer;

(D) The motor vehicle dealer shall submit to the City Planning and Building Codes Department an application to obtain a permit to hold a temporary sale or display of motor vehicles off its permanent site and obtain the permit before holding a temporary sale or display.

(E) No motor vehicle dealer shall be limited from selling or distributing motor vehicles at a temporary sale within the corporate city limits provided the above conditions and requirements have been met.

(Ord. 19, 2004, passed 10-18-04)

• 111.99 PENALTY.

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

(B) Any person, firm or corporation violating the provisions of • 111.02 shall be deemed guilty of a misdemeanor, each day of failure to comply with the section being deemed a separate offense, and fined not less than $100 nor more than $500 in the discretion of the court. (♣70 Code, • 5.24.010)

(C) Any person, firm or corporation violating • 111.02 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $100, nor more than $500. Each sale shall constitute a separate offense. (♣70 Code, • 5.24.020)

(D) Any person, firm or corporation who violates the provisions of • 111.03 shall be deemed guilty of a misdemeanor and shall be fined not less than $100 nor more than $500 for each offense. (♣70 Code, • 5.24.030)

(E) Any person, firm or corporation violating any provision of • 111.04 shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not less than $100 nor more than $500. (♣70 Code, • 5.24.040) (Ord. 18-78, passed 5-8-78)

(F) Every person failing to make or cause to be made any report, as required in • 111.05, shall upon conviction be fined not less than $100 or more than $500 for each offense. (♣70 Code, • 5.24.050)

(G) (1) Any person, firm or corporation who shall engage in any business, trade, occupation or calling or shall exercise any privilege, for which a license is required under this chapter, without having first procured the license and paid the tax thereon, shall be fined not less than $100 nor more than $500 for each offense.

(2) For any violation of any section or part of a section of this chapter not otherwise herein provided wherein the state statutes prescribe a penalty therefor, for each violation the same penalty shall attach to this chapter as is prescribed by the statutes.

(3) For each and every violation of this chapter or any section or part of a section thereof, for the violation of which no other penalty is prescribed, the offender shall be fined in any sum from $100 to $500 and each day (of 24 hours) that any violation shall be carried on or continued shall constitute a separate offense.

(4) Any person, firm or corporation being tried and convicted of any violation of this chapter shall not be exempt from paying the license as set out therein.
(♣70 Code, • 5.08.320)

(5) The city shall be entitled to obtain injunctive relief to prohibit any person or entity from conducting, or continuing to conduct, business within the city without first obtaining the required license.

(6) The city shall be entitled to recover its court costs and attorneys fees incurred in attempting to collect any fees due under this chapter, to obtain injunctive relief, or to enforce the provisions of this chapter.

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CHAPTER 112: CHARITABLE SOLICITATIONS

Section

112.01 Permit required
112.02 Registration
112.03 Application
112.04 Issuance of permit
112.05 Description of permit
112.06 Display of permit
112.07 Rules of solicitation

112.99 Penalty

• 112.01 PERMIT REQUIRED.

No person shall solicit or collect contributions of funds for charitable purposes upon any portion of a public street or the public way without first having obtained a permit for such purpose from the city Police Department.
(Ord. 8, 2008, passed 4-28-08)

• 112.02 REGISTRATION.

No permit for solicitation of charitable contributions on the public streets or ways shall be issued to any person or entity unless such person or entity is either a benevolent, philanthropic, patriotic or eleemosynary organization registered and in good standing with the Attorney General of the Commonwealth of Kentucky or the Kentucky Secretary of State.
(Ord. 8, 2008, passed 4-28-08)

• 112.03 APPLICATION.

Application for a charitable solicitation permit shall be made on a form issued by the city Police Department. The application shall include the name, address and telephone number of the soliciting organization; proof of registration and good standing with the Attorney General of the Commonwealth of Kentucky or the Kentucky Secretary of State and evidence of current good standing as a not-for profit entity; the name, residence address and telephone number of the local officer of the organization; the

dates and locations of the solicitation; the approximate number of persons engaging in the solicitation; a description or facsimile of the tag, badge, emblem or other token (if any) which will be distributed as part of the solicitation; and such other information as the Police Department may require. Application for a charitable solicitation permit shall be made no less than seven days before the commencement of the solicitation. The application shall be signed and verified by at least one officer of the organization, and a fee of $25 shall be paid to the Police Department at the time the application is filed.
(Ord. 8, 2008, passed 4-28-08; Am. Ord. 11, 2009, passed 7-27-09)

• 112.04 ISSUANCE OF PERMIT.

(A) The Police Department shall review each application for a charitable solicitation permit within seven days of its submission. The permit shall not be issued unless all of the requirements have been met, and the Police Department shall notify the applicant of its decision and the grounds therefor. Notice of the decision shall be sent by mail, addressed to the applicant at the address stated in the application. All decisions of the Police Department shall be reported to the City Manager.

(B) If more than one organization applies for a permit to solicit charitable contributions on the same date and at the same location, the Police Department shall resolve the conflict by giving preference to the organization first submitting the application. Any organization which has engaged in solicitation of charitable contributions on the public streets or ways in the same manner and at the same approximate time of year for five consecutive years shall be permitted to select its dates one year in advance of actual solicitation. The Police Department may offer alternate dates and/or sites as a means of resolving conflicts.
(Ord. 8, 2008, passed 4-28-08; Am. Ord. 11, 2009, passed 7-27-09)

• 112.05 DESCRIPTION OF PERMIT.

A charitable solicitation permit shall bear the legend ■City of Frankfort Charitable Solicitation Permit• and shall state the name of the organization to which it is issued and the dates and places of the permitted solicitation. Each permit shall be sequentially numbered to indicate the year of its issuance and the number of permits then outstanding. Each permit shall be signed by a representative of the Police Department.

(Ord. 8, 2008, passed 4-28-08; Am. Ord. 11, 2009, passed 7-27-09)

• 112.06 DISPLAY OF PERMIT.

Each person who engages in the solicitation of charitable contributions on a public street or way shall display on his or her person a tag or card no smaller than two inches by four inches, indicating the

name of the organization to which the permit is issued. A facsimile of the permit may be used instead of the tag or card.
(Ord. 8, 2008, passed 4-28-08)

• 112.07 RULES OF SOLICITATION.

Individuals or entities engaging in charitable solicitation on the public streets or ways shall comply with the following rules, as well as the applicable provisions of the Kentucky Revised Statutes concerning pedestrians and motor vehicles:

(A) The charitable organization must be registered with the Office of the Kentucky Attorney General or the Office of the Kentucky Secretary of State as a not-for-profit corporation.

(B) Prior to issuance of the permit the charitable organization must sign an agreement whereby the organization agrees to indemnify and hold harmless, the city, its officers, employees and agents from any and all claims, suits or damages, including but not limited to court costs and attorneys fees, arising from their use of the public streets or ways to solicit funds, including claims asserted by the traveling public.

(C) Persons under the age of 18 shall be prohibited from soliciting on public streets or ways and all person soliciting donations are required to carry a government issued photo ID card verifying his or her age, such as a driver's license.

(D) Soliciting on public streets or ways will be allowed only at intersections where vehicles must come to a complete stop and only when those vehicles have come to a complete stop.

(E) All persons involved in the solicitation activities must wear a bright yellow safety vest.

(F) The charitable organization must display a legible sign with dimensions of at least two feet by three feet on which is printed the name of the charitable organization and which is visible from

each direction of the public street or way upon which the solicitation is being conducted.

(G) Solicitation activities are to be limited to one person for each lane of traffic and persons conducting solicitation activities shall refrain from yelling at or otherwise distracting motorists.

(H) Solicitation activities are not to be conducted in any conditions which, in the judgment of any city law enforcement officer, would constitute a hazard to individuals conducting the solicitation activity or to the traveling public.

(I) Organizations conducting solicitation activities shall furnish to the City Police Department proof of a liability insurance policy providing insurance in an amount no less than $1,000,000 per incident.

(J) Any organization soliciting donations on the public streets or ways can only do so on seven days in any calendar year.

(K) Pursuant to KRS 189.570, no person shall stand on a highway for the purpose of soliciting contributions or donations unless such soliciting is designated by the presence of a traffic control device or warning signal or an emergency vehicle or public safety vehicle as defined in KRS 189.910 making use of the flashing, rotating or oscillating red, blue, or yellow lights on such devices or vehicles.
(Ord. 8, 2008, passed 4-28-08; Am. Ord. 11, 2009, passed 7-27-09)

• 112.99 PENALTY.

(A) Any person who violates any provision of this chapter relating to solicitation of charitable contributions on the public streets or ways shall be fined not more than $500. Each day that a violation is committed shall be considered a separate and distinct offense.

(B) Any charitable organization that violates any provision of this chapter relating to solicitation of charitable contributions on the public streets or ways shall have their privileges suspended for a period of one year. Any charitable organization that violates any provision of this chapter a second time shall have their privileges suspended for a second year.

(C) Any charitable organization that violates any provision of this chapter a third time shall be prohibited from soliciting charitable contributions on the public streets or ways for a period of five years.

(D) The city, upon learning of violations of the provisions of this chapter relating to solicitation of charitable contributions on the public streets or ways, may institute an action in the appropriate court to seek an injunction against such violation in addition to the fines authorized by this section.
(Ord. 8, 2008, passed 4-28-08)

[Text continues on page 43]

CHAPTER 113: [RESERVED]

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CHAPTER 114: [RESERVED]

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CHAPTER 115: ALCOHOLIC BEVERAGES

Section

General Provisions

115.01 Adoption of statutes
115.02 License required
115.03 Application procedure
115.04 License restrictions
115.05 Posting of license
115.06 Conduct
115.07 Revocation of license
115.08 Refund of license fee
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Mandatory Responsible Beverage Service Training

115.20 Mandatory responsible beverage service training
115.21 Licensees
115.22 Required information and signage to assist the trained servers and sellers
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115.99 Penalty

Cross-reference:

Alcoholic beverage licenses, see • 111.38

Drinking alcohol; public drunkenness, see • 131.01

License expiration; fee reduction, see • 111.39

Purchase of used beverage bottles, see • 111.02

Statutory reference:

Alcoholic beverages, see KRS 241 through 244

GENERAL PROVISIONS

• 115.01 ADOPTION OF STATUTES.

The provisions of KRS Chs. 241, 243 and 244 and also all acts amendatory thereto and supplementary thereof relating to the manufacture, sale, transportation, possession or other disposition

of alcoholic beverages are adopted so far as the same may be applicable or unless otherwise provided by ordinance.
(♣70 Code, • 5.12.010)

• 115.02 LICENSE REQUIRED.

No person, firm or corporation shall sell, deal or traffic for the purpose of evading the statutes or ordinances, give intoxicating liquors without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable thereto.
(♣70 Code, • 5.12.020)

• 115.03 APPLICATION PROCEDURE.

Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant♣s name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of the corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will, in their opinion, comply with the law and the ordinances in the conduct of the proposed business.
(♣70 Code, • 5.12.030)

• 115.04 LICENSE RESTRICTIONS.

No license shall be granted to any person or persons not of good moral character and a full

citizen of the country and state; nor shall any license be issued to any person who has habitually been a petty law offender. No license shall be granted to any person under 21 years of age.
(♣70 Code, • 5.12.040) (Ord. 26-66, 1966, passed - -66)

• 115.05 POSTING OF LICENSE.

Every license and permit issued pursuant hereto shall be posted while in force in a conspicuous place in the room or place where intoxicating liquors are kept for sale.
(♣70 Code, • 5.12.050)

• 115.06 CONDUCT.

Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct, gambling or any violation of the law whatever shall be allowed at any time on any licensed premises.
(♣70 Code, • 5.12.060)

• 115.07 REVOCATION OF LICENSE.

A violation hereof by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation of the licensee or permit holder, and whenever the holder of any license or permit shall violate any portion hereof or any regulation adopted pursuant thereto, the Board of Commissioners of the city shall cancel or revoke the license.
(♣70 Code, • 5.12.070)

• 115.08 REFUND OF LICENSE FEE.

Where a licensed liquor dealer of the city fails to procure his or her state license or under the statutes is unable to procure the license, then the City Finance Director is authorized and directed to refund the regulatory license fee to the unsuccessful licensee.
(♣70 Code, • 5.12.090)

• 115.09 CLOSING HOURS.

(A) Pursuant to the delegation of authority contained in KRS 244.290 and 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on a Sunday

between the hours of 1:00 a.m. to 6:00 a.m. prevailing time of the following Monday, or at any time during which the polls are open for any regular, primary, school or special election, provided, however;

(1) Restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least 50% or more of their gross annual income from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time, and;

(2) Hotels or motels which have dining facilities and which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least 50% or more of their gross annual income from the dining facilities from the sale of food may

remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time.

(3) (a) Private clubs which have been granted all appropriate licenses for the sale of malt beverages and which:

(i) Have dining facilities with a minimum seating capacity of 100 people at tables; and

(ii) Are nonprofit, eleemosynary organizations with a membership of at least 200; and

(iii) Have been in existence for a period of at least two years;

(b) Shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink from 1:00 p.m. until 9:00 p.m. on Sundays.

(4) Premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail shall be allowed to remain open on Sundays falling on December 31 from 1:00 p.m. to 2:00 a.m. on the following Monday.
(✣70 Code, • 5.12.100) (Ord. 6-74, 1974, passed 3-11-74; Am. Ord. 34, 2000, passed 12-11-00; Am. Ord. 22, 2003, passed 10-20-03; Am. Ord. 26, 2005, passed 11-28-05; Am. Ord. 23, 2006, passed 9-25-06)

MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

• 115.20 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

All persons employed in the selling and serving of alcoholic beverages in the city shall participate in a city approved responsible beverage service training program. For a responsible beverage service training program to be approved by the city, it must effectively train its participants in the identification of false age documentation and recognition of characteristics of intoxication. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this subchapter.
(Ord. 22, 2007, passed 6-25-07)

• 115.21 LICENSEES.

(A) All entities located or doing business in the city and who are licensed to sell alcohol by the drink or otherwise, pursuant to city ordinance, shall show proof as a condition prerequisite for the issuance

of the license to sell alcoholic beverages that those employees whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served have completed a responsible beverage service training from a program approved by the city. This subchapter shall not apply to manufacturers of alcoholic beverages as this term is defined in KRS 241.010(29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(B) All employees of those persons or entities licensed under city ordinance for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the city and show proof that all employees whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served have completed a responsible beverage service training from a program approved by the city.

(C) All entities licensed under city ordinance for the sale of alcoholic beverages shall designate a person who, on behalf of the entity, shall complete responsible beverage service training from a program approved by the city. The person designated must have the authority to implement or amend the licensee's on-premise practices for selling and serving alcohol.

(D) All persons required to complete training under divisions (A), (B) and (C) above, shall complete the required training withing 45 days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every three years thereafter.

(E) All persons or entities licensed under city ordinance for the sale of alcoholic beverages in the city shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered to complete a city approved responsible beverage service training class according to the provisions of this subchapter.
(Ord. 22, 2007, passed 6-25-07)

• 115.22 REQUIRED INFORMATION AND SIGNAGE TO ASSIST THE TRAINED SERVERS AND SELLERS.

(A) *Driver's license guide and compilation of laws.* The licensee shall maintain the following information on the premises, in a location accessible at all times to all employees of the licensed establishment.

(1) A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five years prior to the present date; and

(2) A current compilation of the laws relating to the sale and possession of alcoholic beverages in Kentucky. This compilation must also include a copy of this subchapter.

(B) *Signage.* The licensee shall maintain on the premises current signage related to underage consumption of alcoholic beverages and to driving under the influence of alcohol. One sign must be located behind the counter/bar and, for establishments serving alcoholic beverages in rooms other than the room in which the counter/bar is located, at least one additional sign must be located in an area visible to the patrons of the establishment. The sign(s) must have dimensions of at least one foot by one foot with letters at least 1/2-inch in height. All signs must be comfortably readable from a distance of 15 feet.

(C) *Personnel certification records.* Each licensee shall maintain a file on its business premises for each person whose job duties include the sale or service of alcoholic beverages or are responsible for management of premises on which alcoholic beverages are served and for whom training is required under this subchapter. That file shall contain the name, job description, date of employment and proof of certification pursuant to this subchapter of each employee, officer and agent subject to the training requirement provided in this subchapter. During business hours, this file shall be available to the person or persons designated by the City Manager with responsibility for enforcement of this and other ordinances relating to the licensing of premises for the sale of alcoholic beverages.
(Ord. 22, 2007, passed 6-25-07)

• 115.23 SELLER/SERVER TRAINING AGENCY.

(A) *Training program.* Licensees and servers shall participate in a training program with an approved responsible beverage service training agency, selected and approved by the city.

(B) *Compensation.* The approved training agencies shall not be compensated or otherwise reimbursed by the city. The training agencies shall recover costs and profit through fees collected from those participating in the training program or from the licensees.

(C) *Training.* The approved training agencies shall certify the qualifications of all required participants as required by this subchapter. All new employees, officers or agents shall complete the training within 45 days following their hiring or other event which subjects that person to the training requirement. New employees, officers or agents failing to complete the training within the prescribed time shall not work on the premises after the expiration of that period until they have successfully completed such training.

(D) *Standards for certification.* The training agency must reasonably instruct upon and certify the participants' competence in at least the following:

(1) Pertinent laws and ordinances regarding the sale of alcohol;

(2) Verification of age, forms of identification and usual methods of false or misleading age identification;

(3) The effect of alcohol on humans and the physiology of alcohol intoxication;

(4) Recognition of the signs of intoxication;

(5) Strategies for intervention and prevention of underage and intoxicated persons from consuming alcohol,

(6) The licensee's policies and guidelines, including the employee's role in observing those policies; and

(7) Potential liability of persons serving alcohol;

(E) *Qualifications for training agencies.* The training agency shall have a minimum of two years actual experience in responsible beverage service and alcohol awareness training. Each instructor shall be certified to teach his or her subject matter.

(F) *Personnel and physical resources.* The training agencies shall have sufficient personnel and physical resources to provide responsible beverage service training course to newly hired employees, officers and agents as required by this subchapter.
(Ord. 22, 2007, passed 6-25-07)

• 115.99 PENALTY.

(A) For violation of any of the provisions hereof, the licensee shall be deemed guilty of a misdemeanor and for each offense shall be fined not less than $100 nor more than $500, 30 days imprisonment or both the fine and imprisonment, and it shall be the duty of the Police Court so

finding the violation to notify the Board of Commissioners whereupon the license theretofore issued by the city shall upon notice be forfeited.

(B) (1) The Office of the City Manager, or his or her designee, is charged with primary responsibility for enforcement of •• 115.20 through 115.23.

(2) Penalties for violation of •• 115.20 through 115.23 shall be assessed against the person or entity
holding a license for the sale of alcoholic beverage under the Kentucky Revised Statute and a license issued by the city. The individual employee shall not be civilly or criminally liable for violations of •• 115.20 through 115.23, but shall be liable for other violations as set forth in the Kentucky Revised Statutes addressing alcohol sales. The penalties assessed against the licensee for violations of •• 115.20 through 115.23 are as follows:

(a) For the first violation within a two year period, suspension of the licensee's city liquor license for a period of up to ten days and a fine of not less than $100 nor more than $250.

(b) For the second or subsequent violation within a two year period, a suspension of the licensee's city liquor license for a period of 30 days and a fine of not less than $250 nor more than $500.

(♣70 Code, • 5.12.080) (Ord. 22, 2007, passed 6-25-07)

CHAPTER 116: [RESERVED]

CHAPTER 117: TAXICABS

Section

117.01 Definitions
117.02 Taximeters required; posting rates and fares
117.03 Driver•s license required; issuance
117.04 Accident reports
117.05 Inspection and certification

117.99 Penalty

Cross-reference:

Taxicabs, see • 111.23

• 117.01 DEFINITIONS.

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

DRIVER. Any person who drives or physically operates any taxicab, as defined herein.

OWNER. Any person, firm or corporation who has the legal ownership, control, direction, operation, leasing or collection of revenues from any taxicab operated on the streets of the city.

TAXICAB. Any motor vehicle carrying not more than seven passengers and operating within the city for hire.

(•70 Code, • 5.20.010)

• 117.02 TAXIMETERS REQUIRED; POSTING RATES AND FARES.

It is unlawful for any person, firm or corporation to operate any taxicab from and within the city unless the same shall be equipped with a taximeter of standard make and model, Rockwell Ohmer or its equal, in good operating condition and designed for the purpose of registering the correct taxi fare for each individual trip. Each person, firm or corporation operating taxicabs within the city shall at all times keep posted in a conspicuous place in each office, cab stand or branch thereof a typewritten or printed schedule of rates and metered fares currently in effect.

(✣70 Code, • 5.20.020) Penalty, see • 117.99

• 117.03 DRIVERS LICENSES REQUIRED; ISSUANCE.

(A) (1) It is unlawful for any driver to operate a taxicab without having first obtained a taxicab driver's license from the City Treasurer or his or her designated representative, and for any owner to permit any taxicab to be driven or operated by an unlicensed driver. Each applicant for a taxicab driver's license must be:

(a) Of the age of 18 years or over;

(b) The holder of a valid motor vehicle chauffeur's license under the laws of the commonwealth;

(c) Of sound physique, with good eyesight, and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him or her unfit for the safe operation of a taxicab and must furnish a certificate of a reputable licensed and practicing physician of the city to the effect;

(d) Be able to read and write the English language;

(e) Be clean in dress and person and not addicted to the use of intoxicating liquor;

(f) Of good moral character, and shall file with his or her application affidavits attesting his or her good character from two reputable witnesses of the city who have known him or her personally and observed his or her conduct next preceding the date of his or her application; and

(g) Shall not have been convicted of a felony or of any offense involving the use of force or violence or the taking or conversion of the property of another, or any offense against the administration of justice, or the offense of operating an automobile while under the influence of intoxicating liquor.

(2) Each applicant for a taxicab driver's license shall file with the City Treasurer an

application in writing, upon blanks to be furnished by the City Treasurer, signed and sworn to by the applicant, stating his or her age, place of residence for one year previous to the application, race, height, color of eyes and hair, place of birth and length of time he or she has resided in the city; whether a citizen of the United States, whether married or single, whether he has been convicted of any of the crimes herein stated and, if so, the name of the court where convicted and the date thereof; whether he or she has been previously licensed as a taxicab driver and had his or her license revoked, and, if so, the date and cause of the revocation. The Chief of Police shall investigate the statements made in each application, and no license shall be issued to any applicant who has made a false statement therein. Each applicant for a taxicab driver•s license shall file with his or her application two recent photographs of himself or herself; approximately three inches by five inches, one of which shall be attached to the license when issued and the other of which shall be attached to the application and filed with the Police Department.

(•70 Code, • 5.20.030)

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(B) The City Finance Director or his or her designated representative shall issue a taxicab driver•s license to each applicant who has complied with all of the provisions of division (A) above which license shall be for one year. The license shall have permanently attached thereto a picture of the licensee and shall state thereon sufficient facts to identify the licensee. Every driver under penalty of revocation of his or her license must constantly and conspicuously display his or her license in some place in the taxicab being driven by him or her in a manner that the same is visible to any passengers therein at all times. It is unlawful for any owner or driver to operate a taxicab or permit a taxicab to be operated in the city unless the driver•s license is so displayed. A violation of this section shall subject both the owner and the driver to a fine of not less than $10 nor more than $25 and shall constitute good cause for revoking the driver•s license and the license for the taxicab being operated by him or her. (•70 Code, • 5.20.040)

(C) (1) The City Finance Director or his or her designated representative may, simultaneously with the filing of any application for a taxicab driver•s license as provided for in division (A) above and the payment of a fee of $.50, issued to the applicant a temporary taxicab driver•s license, which temporary license shall entitle the holder to all of the privileges attaching to the license provided for in division (A) above and which shall be valid for a period of 20 days from the issuance thereof, or until the time as the Chief of Police has had an opportunity to investigate the application for a permanent taxicab driver•s license.

(2) The temporary taxicab driver•s license may be issued prior to the medical examination and certificate required in division (A) above, but unless the medical certificate is furnished the City Treasurer within ten days after the issuance of the temporary taxicab driver•s license, the temporary license shall be void.
(•70 Code, • 5.20.050) Penalty, see • 117.99

• 117.04 ACCIDENT REPORTS.

It shall be the duty of every driver to report, in writing, to the Chief of Police all injuries to persons or property, accident or casualties in which the taxicab driver participated directly or

indirectly, and the report shall be made within six hours after the happening thereof and shall give in detail the time, place, nature and cause of the injury, or the name and address of the person injured, together with the name, address and license number of the driver submitting the report. It shall be the further duty of every driver to notify the Chief of Police, in writing, of any change in his or her address.

(♣70 Code, • 5.20.060) Penalty, see • 117.99

• 117.05 INSPECTION AND CERTIFICATION.

(A) All taxicabs must be maintained in a safe condition and their appearance must be properly maintained. All windows and doors must be kept in an operating condition, clear of defects with all mechanisms working. All safety features (lights, signals, brakes, seat belts, mufflers, horn, and the like) must be in operating condition.

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(B) No taxicab shall be operated within the city until it has been inspected by an ASE certified technician and certified to be in a safe condition for the transportation of passengers. The ASE certified technician shall certify in writing the results of the inspection on a form prescribed by the Chief of Police, one copy to be retained by the ASE certified technician, and one copy to be presented by the taxicab owner to the Director of Finance with his or her application for license. (‡70 Code, • 5.20.070) (Ord. 7-98, 1998, passed 3-5-98)

• 117.99 PENALTY.

Violators of any part of this section shall be guilty of a misdemeanor and shall be subject to a fine of no less than $100 nor more than $500 for each offense. Each day of violation is considered a separate offense. Repeated violations by any taxicab company will be grounds for the city to request that the State Department of Transportation withdraw the offender•s operating certificate. (‡70 Code, • 5.20.070) (Ord. 7-98, 1998, passed 3-5-98)

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CHAPTER 118: PRECIOUS METALS

Section

118.01 Definitions
118.02 Dealer's license and permit
118.03 Record keeping
118.04 Retention period
118.05 Regulation of transactions

118.99 Penalty

• 118.01 DEFINITIONS.

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

CANVASSER or *SOLICITOR.* Any person, firm or corporation who, as the duly authorized representative or agent of a dealer, shall canvass or solicit for the secondhand purchase or acquisition of any item containing any precious metal.

PRECIOUS METAL. Gold, silver or platinum, alone, or in combination, to include coins.

PRECIOUS METALS DEALER. Any person, firm or corporation engaged in the business of purchasing or acquiring secondhand any item containing any precious metal.

WORKING DAYS. Any Monday through Friday of any week, excluding holidays recognized by

the city.

(♣70 Code, ● 5.28.010) (Ord. 10-81, 1981, passed 5-4-81)

● 118.02 DEALER♣S LICENSE AND PERMIT.

(A) In addition to any other occupational license required by the city, each precious metals dealer must obtain a permit from the Police Department for conducting the business of secondhand transactions of items containing precious metals.

(B) A precious metals dealer•s permit must be applied for to the Police Department of the city. The application shall be on a standard form furnished by the Police Department and shall contain all information determined by that Department to be necessary for an evaluation of the applicant•s eligibility for permit and shall contain the person•s occupation license number.

(C) The Police Department shall, within 20 working days of receipt of a completed application form, make a complete review of the accuracy of the information contained therein, including a criminal records check on any individual named therein. The following standards shall apply concerning issuance:

(1) A permit will not be issued to any person, firm or corporation whose chief officers or members have been convicted of a felony or a criminal misdemeanor involving moral turpitude within the past two years.

(2) If the permit is to be denied, the Police Department shall provide the applicant with written notification, including a statement of the reasons of denial, and any aggrieved applicant shall, within 30 days of the action, have a right to request a hearing before the Chief of Police.

(3) The Police Department shall have the authority to suspend or revoke any permit issued pursuant to this chapter for any violation of the terms of this chapter. However, any aggrieved permittee shall, within 30 days of the action, have a right to request a hearing before the legislative body of the city.

(4) Permits issued under this section shall not be transferable. An individual permit is required for each place of business conducted by a dealer. The permit, or a copy thereof, must be posted in a conspicuous place in each place of business.
(•70 Code, • 5.28.020) (Ord. 10-81, 1981, passed 5-4-81)

• 118.03 RECORD KEEPING.

(A) Each precious metals dealer shall keep a record, on the standard form as the Police Department shall furnish, of each transaction involving the secondhand purchase by the dealer of an item containing a precious metal. The form shall be prepared in ink, in duplicate, the original to be retained by the dealer, the duplicate to be filed by the dealer with the Police Department of the city by the close of business on the first working day after the completion of the transaction.

(B) The dealer will complete the form provided by the Police Department in detail. Failing to complete the form will be deemed to have been a violation of the permit.

(C) The method of identification shall include two identification cards. One must be with a picture of the seller and one corroborating, both of which will contain numbers from the cards. These identification card numbers will be entered onto the transaction forms.

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(D) The original record of each secondhand transaction in any item containing any precious metal shall be subject to inspection and examination by any member of the Police Department of the city and any member of the Police Department shall be permitted to examine and inspect any and all items purchased by the precious metals dealer which fall within the scope of this chapter.

(E) There is specifically excepted from the terms of this chapter any transaction by a person engaged in business within the city, possessing a current business license from the city, who is either accepting returns for cash, credit or replacement of any item originally purchased from the person, or exchanging an item for another item of greater value. In addition, the terms of this chapter shall not include any purchase by a retailer from a bona fide manufacturer, nor any banking institution licensed to do business in the commonwealth.
(♣70 Code, • 5.28.030) (Ord. 10-81, 1981, passed 5-4-81)

• 118.04 RETENTION PERIOD.

It shall be the duty of each precious metals dealer to retain each and every item containing precious metal purchased secondhand by him or her in the same state or condition in which it was received, at the place of business where purchased, for a period of not less than 15 complete working days, which time period shall begin to run on the first working day following transfer of the duplicate record of the transaction to the Police Department. During the 15-day retention period the article may not be resold, exchanged, altered or otherwise disposed of.
(♣70 Code, • 5.28.040) (Ord. 10-81, 1981, passed 5-4-81)

• 118.05 REGULATION OF TRANSACTIONS.

(A) No precious metals dealer shall transact any business involving a secondhand purchase of an item containing a precious metal from a minor unless the minor is accompanied by a parent or guardian.

(B) No precious metals dealer shall transact business involving a secondhand purchase of an item containing a precious metal which item the dealer knows or has reason to believe is stolen.
(✣70 Code, • 5.28.050) (Ord. 10-81, 1981, passed 5-4-81)

• 118.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined not more than $500, or imprisoned not more than six months or both so fined and imprisoned, for each offense.

(B) Upon conviction of any violation of this chapter, the city shall have the authority to suspend or revoke any license and/or permit in accordance with • 118.02(C)(3).
(✣70 Code, • 5.28.060) (Ord. 10-81, 1981, passed 5-4-81)

CHAPTER 119: OUTDOOR CAFÉS AND THE LIKE

Section

119.01 Definitions
119.02 Permit required
119.03 Application
119.04 Prohibited conduct
119.05 Form and conditions
119.06 Denial, revocation or suspension

119.99 Penalty

• 119.01 DEFINITIONS.

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

ADMINISTRATOR. The Director of Planning and Building Codes or his or her designee authorized to enforce this section.

ENCROACHMENT. Tables, umbrellas, chairs, decorations and objects directly related to the business of food and refreshment service on the public right-of-way, sidewalk or common area on public property. *ENCROACHMENTS* may not be attached, affixed or chained to the permitted area or to any object therein.

OUTDOOR CAFÉ. The placing, locating or permitting of the placing or locating of chairs, tables

or other dining or cooking equipment, or offering service to patrons, on the right-of-way, such as sidewalks or upon the St. Clair Street, adjacent to a business licensed to operate as an eating establishment where food and other refreshments are served.

PERMITTEE. The recipient of an encroachment permit under the terms and provisions of this chapter.

SIDEWALK. The portion of the public right-of-way between the curb lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00)

• 119.02 PERMIT REQUIRED.

(A) It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of operating an outdoor café unless he or she shall hold a permit issued under the terms of this chapter, except during ■special community events• recognized by the city, a list of which shall be maintained in the Office of the Administrator.

(B) Permits shall be issued only to businesses properly licensed by the city, which wish to provide service to its patrons or to locate tables and chairs or other objects directly related to their business of food and refreshment service on the public property immediately adjacent to their businesses. No outdoor café permit shall be issued to any business which sells alcoholic beverages unless that business establishes that at least 60% of its gross revenue is derived from the sale of food and provided further that there shall be no service or consumption of alcoholic beverages within the permitted area prior to 5:00 p.m. local prevailing time, except during ■community or special events• during which alcoholic beverages are being legally served on public property in the vicinity by other licensees prior to said time of day.
(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00) Penalty, see • 119.99

• 119.03 APPLICATION.

(A) Application for a permit shall be made at the Department of Planning and Building Codes in a form deemed appropriate by the Administrator. The application shall include, but not be limited to the following information:

(1) Name, home and business addresses and telephone number of the applicant, and the name and address of the owner, if other than the applicant, of the business;

(2) In the event the applicant or owner is not a resident of the county, the name, home address and telephone number of a designated person whom the city may notify or contact at any time concerning the applicant•s encroachment;

(3) A copy of a valid City of Frankfort business license to operate a business establishment adjacent to the public property which is the subject of the application;

(4) Proof of current liability insurance, issued by an insurance company licensed to do business in the commonwealth, insuring the licensee and the city against all claims or liability for damage to property or for bodily injury including death, arising from the result, direct or indirect, of the use of public property, pursuant to the outdoor café permit (The insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the stated expiration date without 30 days advance written notice to the city by the insurer. The policy shall provide coverage in the minimum amount of $1,000,000 provided that the city's Risk Manager may require a higher minimum coverage in his or her reasonable discretion.);

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(5) A diagram of the proposed permitted area showing the locations and dimensions of the area, all proposed encroachments and all publicly-owned benches, tables and other objects within the area; and

(6) Proof of any required ABC license(s), health permits or other permits for the business involved.

(B) (1) Within a reasonable time after the application is filed, the applicant shall be notified of the issuance or denial of the permit. Upon issuance of the permit, the applicant shall be required to pay to the city an annual fee in the amount of $50.

(2) The fee shall be independent of and in addition to any other license tax or fee imposed by the city.

(C) Any person who shall operate an outdoor café upon public property, within the definitions in this chapter, without an outdoor café permit shall be subject to the penalties hereinafter set forth herein.

(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00) Penalty, see • 119.99

• 119.04 PROHIBITED CONDUCT.

(A) No permittee shall:

(1) Place any encroachment on any portion of the public property other than within the permitted area;

(2) Block or restrict any public passageway to less than four feet of unrestricted width or block the ingress/egress to any building (On the St. Clair Street, the encroachment shall be limited to 20 feet from the front property line of the business). In areas of congested pedestrian activity, the Administrator is authorized to require a wider pedestrian path, as circumstances dictate. No

items shall be placed so as to block any driveway, crosswalk or bus stop;

(3) Sublicense the encroachment area;

(4) Place anything around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier unless otherwise required by the State Department of Alcoholic Beverage Control;

(5) Use tables, chairs, umbrellas or any other objects of a type, composition or size or in a placement not authorized by the Administrator or which are unsafe, in disrepair or unsightly;

(6) Use umbrellas or other decorative material which is not fire retardant, pressure treated or manufactured of fire resistant material;

(7) Fail to secure permission of the landlord where a building has multiple occupants;

(8) Operate without the insurance coverage specified;

(9) Sound or permit the sounding of any device on the public property or operate any loudspeaker, public address system, radio, sound amplifier or similar device which produces noise louder than that of ordinary conversation, except during special community events;

(10) Fail to promptly pick up, remove and dispose of all trash or refuse within the permitted area of failure to take reasonable measures to prevent the deposit of any substance upon the surface of the permitted area which stains, discolors or alters the texture of the area surface;

(11) Store, park or leave any items overnight on any street or sidewalk, except for authorized encroachments which may be kept in the permitted area only at the permittee•s risk; and/or

(12) Store, park or leave any vehicle, truck or trailer within the permitted area.

(B) The encroachment permit is a temporary license which may be denied, suspended or revoked for any conduct which is contrary to the provisions of this section or for use of the permitted area in a manner as to create a public nuisance, or constitute a danger to the public•s health, safety or welfare.

(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00) Penalty, see • 119.99

• 119.05 FORM AND CONDITIONS.

(A) The permit shall be issued on a form deemed suitable by the Administrator.

(B) In addition to naming the permittee and any other information deemed appropriate by the administrator, the permit shall contain the following conditions:

(1) Each permit shall be effective for one year, from May 1 to April 30, subject to annual

renewal, unless revoked or suspended prior to expiration. No fees will be refunded for revocations or periods of suspension.

(2) The permit issued shall be personal to the permittee only and shall not be transferable.

(3) The permit may be suspended by the administrator when necessary to clear the public property for public safety or for a ■community or special event,• as referred to above.

(4) The Administrator may require the temporary removal of items within the encroachment area when street, sidewalk, common areas or utility repairs necessitate the action.

(5) The permit shall be specifically limited to the area shown on the diagram attached to and made part of the permit.

(6) Any signage must comply with Article 13 of the city•s zoning ordinance.

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(7) No outdoor seating authorized herein shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of an alcoholic beverage control license for any establishment, or be used as the basis for computing required off-street parking.

(8) The issuance of a permit does not grant any property right or infer vested rights to use of the area by the permittee. The city retains the right to deny the issuance of a permit or the renewal of a permit for any reason.

(9) (a) The city retains the right to suspend the privilege of using glass containers within the encroachment area during festivals and events and when streets are closed. The privilege of using of glass containers will be revoked if an incident jeopardizes the health, safety and welfare of customers or of the general public.

(b) Repeated offenses may result in revocation of the encroachment permit.

(10) The serving and consumption of alcoholic beverages will be as limited by the State Department of Alcoholic Beverage Control.
(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00)

• 119.06 DENIAL, REVOCATION OR SUSPENSION.

(A) The Administrator or his or her designee may deny, revoke or suspend an outdoor café permit at any time if it is found that:

(1) Any necessary business or health license or permit has been suspended, revoked or canceled;

(2) The permittee does not maintain insurance in force, as required by • 119.03(A)(4);

(3) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating

removal of the encroachment (the decision shall be based upon findings by the Administrator that the pedestrian or emergency vehicle path is insufficient under existing circumstances and represents a danger to the health, safety or general welfare of pedestrians or vehicular traffic);

(4) The permittee has failed to correct violations of this chapter or conditions of his or her permit upon receipt of the Administrator's notice of same delivered in writing to the permittee or his or her designee;

(5) The permittee has failed to take remedial actions to prohibit violations from reoccurring;

(6) The permittee has failed to make modifications upon receipt of the Administrator's notice of requirement of such; and

(7) All encroachments may be removed by the Department of Public Works, and a reasonable fee charged for labor, transportation and storage should the permittee fail to remove the items within 36 hours after receipt of the Administrator•s notice to do so. If the Administrator•s action is predicated on violation of divisions (A)(2) and (A)(3), the period for voluntary removal by the permittee shall be four hours.

(B) Upon denial or revocation, the Administrator shall give notice of the action to the applicant or the permittee in writing stating the action which has been taken and the reason therefor. The action shall be effective upon giving the notice to the applicant or permittee.

(C) The applicant or permittee shall have the right to appeal the decision of the Administrator to the City Manager within five working days from receipt of notice. An appeal does not stay the denial or revocation of the encroachment permit. A hearing shall be held by the City Manager or his or her designee within a reasonable time. The City Manager shall thereafter notify the permittee or applicant of his or her determination in writing.
(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00)

• 119.99 PENALTY.

Any person violating any provision of this chapter or any condition or provision of a permit issued thereunder shall be fined not less than $20 nor more than $500 for each offense. Each day of continuance of any violation shall be a separate offense.
(Ord. 10, 1999, passed 5-10-99; Am. Ord. 29, 2000, passed 10-9-00)

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TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PROPERTY

131. OFFENSES AGAINST PUBLIC PEACE

132. OFFENSES AGAINST PUBLIC DECENCY AND MORALS

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CHAPTER 130: OFFENSES AGAINST PROPERTY

Section

130.01 Damaging trees or plants
130.02 Public property
130.03 Private property
130.04 Use of metal detectors
130.05 Posters and handbills
130.06 Defacing St. Clair Street Bridge
130.07 Obstruction; cleaning or washing things in streets
130.08 Throwing or depositing trash on public grounds
130.09 Burning refuse

• 130.01 DAMAGING TREES OR PLANTS.

(A) No person shall damage, cut, carve, transplant or remove any tree or plant on the right-of-way of any city street, or upon any land set aside, dedicated or maintained by the city as a public park or parkway, including trees and plants growing on any unpaved surface between the street and sidewalk on any city right-of-way.

(B) Any person desiring to cut, trim or remove any tree or plant growing in an area described in division (A) above shall apply to the City Inspector and obtain a permit in writing for the cutting, trimming or removal.

(÷70 Code, • 9.24.010) Penalty, see • 10.99

• 130.02 PUBLIC PROPERTY.

It is unlawful for any person to wantonly or carelessly injure, trespass upon, destroy or in any way damage any of the public buildings within the city, or any fixtures appertaining to or any property in or about any building, or to drive over, trespass upon or in any way injure or damage any curbing, gutter, pavement or sidewalk in any of the streets of the city, or to cut down, injure or destroy any shade tree or other property, standing on any street, alley or public grounds in the city, or to injure, deface or destroy any fire engine, hose, public system or any fixture or apparatus appertaining to the Fire Department, or any other property of the city or any of its departments. (•70 Code, • 9.24.020) (Ord. 9-68, 1968, passed - -68) Penalty, see • 10.99

• 130.03 PRIVATE PROPERTY.

It is unlawful to wantonly or carelessly deface, destroy, trespass upon or in any way damage the private property, real or personal, of any person or corporation within the city, or to molest, destroy, remove or injure any water or gas pipe, fire plug, stopcock, gas post or any fixture or property of any kind belonging to any gas or water company or other corporation in the city.
(•70 Code, • 9.24.030) Penalty, see • 10.99

• 130.04 USE OF METAL DETECTORS.

(A) The use of metal detectors, except in accordance with the provisions of KRS 164.720, is prohibited within the National Register of Historic Places boundary area for the Leslie W. Morris Park on Fort Hill.

(B) This area is reflected on maps in the city•s possession.
(•70 Code, • 9.24.040) (Ord. 5-97, 1997, passed 2-6-97) Penalty, see • 10.99

• 130.05 POSTERS AND HANDBILLS.

(A) No person or persons shall advertise or cause to be advertised any person, event, article or thing by tacking, nailing, pasting or otherwise fastening any handbill, poster, advertisement, pamphlet or circular of any description on any fence, wall, post, pole, billboard or building, or by handing, casting, throwing or placing any of the material aforesaid in or upon any public street, avenue, alley or other public grounds of the city, or on any private property or on the private building, or by placing the articles on vehicles or handing them to persons where they may be or do in fact become cast or blown upon any sidewalk, street, avenue, alley or other public grounds.

(B) Nothing herein shall be construed to prevent the placing and distribution by licensed merchants of the city of matter advertising their goods, wares and merchandise upon, under or

inside the doors of public and private buildings, provided that the owners or inhabitants thereof make no objection thereto.

(70 Code, § 9.28.010) Penalty, see § 10.99

§ 130.06 DEFACING ST. CLAIR STREET BRIDGE.

It is unlawful to paste, tie, hang up or in any manner attach to the St. Clair Street Bridge any advertisement, poster, sign, handbill, trademark or placard of any description, or to paint, mark, write or print any notice or advertisement of any kind thereon or in any manner to injure or deface the Bridge.

(70 Code, § 9.28.020) Penalty, see § 10.99

• 130.07 OBSTRUCTION; CLEANING OR WASHING THINGS IN STREETS.

Any person who shall clean, scale or wash any fish, meat, clothes, carriage or other vehicle or anything tending to create a nuisance on any street, alley or public place of the city shall be fined. (♣70 Code, • 9.28.030) Penalty, see • 10.99

Cross-reference:

Obstructions, see •• 91.50 through 91.53

• 130.08 THROWING OR DEPOSITING TRASH ON PUBLIC GROUNDS.

It is unlawful for any person to throw or deposit or permit to be thrown or deposited any dirt, paper, filth, sweepings of any store, house, shop or office, or any ashes, shavings, filthy water, offal, straw, wood, stone, earth, manure, refuse matter or rubbish of any kind whatever into any street, alley or public grounds within the city.

(♣70 Code, • 9.28.040) Penalty, see • 10.99

• 130.09 BURNING REFUSE.

(A) (1) Authorization for burning of materials within this section is restricted to natural growing materials and vegetation of carbon composition, such as leaves, straw, grass, wood, plants, vines and the like. The burning of contaminated materials, hazardous materials, hazardous wastes, petroleum- based materials and synthetics, such as tires, motor oil, automotive and household products and goods, is strictly prohibited.

(2) All burning of materials permitted within this section shall be subject to additional requirements as imposed under KRS 149, Forest Protection Law, and EPA Standards The Frankfort Fire Department shall be notified prior to burning and may deny the request if conditions are not favorable or revoke permits when the requirements of this section are not followed.

(B) No person or persons shall kindle or maintain a bonfire, or burn trash, lumber, leaves, straw, vegetation or any combustible material within the city limits.

(C) (1) Under conditions included within this section, written permits may be issued by the Fire Chief or his or her duly appointed representative, provided a fee of $200 for each separate deeded plot of land being cleared is paid to the City Finance Director, to allow for the burning of vegetation when the purpose of the burn is to clear open or vacant land for construction or agricultural purposes.

(2) All burning of materials permitted in this section for clearing land shall be authorized by the Fire Chief or his or her duly appointed representative. All burning shall be conducted on still days

when dry weather conditions do not present an additional hazard, during daylight hours, and not less than 50 feet from any residence or building structure and so that the fire is not communicated to adjoining property. The permit shall specify the day(s) of the proposed burn, provided a bulldozer, backhoe or other approved equipment and operator are in constant attendance during the burn time, and when terrain permits, all materials to be burned shall be placed in a trench or series of trenches dug of sufficient width and depth to prevent the escape of burning materials, ashes and/or flying brands that could communicate the fire to adjoining property, and, after burning has ceased, to place all remaining refuse inside the trench(es) and cover each trench with a layer of earth to assist in extinguishment and to restore the land. When trench digging is not feasible, all unburned remains shall be removed from the property and disposed of in an authorized landfill.

(✣70 Code, • 9.28.050) (Ord. 7-87, 1987, passed 2-23-87; Am. Ord. 23, 2001, passed 12-20-01; Am. Ord. 13, 2007, passed 5-21-07) Penalty, see • 10.99

Cross-reference:

Fireworks; Fire Prevention, see Chapter 93

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CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE

Section

131.01 Noise regulations
131.02 Storage of explosives
131.03 Firearms and other deadly weapons
131.04 Curfew; regulations for minors
131.05 Wearing hoods or masks
131.06 Automatic telephone devices
131.07 St. Clair Street Pedestrian Mall; prohibited activities

131.99 Penalty

Cross-reference:

Carrying concealed weapons, see • 40.54
Impersonation of officers, see • 40.55
Obstructions, see •• 91.50 through 91.53
Removal of dead animals, see • 92.07

• 131.01 NOISE REGULATIONS.

It is hereby unlawful for any person to cause, or for any person in ownership or possession of property real or personal to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

(A) Frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residentially zoned area, so as to unreasonably disturb or interfere with the peace,

comfort and repose of others.

(B) Frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of a person or persons on public or private property, other than the property from which the sound emanates, and sounds such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings. Church chimes or school bells are excepted from these sounds.

(C) Sound from portable audio equipment, including audio equipment in motor vehicles such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source and/or outside the property of the operator.

(D) Construction and industrial noises, including but not limited to, motorized construction and equipment operation, hammering, blasting, drilling and sawing, between the hours of 10:00 p.m. and 7:00 a.m., which unreasonably disturb or interfere with the peace, comfort and repose of others; provided that this subsection shall not apply to noises caused by projects required in an emergency to repair public facilities or utilities or to prevent immediate damage or harm to persons or property; or projects deemed necessary to serve the best interest of the public and to protect the public's health and well being, including but not limited to, street or hard surface sweeping or cleaning, unplugged sewers, snow removal and vacuuming catch-basins, and further provided that this subsection shall not apply if the City Public Works Department grants a variance from the provisions of this subsection for the construction or repair of a public facility or utility upon a finding that it is either necessary or in the public interest for all or a portion of the work to be performed between the hours of 10:00 p.m. and 7:00 a.m. The City Public Works Department may impose such conditions as it deems appropriate upon the granting of a variance.

(E) Divisions (B) and (C) shall not apply to:

(1) Scheduled events at public parks, and /or playgrounds and public or private school grounds, including, but not limited to, school athletic and entertainment events, such as public address systems for games and activities.

(2) Noises from activities conducted on rights of ways or property of the city, including but not limited to, festivals and entertainment events, provided all necessary permits have been obtained.

(3) Noises resulting from any authorized emergency vehicle or law enforcement training facilities; and provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace.

(F) It is unlawful for any band of music to play or parade the streets of the city on Sunday, except in attendance on funerals and returning from same, and except the Board of Commissioners may in its discretion on special occasions permit bands of music to play on Sunday, and each member of the band so participating in any parade shall, upon conviction in the Court, be subject to

a fine for each offense. (✣70 Code, • 9.08.080)
(Ord. 20, 2005, passed 9-26-05) Penalty, see • 131.99

• 131.02 STORAGE OF EXPLOSIVES.

(A) It is unlawful to keep on hand in a store or building in the city, more than 25 pounds of gunpowder, the gunpowder to be kept in closed metal canisters within the store or wareroom away from all artificial light or heat.

(B) It is unlawful to store or keep any dynamite, nitroglycerin, giant-powder or other explosives other than gunpowder, in any storeroom, wareroom, building or on any premises in the city.
(✣70 Code, • 9.36.070) Penalty, see • 10.99

• 131.03 FIREARMS AND OTHER DEADLY WEAPONS.

(A) If any person shall discharge any firearm in the city, unless necessary or proper for the protection of person or property, he or she shall be fined, but the provisions of this section do not apply to gunsmiths who may discharge firearms when necessary in the proper conduct of their business. (♣70 Code, • 9.36.080)

(B) It is unlawful for any person, firm or corporation to sell or give away to any person under 18 years of age or to shoot or discharge any air rifle, BB gun or similar gun within the city limits. (♣70 Code, • 9.36.090) (Ord. 7-67, 1967, passed 3-13-67)

(C) This section shall not prevail or be enforced against owners, occupants or permittees of land zoned agricultural or otherwise zoned, but used primarily for agricultural purposes. Nothing in this section shall be construed to limit the enforcement of any other law, federal, state, county or city, which may be applicable in the areas. (♣70 Code, • 9.36.095) (Ord. 3-79, 1979, passed 1-8-79)

(D) Any person, firm or corporation by and through its officers or employees, which discharges or causes to be discharged, any explosive in a negligent and careless manner that the explosive charge damages any property within the city, or interferes with the use and enjoyment of the property of another in the city is guilty of a misdemeanor. (♣70 Code, • 9.36.100) (Ord. 3-65, 1965, passed 2-8-65)

(E) (1) No person shall carry a concealed deadly weapon in any building owned, leased, occupied or controlled by the city.

(2) The prohibition in division (E)(1) above shall not apply to the following:

(a) Any city government building used for public housing by private persons;

(b) Private dwellings owned, leased or controlled by the city; and

(c) Sworn officers in the division of police and other law enforcement officers authorized to carry concealed deadly weapons, pursuant to KRS 527.020.

(3) All buildings or portions of buildings where the carrying of concealed deadly weapons is prohibited shall be clearly identified by signs posted at the entrance to the restricted area and shall read as follows: ■The possession of concealed deadly weapons, even with proper permit, is hereby prohibited on this property.•

(4) Any person violating this section may be denied entrance into the restricted area or ordered to leave the building. Any city employee violating this section may also be subject to disciplinary action, up to and including dismissal from employment.
(✣70 Code, • 9.36.110) (Ord. 1-97, 1997, passed 1-2-97) Penalty, see • 10.99

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• 131.04 CURFEW; REGULATIONS FOR MINORS.

(A) The city hereby enacts this section and establishes responsibility upon parents and guardians of minors and imposes a penalty for the violation thereof as set out in division (B) below. (•70 Code, • 9.40.010) (Ord. 5-95, 1995, passed 5-22-95)

(B) (1) The Board of Commissioners of the city has determined that minors have been congregating in the city causing disturbances and criminal violations in the form of vandalism, traffic blockage, disorderly conduct, thefts and assaults.

(2) The Board of Commissioners finds and determines that circumstances presently exist within the city that call for regulation of minors within the city in order to protect them from each other and from other persons on the street during the nocturnal hours. The regulation is also aimed at aiding in crime prevention and promoting the enforcement of parental control of, authority over and responsibility for their minor children. It further has as its purpose the decrease of juvenile crime rates, protection of the public from nocturnal mischief by minors and the furtherance of public safety and welfare.

(3) After review and evaluation, the Board of Commissioners finds that there is justification and need to enact the following provisions.
(•70 Code, • 9.40.015) (Ord. 5-95, 1995, passed 5-22-95)

(C) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 5:00 a.m. of the following day; and

2. 1:00 a.m. until 5:00 a.m. on any Saturday or Sunday.

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately-owed place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

GUARDIAN.

1. A person who, under court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by a court.

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MINOR. Any person under 18 years of age.

OPERATOR. Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT. A person who is:

1. A natural parent, adoptive parent or step-parent of another person; or

2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways and the common areas of schools, hospitals, apartment houses, buildings, transport facilities and shops.
(*70 Code, • 9.40.020)

REMAIN. To:

1. Linger or stay; or

2. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(D) Offenses.

(1) A minor commits an offense if he or she remains on any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

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(E) Defenses.

(1) It is a defense to prosecution under this section that the minor was:

(a) Accompanied by the minor's parent or guardian;

(b) On an errand or duty at the direction of the minor's parent or guardian, without any detour or stop;

(c) In a motor vehicle involved in interstate travel;

(d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) Involved in an emergency;

(f) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(g) Attending an official school, religious, or other recreational activity supervised by adults and recognized or sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and recognized or sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(2) It is a defense to prosecution for knowingly allowing a minor to remain upon the premises of the establishment during curfew hours that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(F) Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in division (E) is present.

(G) It is unlawful for any parent, guardian or other person having the lawful care, custody or control of any person under the age of fourteen years to allow or permit the person to violate the provisions of this section.

(H) The Police Department shall maintain data on violations hereof which shall be furnished to the city manager annually each July 1, or upon request. (70 Code, • 9.40.025) (Ord. 5-95, 1995, passed 5-22-95)

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(I) Jurisdiction. Jurisdiction to enforce this section shall be vested in the Juvenile Court of the county as to all persons under 18 years of age, under regular procedure of law.

• 131.05 WEARING HOODS OR MASKS.

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

PUBLIC PLACE. A place to which the public or a substantial group of persons has access and includes, but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(B) No person shall, while wearing any hood, mask or device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, enter, be or appear in any public place within the city.

(C) The following are exempted from the provisions of division (B) above:

(1) Any person under 16 years of age;

(2) Any person using masks in theatrical productions including use in Mardi Gras celebrations and masquerade balls;

(3) Any person lawfully engaged in trades or employment or in a sporting activity where a mask or facial covering is worn for the purpose of ensuring the physical safety and physical protection of the wearer or because of the nature of the occupation, trade or professional or sporting activity; and

(4) Any person wearing a gas mask in drills, exercises or emergencies.

(♣70 Code, • 9.48.010) (Ord. 5-81, 1981, passed 2-9-81; Am. Ord. 3-93, 1993, passed 2-22-93) Penalty, see • 10.99

• 131.06 AUTOMATIC TELEPHONE DEVICES.

It shall be unlawful for any person to use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line and reproduces any pre-recorded message to report any burglary or any other emergency situation directly by use of the phone lines to the communication center, any 911 line or any other city phone line.
(♣70 Code, • 9.48.020) (Ord. 18-91, 1991, passed 7-8-91) Penalty, see • 10.99

• 131.07 ST. CLAIR STREET PEDESTRIAN MALL; PROHIBITED ACTIVITIES.

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

SKATE. A blade-like metal runner or wheels mounted in or on a frame having clamps or straps for fastening it to a shoe and used for gliding, including a shoe with a runner or wheels permanently attached.

SKATEBOARD. A toy or other apparatus consisting of a board or other platform with wheels attached and used for gliding.

SPORTS ACTIVITY. An activity involving use of a ball or other object being thrown or otherwise propelled through the air or across the pavement.

(B) It shall be unlawful for any person to ride or operate any bicycle, skate or skateboard or engage in any sports activity in or upon any portion of the St. Clair Street Pedestrian Mall.
(•70 Code, • 9.48.030) (Ord. 11-97, passed 9-4-97) Penalty, see • 10.99

• 131.99 PENALTY.

(A) Any person violating •• 131.01, 131.02 and 131.03 shall, upon commission of the first such offense, be punished by a fine not to exceed $250.

(B) Any person violating •• 131.01, 131.02 and 131.03 shall, upon conviction for a second or subsequent offense, be guilty of having committed a criminal misdemeanor and shall be punished by a fine not to exceed $500 or imprisonment not to exceed 30 days, or by both such fine and imprisonment.

(C) The violation of • 131.04 shall constitute a misdemeanor offense. Violators shall be guilty of

a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed $450. (♣70 Code, • 9.40.020) (Ord. 5-95, passed 5-22-95; Am. Ord. 20, 2005, passed 9-26-05)

CHAPTER 132: OFFENSES AGAINST PUBLIC DECENCY AND MORALS

Section

132.01 Public indecency

132.99 Penalty

• 132.01 PUBLIC INDECENCY.

(A) A person commits public indecency who knowingly or intentionally, in a public place:

(1) Engages in sexual intercourse;

(2) Engages in deviate intercourse, as defined by the State Penal Code;

(3) Appears in a state of nudity; or

(4) Fondles the genitals of himself, herself or another person.

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

NUDITY. The showing of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

PUBLIC PLACE. All outdoor places owned by or open to the general public and all

buildings and enclosed places owned by or open to the public, including places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls, whether limited to specific members, restricted to adults or to patrons invited to attend or not, and whether or not an admission charge is levied.

(C) The prohibition set forth herein shall not apply to:

(1) Any child under ten years of age; or

(2) Any individual exposing a breast in the process of breast-feeding.

(Ord. 18, 2000, passed 7-17-00) Penalty, see • 10.99

• 132.99 PENALTY.

The offense of public indecency shall be a Class B misdemeanor as defined in the State Penal Code.

(Ord. 18, 2000, passed 7-17-00)

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TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS; CONSTRUCTION

151. SUBDIVISIONS

152. ZONING

153. SITE PLANS

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CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

150.01 Building Code
150.02 Plumbing Code
150.03 Electrical Code
150.04 Gas Code
150.05 Property Maintenance Code
150.06 Kentucky Building Code

• 150.01 BUILDING CODE.

(A) The provisions of the Uniform State Building Code then in effect shall govern all construction, alteration or remodeling of buildings or dwellings in the City of Frankfort, as set forth in KRS 198B.110. (•70 Code, • 15.04.010) (Ord. 27-66, 1966, passed 7-18-66; Am. Ord. 23-75, 1975, passed 8-25-75; Am. Ord. 10-78, 1978, passed 4-27-78; Am. Ord. 4-88, 1988, passed 3-28-88)

(B) (1) No permit, as required by the Uniform State Building Code, as adopted, shall be issued until the fee prescribed by this section has been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated area of the building or structure has been paid.

(2) Permit fees for new construction shall be based either upon the square foot of the total gross floor area of the construction or based on a flat fee in accordance with the following table. However, when it is determined that construction has begun without the prior issuance of a building permit, the corresponding fees for the building or zoning permit shall be three times the regular

amount. All fees are due at time of issuance of the building permit, except for re-inspection fees, which shall be paid prior to the re-inspection:

	Fee
(a) Mobile home (including replacement), manufactured home, single-family and duplex construction, per sq. ft.	$0.10
(b) Multiple family dwelling construction, per square foot:	$0.12
(c) Nonresidential construction under 5,000 square feet, per square foot:	$0.12
(d) Nonresidential construction over 5,000 square feet, per square foot:	$0.15

(3) Fees for other required permits shall be as follows:

(a) Garages or carports		$25.00
(b) Residential additions (including decks and porches)		$25.00
(c) Residential renovation/rehabilitation		$25.00
(d) Nonresidential additions (including decks or porches), per sq. ft.		$25.00
(e) Demolitions		$25.00
(f) Signs, including temporary or special purpose	$0.50 per square foot or $25.00, whichever is more	
(g) Relocation of structure, one lot to another		$100.00
(h) Fences, pools, storage buildings, and other accessory structures including promotional/temporary tents, that are exempt from the Kentucky Uniform State Building Code		$5.00
(i) Nonresidential renovation/rehabilitation:		$30.00

(4) The minimum fee for any activity for which a permit is required shall be $15.

(5) All permit fees listed above shall have an additional planning review fee of $5 per application, with the exception of those exempt from the Kentucky Uniform State Building Code.

(6) For any building which requires an inspection by the state, the following fee shall apply:

(a) Buildings requiring state inspection $150.00

(b) This is a flat fee and no other building permit fees shall apply.

(7) Application fees shall be paid at the time of submittal and shall not be refunded due to a denial of an application. Refunds for withdrawals by the applicant may be considered only by the effected Board or Committee (if applicable) after the request has been supported by the City Manager.

(8) There shall be no exemptions for any person, firm, corporation, religious or charitable organization, except for A ■Habitat for Humanity• organization, governmental agencies, A ■Kentucky Changers• organization, or projects donated for the disabled when authorized by the City Manager.

(9) Building inspections shall have a fee of $35 for the first reinspection and $50 for each additional reinspection required or requested by the applicant.
(♣70 Code, • 15.04.030) (Ord. 12-64, 1964, passed 5-25-64; Am. Ord. 10-79, 1979, passed 5-14-79; Am. Ord. 28-85, 1985, passed 9-23-85; Am. Ord. 4-90, 1990, passed 5-14-90; Am. Ord. 15, 2003, passed 8-18-03; Am. Ord. 18, 2008, passed 8-25-08)

(C) Any person who shall violate any provision of this chapter or who shall fail to comply with any order or inspection report within the time limit stated therein shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine or by imprisonment. Each day that any violation or failure to comply occurs or is continued, shall constitute a separate offense. (♣70 Code, • 15.04.040) (Ord. 10-78, 1978, passed 4-27-78; Am. Ord. 10-79, 1979, passed 5-14-79; Am. Ord. 18, 2008, passed 8-25-08)

(D) Nothing in the section or in the code thereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected hereby. (♣70 Code, • 15.04.050)
(Am. Ord. 16, 2010, passed 11-22-10)

• 150.02 PLUMBING CODE.

(A) The provisions of the Uniform Sate Building Code then in effect shall govern all plumbing work performed in the city. (♣70 Code, • 15.12.010)

(B) Nothing in division (A) above shall be construed to apply to any plumbing, sewerage or drainage installation in being on May 18, 1956, nor to affect the right and duty of the Sewer Department to make necessary rules and regulations not less stringent than those contained in the State Plumbing Code, and the city hereby expressly empowers the Sewer Department with authority to make all necessary rules and regulations. (♣70 Code, • 15.12.020)
(Am. Ord. 16, 2010, passed 11-22-10)

• 150.03 ELECTRICAL CODE.

(A) This section shall be known as the ■Electrical Code Section.• (✣70 Code, • 15.16.010)

(B) (1) The Inspector shall be notified in writing by any person, firm or corporation installing any new electrical work, first when roughing in work is completed, and second, when the entire work is completed. The Inspector, upon the receipt of the notice, shall inspect the work, and if the work conforms in all respects with the provisions of this chapter, he or she shall post a notice of approval at or near the work. Electrical contractors or master electricians shall sign requests for all inspections. (✣70 Code, • 15.16.020)

(2) No electrical wiring shall be covered or concealed until the structural frame work and conduit and the electrical wiring have been approved by the Inspector. Should the Inspector condemn any of the work or equipment for not being in accordance with the provisions of this chapter, notice in writing shall be given to the person, firm or corporation engaged in the installation of the work. (♣70 Code, • 15.16.030)

(3) Within 15 days after notification thereof, or within further reasonable time as may, upon request, be prescribed, the work or equipment shall be altered or removed as the case may require, and the necessary changes shall be made so that all the work and equipment shall fully comply with the provisions of this section. In default, the electrical contractor shall be liable to the penalties of this section, and any and every owner, contractor or other person engaged in the construction of the building or structure or otherwise covering or allowing to be covered, the portion of the work or equipment or removing any notice not to cover same placed thereon by the Inspector, shall likewise be liable to the penalties of this section. (♣70 Code, • 15.16.040)

(C) The Inspector is hereby empowered to inspect all existing wiring, appliances, devices and equipment coming within the scope of this chapter, as set forth herein, where the Inspector has reasonable grounds to believe a hazardous condition exists. When the installation of any such wiring, appliances, devices and equipment is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place the wiring, appliances, devices and equipment in a safe condition and have the work completed within 15 days after notification thereof, or within the reasonable time as may, upon request, be prescribed. (♣70 Code, • 15.16.050)

(D) (1) The Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to the conductors or apparatus found to be in a dangerous or unsafe condition, or to have been installed without a permit, or not in accordance with the provisions of this chapter.

(2) He or she shall thereupon attach a notice which states that the conductors or apparatus have been disconnected because of their having been found unsafe to life or property, and it is unlawful for any person to remove the notice of disconnection or to reconnect the defective

conductors or apparatus until the same have been placed in a safe and secure condition and have been approved by the Inspector. (÷70 Code, • 15.16.060)

(E) (1) The Inspector shall, upon request, issue a certificate of final inspection when the electrical installation is completed and found to comply with this section.

(2) No certificate shall be issued on any incomplete work. (÷70 Code, • 15.16.070)

(F) (1) It is unlawful for any person to make any electrical connection to any electrical equipment, except small plug-in appliances, until approval has been given by the Inspector. The Inspector is hereby authorized to disconnect any electrical installation or equipment which has been connected before the approval for service has been given. He or she shall thereupon attach notice, which shall state that the

wiring or apparatus has been disconnected by the Inspector, and any person removing the notice or reconnecting the wiring or apparatus before the same has been approved by the Inspector shall be liable to the penalties of this section. (✤70 Code, • 15.16.080)

(2) (a) A letter requesting temporary service from the owner or agent of any occupancy must be filed with the Electric and Water Plant Board at its office and letters must be on forms furnished by the Board.

(b) Where an urgent necessity for the use of electrical current in any installation is shown to exist, the Inspector may grant permission for the temporary current to any wiring or apparatus or fixtures for a period not exceeding 90 days, if the wiring or apparatus or fixtures are in the condition that the electrical current may safely be used thereon without danger to life or property. Permission may be obtained for temporary use of electrical current during the construction or alteration of any building.
(✤70 Code, • 15.16.090)

(G) (1) The Inspector shall have the right, during reasonable hours, upon showing his or her credentials, to enter any building in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of any electrical wiring, electrical devices, and any electrical material contained therein. (✤70 Code, • 15.16.100)

(2) This section shall not be construed to relieve from or lessen the responsibility of any person owning, operating or installing any electrical wires, appliances, apparatus, construction or equipment for damages to anyone injured by any defect therein; nor shall the city, or any agent thereof be held as assuming any liability by reason of the inspection authorized herein, or the certificate of inspection issued by the Inspector. (✤70 Code, • 15.16.110)

(H) (1) Permits required.

(a) Before any electrical work covered by this section may be installed, altered or repaired, an electrical permit shall be secured from the Inspector, or his or her duly authorized

agent; provided, however, that no electrical permit need be obtained in connection with the maintenance work noted herein or for installation of motors and service wires noted herein, nor shall an electrical permit be required for minor additions to existing circuits or minor repair work such as repairing of snap switches, replacing fuses, changing lamp sockets and receptacles, taping bad joints and repairing drop cords, nor for experimental electrical work of a temporary nature in testing laboratories of electrical shops, educational institutions and the like, except any minor additions or minor repair work defectively performed shall subject the contractor to the penalties provided herein.

(b) Persons or corporations holding an occupational maintenance license as provided herein are not required to take out an electrical permit to cover electrical maintenance work, performed in or about their property or minor extensions or alterations made to their electrical system.

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(c) Electrical permits shall not be required for the installation of meters and service wires or installation of central service or substations owned, maintained or operated by the servicing utility company.

(d) This section does not apply to any industrial plant having routine fire insurance inspections and which employs one or more professional engineers to supervise an electrical construction and maintenance force.
(‡70 Code, • 15.16.130)

(2) (a) Applications for electrical permits shall state the names of the owners and the location and extent of work to be done thereunder. Applications for electrical permits must be countersigned by electrical contractors or master electricians, unless otherwise provided for by KRS.

(b) If any work authorized by an electrical permit is not commenced within 60 days after the date thereof, the permit shall thereupon become void and of no effect.

(c) An electrical permit shall be valid only for the location stated in the application.
(‡70 Code, • 15.16.140)

(3) The inspection requirements and the Electric and Water Plant Board ■Rules and Regulations of October 1969,• as adopted, there shall be inspection fees in accordance with the following table:

Electrical Inspections:	*Fee amount:*
Temporary service	$35.00
Residential new service (at rough-in and final)	$2.00 per circuit or $50.00, whichever is more
Residential service associated with additions (at rough-in and final)	$30.00

Commercial new service (at rough-in and final)	$2.00 per circuit or $50.00, whichever is more, plus $20.00 for each site visit requested by the applicant
Any service associated with accessory structure	$35.00
Complete rewire and service change	Same as residential or commercial new service as applicable

Electrical Inspections:	*Fee amount:*
Re-inspection (after first inspection turned down)	$35.00 for first; $50.00 for second and each additional re-inspection required or requested by the applicant
Service only, upgrades, or re-service when off over 30 days by Frankfort Electric & Water Plant Board	$30.00

(♣70 Code, • 15.16.150) (Ord. 13-64, 1964, passed 5-29-64; Am. Ord. 24-75, 1975, passed 8-25-75; Am. Ord. 11-79, 1979, passed 5-14-79; Am. Ord. 5-90,1990, passed 5-14-90; Am. Ord. 16, 2003, passed 8-18-03; Am. Ord. 4, 2004, passed 2-16-04)

(4) (a) Electrical permits for temporary installation of outdoor decorative lighting shall be issued only when permission therefor has been granted as set forth in this section, except that no permit is required for private Christmas decorations.

(b) During festivals, fairs, conventions and the like, the Inspector may grant a special permit for a period not exceeding 30 days for the installation of approved systems of decorative lighting over sidewalk areas. If any extension of time is desired, the permit may be renewed at the discretion of the Inspector.

(c) A special permit shall be obtained from the Inspector for the installation of any system of decorative lighting over roadway areas, and for the installation over sidewalk areas when installed at the time when no festival, fair or convention is in progress.

(d) For exhibitions or celebrations of a temporary nature, the Inspector may grant a special permit for a period not exceeding 30 days, for the installation of an approved system of decorative lighting upon private property. The permit may be renewed as provided herein.
(♣70 Code, • 15.16.160)

(5) (a) Every person making application for any electrical permit to do electrical work under the provisions of this section, which work involves ten or more circuits of lights in commercial or industrial buildings, shall be required to file a set of plans and specifications, in sufficient detail to enable the Inspector to determine if the work will be in compliance with the rules and regulations of this section.

(b) A key to the symbols used shall accompany all plans. If mains, feeders, branches and distribution panel are shown on the plans, it is desirable that they be designated by letters or numbers.

(✣70 Code, • 15.16.170)

(6) (a) There shall be two classes of occupational licenses as follows:

1. Any person, firm or corporation, excepting the Electric and Water Plant Board, who regularly maintains a competent electrical maintenance man doing maintenance work only in or about the employer•s own buildings or property for the employer•s own purposes and use only, is required to have a maintenance license. The licensee need not have a license provided for herein.

2. Any person, firm or corporation, except the Electric and Water Plant Board, who directs, supervises or controls the installation, alteration, repair or maintenance of electrical equipment, wires or apparatus, except as noted herein, is required to have an electrical contractor•s or master electrician•s license.

(b) It is unlawful for any person to engage in or carry on any business or activity coming within the scope or definition of any of the classes mentioned in this section without having a license to do so as directed in this section.

(c) A licensee, in any of the foregoing classes, shall display or post the license in a conspicuous place in his or her place of business.

(d) Licenses issued under the provisions of this section are nontransferable.
(•70 Code, • 15.16.180)

(7) Any person who desires to procure a license shall make application to the City Treasurer the class or kind of license, name, address, location of his or her business and state contractor•s license number. The application shall be made upon a form provided by the Electric and Water Plant Board. Upon the filing of the application with the City Treasurer and the payment to the City Treasurer of the occupational license fee provided herein, for the class of license applied for, the City Treasurer shall issue a license to the applicant to do the things pertaining to the class of occupational license for which application was made; provided that before an electrical contractor•s or master electrician•s occupational license is issued to any person, he or she must first have successfully passed the examination provided for hereby. The foregoing requirement regarding examination of applicants for a supervising electrician•s occupational license does not apply to persons holding an electrician•s license.

(♣70 Code, • 15.16.190)

(8) Any occupational license issued under this section shall be revoked if at any time the affidavit filed in connection with the application for the license is shown to be false, or if the licensee refuses or neglects to comply with the provisions of this chapter within a reasonable time after having received notice from the Electrical Inspector of any violation of the license. After a license has been revoked, a new occupational license shall not be issued to the applicant until all violations theretofore committed have been corrected, unless the applicant is prevented from correcting same by inability to secure the consent of the owner of the property, or other causes beyond his or her control. (♣70 Code, • 15.16.210)

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(9) (a) Failure on the part of any licensee to obtain proper permit or to correct any defect, error or deficiency in any work within 15 calendar days after notification thereof, or within the further reasonable time as may, upon request, be prescribed, shall automatically and without further notice, stop the issuance of electrical permits to the licensee until the corrections have been made, inspected and approved. The electrical Inspector shall be promptly notified upon the correction of any defect, error or deficiency.

(b) Upon complaint being made respecting the character of work done by the holder of any occupational license issued under this chapter, the Board of Electrical Control shall immediately cause written notice of the complaint to be mailed to the licensee, which notice shall state the nature of the complaint and the time which the Board has fixed for a hearing thereon and if, after the hearing, the Board of Electrical Control is of the opinion that the complaint is justified, it shall have the power, with the approval of the City Manager, to suspend the occupational license of the licensee.
(♣70 Code, • 15.16.220)

(I) (1) The object of this section is to reduce the personal hazard and the fire hazard from electrical causes. To accomplish this, the requirements set forth in this section are intended to provide a minimum standard for electrical installations in the city.

(2) The regulations of this chapter apply to all electrical wiring and equipment installed, used and maintained in the city, except the wiring of the Electric and Water Plant Board and other public utility companies that are used for the generation, control or distribution of electricity and except the wiring and equipment as is necessary for the operation of the city fire alarm and police radio systems. These regulations apply to the installation of all wiring and equipment installed in or on the consumer♠s premises. Electrical wiring and equipment in federal buildings are exempt from the requirements of this section.
(♣70 Code, • 15.16.250)

(J) (1) All materials and appliances used in the installations which are covered by this section shall be approved. Unless otherwise specified in this chapter materials and appliances listed in the

lists of inspected appliances and supplements published and distributed by the Underwriters♠ Laboratories shall be regarded as conforming to the requirements of this section.

(2) The name, trademark or other identification symbol of the manufacturer or the person, firm or corporation for whom the goods were made, shall be placed on all electrical fittings, equipment and materials, together with other markings, giving voltage, current, wattage and other ratings as are prescribed elsewhere in this section.

(3) Every person, firm or corporation before selling, offering for sale or exposing for sale, at retail or wholesale or disposing of by gift as a premium or in any similar manner and before granting

or offering to grant possession of for rent, any electrical material, device, appliance or equipment, shall first determine if the material, device, appliance or equipment is approved for retail sale, installation and use in the city. Tt is unlawful for any person, firm or corporation, or any partner, officer, agent or employee thereof, to sell, offer for sale, or expose for sale, at retail or wholesale, or to dispose of by gift as a premium or in any similar manner or to grant or offer to grant possession of for rent any electrical material, device, appliance or equipment which is not approved for retail sale, installation and use in the city.

(4) The requirements of this section relating to materials, appliances and apparatus apply on all new electrical work whether the apparatus being installed is new or used. When apparatus is moved from one location to another within the same building and for the same owner, these requirements may be waived or modified providing the apparatus has been examined by the Inspector and found to be in good, safe condition. Used apparatus, with the exception noted herein, shall be remodeled to comply with the requirements of this section before again being placed in use. (÷70 Code, • 15.16.260)

(K) (1) All new electrical work shall conform to the requirements of this chapter. When an old electrical installation or any part of the installation is found, upon inspection, to be unsafe to life or property, the Inspector shall require that the portion of the installation as is found to be hazardous, be reinstalled to conform to any or all of the requirements of this section.

(2) Installations which were made prior to April 28, 1953, are not to be considered as being in violation of this section until the time as the Inspector shall have notified the person responsible for the installations of the existence of unsafe conditions.

(3) When any additions, alterations or renewals of existing installations are made after April 28, 1953, the portion of the installation which is extended, altered or renewed, shall be made to conform to all of the applicable requirements contained in this section.
(÷70 Code, • 15.16.270)

(L) (1) The Electrical Inspector shall answer any relevant questions concerning, or give any

desired information, in respect to, the meaning, intent or application of the regulations and rules of this section.

(2) Plans which are submitted for approval as to compliance with the requirements of this section cannot be accepted unless they are in sufficient detail.

(3) All electrical equipment, apparatus, material, devices, wiring or appurtenances thereto installed or used in any electrical construction or installation regulated by the terms of this section, shall be designed and constructed as to be safe and suitable for the purposes intended.
(*70 Code, • 15.16.280)

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(M) The provisions of the Uniform State building Code then in effect shall govern the installation, construction and operation of the electrical wiring, appliances and devices in and about dwellings or buildings and on private or public property, and for the purposes of regualting hazardous occupancies and locations. (♣70 Code, ● 15.16.290) (Ord. 4-65, 1965, passed 2-8-65; Am. Ord. 2-76, 1976, passed 1-26-76; Am. Ord. 23-77, 1977, passed 9-26-77; Am. Ord. 16-82, 1982, passed 9-28-82)

(N) The inspection fees for electrical inspections provided hereby shall be paid to the City Treasurer.
(Am. Ord. 16, 2010, passed 11-22-10)

● 150.04 GAS CODE.

The provisions of the Uniform State Building Code then in effect shall govern the construction, installation and maintenance of mechanical appliances, equipment and systems using gas.
(♣70 Code, ● 15.20.010) (Ord. 18-67, 1967, passed - -67; Am. Ord. 16, 2010, passed 11-22-10)

● 150.05 PROPERTY MAINTENANCE CODE.

The city♠s Property Maintenance Code, 1998, and future amendments are hereby adopted as the regulation for minimum maintenance standards for existing structures and all properties in the city. A copy of the code is on file in the Office of the City Clerk, and copies shall be made readily available to the public by the Planning and Building Codes Department.
(♣70 Code, ● 15.24.010) (Ord. 3-98, 1998, passed 2-9-98; Am. Ord. 14, 1999, passed 6-14-99; Am. Ord. 24, 2001, passed 12-20-01; Am. Ord. 19, 2003, passed 9-15-03; Am. Ord 24, 2003, passed 11-06-03; Am. Ord. 27, 2005, passed 12-15-05; Am. Ord. 9, 2007, passed 4-23-07; Am. Ord. 27, 2008, passed 11-24-08; Am. Ord. 23, 2009, passed 12-17-09; Am. Ord. 16, 2010, passed 11-22-10)
Statutory reference:

Housing, see KRS 80

• 150.06 KENTUCKY BUILDING CODE.

(A) A copy of the Uniform State Building Code shall be made available, for review, to the public by the Planning and Building Codes Department.
(•70 Code, • 15.34.010) (Am. Ord. 6-88, 1988, passed 3-28-88; Am. Ord. 18,2008, passed 8-25-08)

(B) (1) The Planning and Building Codes Department shall be designated as the local enforcement agency for the Uniform State Building Code, and the city•s Property Maintenance Code.

(2) The Fire Department shall be designated as the local enforcement agency for the State Fire Prevention Code, Standards of Safety, in buildings and Chapter 7, Fire Safety Requirements, of the city•s Property Maintenance Code for proper maintenance of commercial properties.

(•70 Code, • 15.34.020) (Am. Ord. 3-88, 1988, passed 3-28-88; Am. Ord. 3-98, 1998, passed 2-9-98; Am. Ord. 16-98, 1998, passed 8-6-98)

(Ord. 5-80, passed 2-13-80; Am. Ord. 16, 2010, passed 11-22-10)

[Text continues on page 17]

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CHAPTER 151: SUBDIVISIONS

Section

151.01 Regulations adopted by reference

151.01 REGULATIONS ADOPTED BY REFERENCE.

That ■Subdivision and Site Plan Regulations• adopted by the Frankfort-Franklin County Planning Commission at its regular meeting of November 20, 2003, consisting of Parts 1 through 10, and subsequently adopted by the City of Frankfort Board of Commissioners on February 16, 2004 and amended by the Board of Commissioners on November 28, 2005 and September 25, 2006, August 27, 2007 and December 17, 2007 are hereby further amended by as indicated in the attachment of Ord. 10, 2008 with respect to increasing the maximum height of street lights to 35 feet for new non-residential roadways.

(Ord. 3, 2004, passed 2-16-04; Am. Ord. 23, 2005, passed 11-28-05; Am. Ord. 20, 2006, passed 9-25-06; Am. Ord. 26, 2007, passed 8-27-07; Am. Ord. 41, 2007, passed 12-17-07; Am. Ord. 9, 2008, passed 5-19-08; Am. Ord. 10, 2008, passed 5-19-08)

CHAPTER 152: ZONING

Section

152.01 Regulations adopted by reference

• 152.01 REGULATIONS ADOPTED BY REFERENCE.

The city•s zoning regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Am. Ord. 5, 2003, passed 4-21-03; Am. Ord. 17, 2003, passed 9-15-03; Am. Ord. 7, 2004, passed 5-17-04; Am. Ord. 3, 2005, passed 2-3-05; Am Ord. 18, 2005, passed 8-22-05; Am. Ord. 19, 2005, passed 8-22-05; Am. Ord. 5, 2006, passed 4-24-06; Am. Ord. 11, 2006, passed 6-26-06; Am. Ord. 15, 2006, passed 7-24-06; Am. Ord. 16, 2006, passed 7-24-06; Am. Ord. 18, 2006, passed 8-14-06; Am. Ord. 26, 2006, passed 10-30-06; Am. Ord. 5, 2007, passed 3-26-07; Am. Ord. 27, 2007, passed 8-27-07; Am. Ord. 36, 2007, passed 10-22-07; Am. Ord. 39, 2007, passed 11-26-07; Am. Ord. 15, 2008, passed 7-28-08; Am. Ord. 25, 2008, passed 11-24-08; Am. Ord. 26, 2008, passed 11-24-08; Am. Ord. 2, 2009, passed 1-26-09; Am. Ord. 3, 2010, passed 1-25-10; Am. Ord. 10, 2010, passed 9-27-10; Am. Ord. 11, 2010, passed 9-27-10; Am. Ord. 12, 2010, passed 9-27-10; Am. Ord. 17, 2010, passed 12-16-10)

CHAPTER 153: SITE PLANS

Section

153.01 Regulations adopted by reference

• 153.01 REGULATIONS ADOPTED BY REFERENCE.

The city•s site plan regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 3, 2004, passed 2-16-04)

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