

CITY OF PROSPECT, KENTUCKY

CODE OF ORDINANCES

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TABLE OF CONTENTS

Chapter

TITLE I: GENERAL PROVISIONS

- 10. Rules of Construction; General Penalty

TITLE III: ADMINISTRATION

- 30. Mayor-Council Plan
- 31. City Officials
- 32. City Council
- 33. Finance and Revenue
- 34. Public Records
- 35. Police and Fire Departments
- 36. Employee Policies
- 37. Taxation
- 38. Code of Ethics
- 39. Code Enforcement Board

TITLE V: PUBLIC WORKS

- 50. Sewers
- 51. Garbage and Refuse; Recyclable Materials

TITLE VII: TRAFFIC CODE

- 70. General Provisions
- 71. Traffic Rules
- 72. Parking Regulations
- 73. Bicycles and Motorcycles
- 74. Weight Limits

TITLE IX: GENERAL REGULATIONS

- 90. Animals
- 91. Streets and Sidewalks
- 92. Nuisances
- 93. Fireworks; Fire Prevention
- 94. Littering
- 95. Abandoned or Junked Vehicles
- 96. Satellite Dishes
- 97. Trees and Forestation
- 98. Temporary Portable Storage and Trash Containers

Prospect - Table of Contents**TITLE XI: BUSINESS REGULATIONS**

- 110. General Licensing Provisions
- 111. Peddlers, Itinerant Merchants, and Solicitors
- 112. Pawnbrokers
- 113. Insurance Companies

TITLE XIII: GENERAL OFFENSES

- 130. Offenses Against Persons
- 131. Family Offenses
- 132. Offenses Against Property
- 133. Offenses Against Public Morals
- 134. Gambling Offenses
- 135. Offenses Against Public Administration and Justice
- 136. Offenses Against Public Order
- 137. Sexual Offenses
- 138. Inchoate Offenses
- 139. General Penalty for Title XIII

TITLE XV: LAND USAGE

- 150. Building Regulations
- 151. Comprehensive Plan
- 152. Fences
- 153. Metropolitan Subdivision Regulations
- 154. Swimming Pools
- 155. Zoning Code
- 156. Street Design and Standards
- 157. Sign Regulations and Standards
 - Appendix A: Illustrated Specifications
- 158. Tennis Courts
- 159. Outdoor Lighting
- 160. Binding Elements
- 161. Land Development Code

TABLE OF SPECIAL ORDINANCES

Table

- I. Annexations
- II. Bonds
- III. Contracts and Agreements
- IV. Franchises
- V. Zoning Map Changes
- VI. Acceptance of Deeds and Conveyances
- VII. Street Closings

Table of Contents

PARALLEL REFERENCES

References to Kentucky Revised Statutes
References to Ordinances

INDEX

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

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 Revivor
- 10.09 Rights and liabilities accruing before repeal of ordinance
- 10.10 Construction of section references
- 10.11 Ordinances repealed
- 10.12 Ordinances unaffected
- 10.13 Ordinances saved
- 10.14 Amendments to code; amendatory language
- 10.15 Conflicting provisions
- 10.16 Reference to offices
- 10.17 Errors and omissions
- 10.18 Historical and statutory references

- 10.99 Penalty

§ 10.02 DEFINITIONS.

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

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

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

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

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

BUSINESS TRUST. Includes, except when utilized in KRS Chapter 386, a “statutory trust” as organized under KRS Chapter 386A. (KRS 446.010 (6))

CATTLE. Includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex. (KRS 446.010 (8))

CERTIFIED MAIL. Any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:

- (1) Sending the document or package;
 - (2) The date the document or package was delivered or delivery was attempted; and
 - (3) The signature of the receipt of the document or package.
- (KRS 446.010 (9))

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

§ 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 Prospect 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 such 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.

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

CORPORATION. May extend and be applied to any corporation, company, partnership, joint stock company, or association. (KRS 446.010 (11))

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

COUNTY. Jefferson County, Kentucky.

CRUELTY. As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted. (KRS 446.010 (13))

DIRECTORS. When applied to corporations, includes managers or trustees. (KRS 446.010 (14))

DOMESTIC. When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state. (KRS 446.010 (15))

DOMESTIC ANIMAL. Any animal converted to domestic habitat. (KRS 446.010 (16))

EXECUTIVE AUTHORITY. The Mayor. (KRS 83A.010 (6))

FEDERAL. Refers to the United States. (KRS 446.010 (18))

FOREIGN. When applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state. (KRS 446.010 (19))

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

KRS. Kentucky Revised Statutes.

LAND or **REAL ESTATE.** Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest. (KRS 446.010 (24))

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

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

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

MONTH. Calendar month. (KRS 446.010 (27))

MUNICIPALITY. The City of Prospect, Kentucky.

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

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

PEACE OFFICER. Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests. (KRS 446.010 (31))

PERSON. May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies. (KRS 446.010 (33))

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Any governmental, commercial, or electronic method of delivery that allows a document or package to have:

(1) Its chain of custody recorded in a register to enable its location to be tracked;

(2) Insurance available to cover its loss; and

(3) The signature of the recipient of the document or package available to the sender. (KRS 446.010 (36))

REGULAR ELECTION. The election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected. (KRS 446.010 (37))

SHALL. The act referred to is mandatory. (KRS 446.010 (38))

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

STATE. The State of Kentucky.

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

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

SWORN. Includes **AFFIRMED** in all cases in which an affirmation may be substituted for an oath. (KRS 446.010 (43))

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

VACANCY IN OFFICE. Such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, city, or district, or otherwise. (KRS 446.010 (46))

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

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

§ 10.03 RULES OF CONSTRUCTION.

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

(B) Masculine includes feminine. A word importing the masculine gender only may extend and be applied to females as well as males. (KRS 446.020 (2))

(C) Liberal construction. All sections of this code shall be liberally construed with a view to promote their objects and carry out the intent of Council. (KRS 446.080 (1))

(D) Retroactivity. No ordinance shall be construed to be retroactive, unless expressly so declared. (KRS 446.080 (3))

(E) Technical terms. All words and phrases shall be construed according to the common and approved usage of language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning. (KRS 446.080 (4))

§ 10.04 COMPUTATION OF TIME.

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

(B) When an ordinance, regulation, or order of court requires an act to be done either a certain time before an event or a certain time before the day on which an event occurs, the day of the event shall be excluded in computing the time. If the day thereby computed on which or by which the act is required to be done falls on a Saturday, Sunday, legal holiday, or a day on which the public office in which the act is required to be completed is actually and legally closed, the act may be done on the next day which is none of the days just mentioned.

(C) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday.
(KRS 446.030)

(D) In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean the time only as may be necessary for the prompt performance of such duty or compliance with such 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 such authority to a majority of such 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, such requirement shall be construed to include such acts when done by an authorized agent.

§ 10.06 WRITINGS AND SIGNATURES.

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

(B) Every writing contemplated by this code shall be in the English language.
(KRS 446.060)

§ 10.07 SEVERABILITY.

It shall be considered that it is the intent of Council in enacting any ordinance, that if any part of the ordinance be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that Council would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of Council.

(KRS 446.090)

§ 10.08 REVIVOR.

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

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

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

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

(E) No other action of Council repealing a repealer or an amendment shall have the effect of reviving the original language of the repealer or amendment as the case may be.
(KRS 446.100)

**§ 10.09 RIGHTS AND LIABILITIES ACCRUING
BEFORE REPEAL OF ORDINANCE.**

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance, nor as to any act done, or penalty, forfeiture, or

punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform, so far as practicable, to the laws in force at the time of such proceedings. If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, such provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.11 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances.

§ 10.12 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force

and effect unless herein repealed expressly or by necessary implication.

§ 10.13 ORDINANCES SAVED.

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

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

(B) The method of amendment set forth in § 32.37 should be used by the city to amend, add, or repeal a chapter, section, or division of this code of ordinances.

§ 10.15 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be so construed as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.16 REFERENCE TO OFFICES.

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

§ 10.17 ERRORS AND OMISSIONS.

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

and the offender shall be fined for not less than \$25 nor more than \$500 for each offense in addition to any expenses incurred by the city as a result of the violation. Each day's continued violation shall constitute a separate offense.

(Ord. 300-1994, passed 1-17-95; Am. Ord. 349-1997, passed 12-8-97)

Statutory reference:

Fine amount for ordinance violations authorized by state law, see KRS 83A.065 and 534.040

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, 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, passed 1-17-80; Am. Ord. 20, 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:

§ 31.10 MAYOR.

The executive authority of the city shall be vested in and exercised by the Mayor.

(Ord. 10, passed 1-1-80)

Statutory reference:

For powers and duties of the Mayor, see KRS 83A.130

§ 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

TITLE III: ADMINISTRATION

Chapter

- 30. MAYOR-COUNCIL PLAN**
- 31. CITY OFFICIALS**
- 32. CITY COUNCIL**
- 33. FINANCE AND REVENUE**
- 34. PUBLIC RECORDS**
- 35. POLICE AND FIRE DEPARTMENTS**
- 36. EMPLOYEE POLICIES**
- 37. TAXATION**
- 38. CODE OF ETHICS**
- 39. CODE ENFORCEMENT BOARD**

CHAPTER 30: MAYOR-COUNCIL PLAN

Section

- 30.01 Form of government
- 30.02 Governing officers

§ 30.01 FORM OF GOVERNMENT.

The form of government provided for this city shall be known as the "Mayor-Council Plan."
(KRS 83A.130 (1))

§ 30.02 GOVERNING OFFICERS.

(A) The city shall be governed by an elected executive who shall be called Mayor and by an elected legislative body which shall be called the City Council, and by such other officers and employees as are provided for by statute or city ordinance.
(KRS 83A.130 (2))

(B) The City Council shall be composed of six members.
(KRS 83A.030 (1)) (Ord. 154-1987, passed 4-20-87)

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

- 31.01 Oath; bond
- 31.02 Compensation
- 31.03 Removal from office

Elected Officials

- 31.20 Election procedure
- 31.21 Mayor
- 31.22 Councilmembers

Nonelected City Officials

- 31.35 Establishment of nonelected city offices
- 31.36 City Clerk
- 31.37 Chief Administrative Officer
- 31.38 City Attorney

GENERAL PROVISIONS

§ 31.01 OATH; BOND.

(A) Oath. Each officer of the city shall, before entering upon the discharge of the duties of his office, take the following oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of this Commonwealth, and the Constitution of the United States, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____, according to law; and I do further solemnly swear (or affirm) that, since the adoption of the present Constitution, I being a citizen of this United States, have not fought a duel with deadly weapons within this State, nor out of it, nor have

I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending, so help me God," as established by section 228 of the Kentucky Constitution.

(B) Bond. Official bonds shall, if required, meet the standards of KRS 62.060.

§ 31.02 COMPENSATION.

(A) City Council shall establish the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.

(1) In order to equate the compensation of Mayors and Councilmembers with the purchasing power of the dollar, the State Finance and Administration Cabinet computes by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with section 246 of the Constitution of Kentucky, which provides that the Mayor in cities of the first class shall be paid at a rate no greater than \$12,000 per annum and Mayors in cities other than the first class and Councilmembers shall be paid at a rate no greater than \$7,200 per annum.

(2) The City Council shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the State Finance and Administration Cabinet.

(B) The City Council shall fix the compensation of each appointed city officer by ordinance and may change it by ordinance.

(C) The City Council shall establish the compensation of city employees in accordance with the personnel and pay classification plan ordinance of the city.

(D) All fees and commissions authorized by law shall be paid into the city treasury for the benefit of the city and shall not be retained by any officer or employee.

Statutory reference:

Compensation, see KRS 83A.070 and 83A.075

§ 31.03 REMOVAL FROM OFFICE.

(A) Elected officers. Any elected officer, in case of misconduct, inability, or willful neglect in the performance of the duties of his office, may be removed from office by a unanimous vote of the members of the City Council exclusive of any member to be removed, who shall not vote in the deliberation of his removal. No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, has the right to appeal to the circuit court of the county and the appeal shall be on the record. No officer so removed is eligible to fill the office vacated before the expiration of the term to which originally elected.

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

Statutory reference:

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

Removal of nonelected officers, see KRS 83A.080(2)

ELECTED OFFICIALS

§ 31.20 ELECTION PROCEDURE.

Pursuant to the provisions of KRS Chapters 83A, 116 through 121, all elections to the offices of Mayor and City Council shall be by nonpartisan, nonprimary elections. (Ord. 140-1985, passed 7-15-85; Am. Ord. 153-1987, passed 4-20-87; Am. Ord. 172-1988, passed 9-19-88)

(B) The city may change the manner of election of city officers within the provisions of division (A) of this section by ordinance, except that no change shall be made earlier than five years from the last change.

(C) The city shall pay the costs of city elections only if city elections are held at a time other than prescribed by law for elections generally.

(D) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance,

except that the offices of Mayor and City Councilmembers may not be abolished.

(E) No abolition of any elected office shall take effect until expiration of the term of the current holder of the office.

(F) No ordinance abolishing any elected office shall be enacted later than 240 days preceding the regular election for that office, except in the event of a vacancy in the office.

(G) The city may not create any elected office. Existing elected offices may be continued under provision of divisions (D), (E), and (F) above, but no existing elected office may be changed.

Statutory reference:

Election of city officers, see KRS 83A.050

Creation, abolishment of city offices, see

KRS 83A.080(3), (4)

§ 31.21 MAYOR.

(A) *Election; term of office.* The Mayor of this city shall be elected by the voters of the city at a regular election. His term of office begins on the first day of January following his election and shall be for four years and until his successor qualifies. If a person is elected or appointed as Mayor in response to a vacancy and serves less than four calendar years, then that period of service shall not be considered for purposes of re-election a term of office.

(B) *Qualifications.* The Mayor shall be at least 21 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office.

(C) *Vacancy.* If a vacancy occurs in the office of Mayor, Council shall fill the vacancy within 30 days. If for any reason, any vacancy in the office of Mayor is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.

(KRS 83A.040 (1),(2),(6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Council shall not vote for himself. (KRS 83A.040(2)(c))

(2) When voting to fill a vacancy created by the resignation of the Mayor, the resigning Mayor shall not vote on his successor. (KRS 83A.040(3))

(3) No vacancy by reason of a voluntary resignation in the office of Mayor shall occur unless a written resignation which specifies the resignation date is tendered

to the City Council. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring after the date specified in the written letter of resignation. (KRS 83A.040(7))

(4) If a vacancy occurs in the office of Mayor which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))

(5) The City Council shall elect from among its members an individual to preside over meetings of the City Council during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130. (KRS 83A.040(2)(d))

(D) *Powers and duties.*

(1) The executive authority of the city is hereby vested in and shall be exercised by the Mayor. The Mayor shall enforce the Mayor-Council Plan, city ordinances and orders, and all applicable statutes. He shall supervise all departments of city government and the conduct of all city officers and employees under his jurisdiction and require each department to make reports to him as required by ordinance or as he deems desirable.

(2) The Mayor shall maintain liaison with related units of local government respecting interlocal contracting and joint activities.

(3) The Mayor shall report to the Council and to the public on the condition and needs of city government as he finds appropriate or as required by ordinance, but not less than annually. He shall make any recommendations for actions by the Council he finds in the public interest. (KRS 83A.130(3))

(4) Subject to disapproval of the Council, the Mayor shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statutes or ordinances. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the person responsible for maintaining city records. (KRS 83A.130(4))

(5) Any delegation of the Mayor's power, duties, or responsibilities to subordinate officers and employees and any expression of his official authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and kept in a permanent file. (KRS 83A.130(7))

(6) All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his agent designated by executive order. (KRS 83A.130(8))

(7) The Mayor shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council. (KRS 83A.130(9))

(8) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed, in accordance with division (D)(5) above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to his duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 31.21(C) shall apply. (KRS 83A.130(10))

(E) *Compensation.*

(1) The Mayor shall be compensated for his performance of his duties by a salary in the annual amount not to exceed \$42,000 in 2006 dollars and such amount shall be adjusted annually, beginning in the 2006-2007 fiscal year, based on the formula established by KRS 83A.075 and as computed by the Kentucky Department for Local Government.

(2) At his or her sole option, the Mayor may, by written notification to the City Clerk, forego payment of all or part of such salary for any period of time for which he or she is herein entitled.

(F) *Benefits and allowances.* The Mayor shall be eligible to receive any benefit to which full-time, permanent employees of the city are entitled to receive as if the Mayor were a full-time, permanent employee of the city. The Mayor shall be entitled to receive automobile allowance, in an amount determined by the Council, commensurate with the executive position which the Mayor holds. Provided,

however, nothing in this section shall be deemed to be compensation to the Mayor for the performance of the duties of said office.

(Ord. 175-1988, passed 12-19-88; Am. Ord. 247-1992, passed 10-5-92; Am. Ord. 426-2002, passed 5-20-02; Am. Ord. 450-2005, passed 4-18-05; Am. Ord. 471-2006, passed 8-2-06; Am. Ord. 521-2012, passed 7-16-12)

Cross-reference:

Ethical code of conduct concerning zoning matters, see § 155.02

§ 31.22 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

(A) All nonelected city offices shall be created by ordinance which shall specify:

- (1) Title of office;
- (2) Powers and duties of office;
- (3) Oath of office;
- (4) Bond, if required; and
- (5) Compensation, which may be specifically established or set by reference to another ordinance in which the compensation is specifically established.

(B) With the exception of the Police Chief and all city police officers, all nonelected city officers shall be appointed by the Mayor with approval of City Council. The Police Chief and all city police officers shall be appointed by the Mayor at will and such appointments need not be approved by City Council.

(C) All nonelected officers may be removed by the Mayor at will unless otherwise provided by statute or ordinance.

(D) The following are nonelected city offices:

- (1) City Clerk.

- (2) Chief Administrative Officer.
- (3) City Attorney.
- (4) City Treasurer.
- (5) Beautification and Aesthetics Officer.

Statutory reference:

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

§ 31.36 CITY CLERK.

(A) *Establishment.* Pursuant to KRS 83A.085, there is hereby created the office of City Clerk whose term of office shall be coincident with that of the Mayor.

(B) *Qualifications.* To be eligible for appointment, a person must be a resident of the county, and be at least a high school graduate with above average ability to read and write the English language. No person who has been convicted of a felony is eligible for appointment.

(C) *Oath of office.* The City Clerk shall be sworn into office and take the oath of office, as set forth in § 31.01.

(D) *Bond.* The City Clerk shall be bonded under the provisions of the Public Employee Blanket Bond.

(E) *Signing of checks.* The City Clerk shall have authority to co-sign city checks during the absence of the Chief Administrative Officer.

(F) *Compensation.* The City Clerk shall receive compensation in an amount to be set by Council by the budget ordinance.

(G) *Procedure for appointment.* The Mayor shall make the appointment with the approval of City Council.

(H) *Powers and duties.* The City Clerk will be under the general supervision of the Chief Administrative Officer. Some of the duties inherent in the position are:

(1) Maintenance and safekeeping of the permanent records of the city as set forth in KRS 83A.085 and performance of duties required of the Official Custodian of the records, as set forth in Chapter 34.

(2) Disburse from petty cash documented purchases;

(3) Attest to all official documents where required;

(4) Receive all articles for incorporation in the newsletter for distribution to the printer under the direction of the Mayor; and

(5) Perform a multitude of related clerical duties related to the operation of the city.

(I) In addition to those other powers and duties set forth herein, the City Clerk shall be responsible for publishing the minutes of the meetings of the City Council as approved by the City Council.

(Ord. 147-1986, passed 2-17-86; Am. Ord. 228-1992, passed 2-17-92; Am. Ord. 252-1992, passed 10-19-92; Am. Ord. 448-2005, passed 3-31-05)

§ 31.37 CHIEF ADMINISTRATIVE OFFICER.

(A) *Establishment.* There is hereby established the office of Chief Administrative Officer pursuant to authority contained in KRS 83A.080 and KRS 83A.090.

(B) *Qualifications.* To be eligible for appointment to this office, a person must be a graduate of a college or university of recognized standing (exception: four years of equivalent related experience may substitute for educational requirements); and have not less than two years of successful experience in responsible supervisory positions which have demonstrated a capacity for increasingly difficult and responsible assignments. He also must have a very good understanding of administrative duties, responsibilities, and problems; the ability to plan major operations; and be able to direct and supervise the work of others.

(C) *Oath of office.* The Chief Administrative Officer shall, before entering upon the discharge of duties of his office, take the oath set forth in § 31.01.

(D) *Bond.* The Chief Administrative Officer shall be bonded in the amount of \$50,000.

(E) *Power and duties.* Under the general supervision of the Mayor, particularly with regard to the legality of policies and procedures not set forth below, but with considerable latitude and discretionary powers in the application of broad general policies of administration and with very wide latitude for independent or unreviewed action

or decision, the Chief Administrative Officer will administer the functions of government in the city, which will include, but not be limited to the following:

(1) Advise the Mayor in policy formulation on overall problems of the city;

(2) Have major responsibility for preparation and administration of operation and capital improvements budgets under direction of the Mayor;

(3) Advise the Mayor in the appointment of subordinate administrative personnel if not delegated appointment authority by appropriate executive order;

(4) Make monthly reports to the Mayor on the overall functioning and performance of departments of the city. Conduct oral briefings with the Mayor when the situation requires consultation;

(5) Be responsible for day-to-day supervision of any and all departments of the city, delegating appropriate authority to accomplish the mission of those functions;

(6) Serve as ex officio member of all established committees appointed by competent authority for the purpose of informal input;

(7) Attend all meetings of the City Council, at the pleasure of the Mayor;

(8) Advise the Mayor in the promulgation of administrative procedures and be responsible for implementation and utilization of those procedures;

(9) Carry out all additional duties lawfully delegated by appropriate order of the Mayor and shall have the same powers as the Mayor in carrying out those duties;

(10) Execute all bonds, notes, contracts, and written obligations of the city delegated in writing by the Mayor; and

(11) Have continuing direct relationships with operating heads on implementation and administration of programs.

(F) *Compensation.* The Chief Administrative Officer shall receive compensation in an amount to be set by Council by ordinance.

(Ord. 89-1981, passed 6-23-82; Am. Ord. 148-1986, passed 2-17-86)

§ 31.38 CITY ATTORNEY.

(A) *Establishment.* Pursuant to KRS 83A.080 and KRS 69.850, there is hereby created the position of City Attorney whose term of office shall be coincident with that of the Mayor.

(B) *Qualifications.* To be eligible for appointment, a person must be a resident of the county; be at least 25 years of age; and be a licensed practicing attorney for five years.

No person shall be eligible for the position of City Attorney who is a stockholder, officer, agent, attorney, or employee of any corporation or person holding any franchise under or having a contract with the city.

(C) *Oath of office.* The City Attorney shall, before entering upon the discharge of duties of his office, take the oath set forth in § 31.01.

(D) *Bond.* The City Attorney is not required to be bonded.

(E) *Compensation.* The City Attorney shall be compensated in accordance with the terms of a contract to be approved by the Council and executed by the Mayor.

(F) The Mayor shall appoint the City Attorney with approval of the City Council. The City Attorney may only be removed from office by the Mayor for cause, with the approval of the City Council, after a hearing.

(G) *Duties.* The City Attorney shall faithfully execute the following duties:

(1) Attend meetings of the City Council when requested by the Mayor and Council.

(2) Serve as legal advisor to the Mayor, Council, city officers, and employees on matters pertaining to their duties.

(3) Represent the city in litigation, when authorized to do so by the Mayor and Council.

(4) Draft contracts, ordinances, and other documents required by the city, when authorized by the Mayor and Council.

(5) Render additional legal services as assigned by the Mayor and Council. (Ord. 96-1982, passed 3-15-82; Am. Ord. 229-1992, passed 2-17-92)

[Text continues on Page 13]

CHAPTER 32: CITY COUNCIL

Section

GENERAL PROVISIONS

General Provisions

- 32.01 Members; election, qualifications, compensation
- 32.02 Vacancies
- 32.03 Powers and duties

Rules of Procedure

- 32.20 Mayor as Presiding Officer
- 32.21 Meetings
- 32.22 Quorum

Ordinances

- 32.35 One subject; title
- 32.36 Introduction; enacting clause
- 32.37 Form of amendment
- 32.38 Reading requirement; exception for emergency
- 32.39 Approval, disapproval by Mayor
- 32.40 Adoption of standard codes by reference
- 32.41 Official city records
- 32.42 Indexing and maintenance requirements
- 32.43 Publication requirements
- 32.44 Additional requirements for adoption may be established by city
- 32.45 Periodic review required
- 32.46 Municipal orders
- 32.47 Proved by Clerk; received in evidence
- 32.48 Legislative immunity

Cross-reference:

Code of ethical conduct for City Council to follow in zoning matters, see § 155.02.

§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) *Election; term of office.* Each Councilmember shall be elected at-large every two years by the voters of the city at a nonpartisan general election to be held in odd-numbered years. Terms of office begin on the first day of January following the election and shall be for two years. (Ord. 140-1985, passed 7-15-85)

(B) *Qualifications.* A member shall be at least 18 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office. (KRS 83A.040(4))

(C) *Compensation.*

(1) Members of the City Council shall be compensated for the performance of their duties by a salary at the rate of \$100 per month.

(2) At his or her sole option, a Council Member may, by written notification to the City Clerk, forego payment of all or part of such salary for any period of time for which he or she is herein entitled. (Am. Ord. 450-2005, passed 4-18-05; Am. Ord. 471-2006, passed 8-2-06; Am. Ord. 521-2012, passed 7-16-12)

§ 32.02 VACANCIES.

(A) *Vacancies.* If one or more vacancies on Council occur in a way that one or more members remain seated, the remaining members shall within 30 days fill the vacancies one at a time, giving each new appointee reasonable notice of his selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled. If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies are filled as provided in this section. (KRS 83A.040(5))

(1) No vacancy by reason of a voluntary resignation of a member of the City Council shall occur unless a written resignation which specifies a resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring after the date specified in the written letter of resignation. (KRS 83A.040(7))

(2) If a vacancy occurs on the City Council which is required by law to be filled temporarily by appointment, the City, Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8)).

(B) *Failure to fill vacancies.* If for any reason, any vacancy on Council is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.

(KRS 83A.040(6))

Statutory reference:

*Filling of vacancies for nonpartisan city office, see
KRS 83A.175*

§ 32.03 POWERS AND DUTIES.

(A) The legislative authority of the city is hereby vested in and shall be exercised by the elected Council of the city. The Council may not perform any executive functions except those functions assigned to it by statute. (KRS 83A.130 (11))

(B) The Council shall establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare. (KRS 83A.130 (12))

(C) The Council shall provide, by ordinance, for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which provides for the orderly management of city resources. (KRS 83A.130 (12))

(D) The Council may investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is

involved, shall not be submitted or undertaken unless and until written notice of the Council's action is given to the Mayor. The Mayor may review any statement before submission to the Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation. (KRS 83A.130 (13))

RULES OF PROCEDURE

§ 32.20 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Council. The Council may select one of its number to preside at meetings of the Council in place of the Mayor, by Municipal Order.

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that he may cast the deciding vote in case of a tie. (KRS 83A.130 (5)) (Am. Ord. 230-1992, passed 2-17-92)

Cross-reference:

Council's responsibility to select one of its own members to preside when there is a vacancy in the office of Mayor, see § 31.21

§ 32.21 MEETINGS.

(A) The City Council shall hold its regular meetings once a month on the third Monday of each month at 7:00 p.m. based on the official time then prevailing throughout the country, except in December and January of each year when the regular meeting shall be the second Monday at 7:00 p.m, the January meeting being specifically changed in honor of Dr. Martin Luther King, Jr. Otherwise, whenever the third Monday falls on a legal holiday, that regular meeting shall be held at 7:00 p.m. on the next succeeding Tuesday which is a secular day.

(1) The regular meeting place where City Council shall hold its meetings shall be the city hall. The City Council may, for good cause or upon determining that the city hall is not available at the time and on the date herein established for regular meetings, may change the location of the meeting place to any building within the city limits which the City Council shall then determine to be suitable and

available; however, the meeting shall be open to the public; and the written notice of the unavailability of the regular meeting site and of the alternate meeting site selected by the City Council shall be published at the city hall at least one hour in advance of the meeting time established herein.

(2) All regular meetings of the City Council shall be open to the public.
(Ord. 80-1980, passed 5-27-80; Am. Ord. 235-1992, passed 3-16-92; Am. Ord. 246-1992, passed 7-20-92; Am. Ord. 284-1994, passed 6-4-94; Am. Ord. 291-1994, passed 8-8-94; Am. Ord. 483-2007, passed 11-19-07)

(B) Special meetings of the Council may be called by the Mayor or upon written request of a majority of the Council. In the call, the Mayor or Council shall designate the purpose, time, and place of the special meeting with sufficient notice for the attendance of Council members and for compliance with KRS Chapter 61.

(C) At a special meeting no business may be considered other than that set forth in the designation of purpose.

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting.
(KRS 83A.130 (11)) (Am. Ord. 331-1996, passed 12-9-96)

§ 32.22 QUORUM.

Unless otherwise provided by statute, a majority of the Council constitutes a quorum and a vote of a majority of a quorum is sufficient to take action.
(KRS 83A.060 (6))

ORDINANCES

§ 32.35 ONE SUBJECT; TITLE.

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

§ 32.36 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause styled “Be it ordained by the City of Prospect.”
(KRS 83A.060 (2))

§ 32.37 FORM OF AMENDMENT.

No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any words being added by a single solid line drawn underneath them, and any words being deleted by a single broken line drawn through them.
(KRS 83A.060 (3))

§ 32.38 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

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

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Council may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of § 32.43 shall be complied with within ten days of the enactment of the emergency ordinance.
(KRS 83A.060 (4),(7))

§ 32.39 APPROVAL, DISAPPROVAL BY MAYOR.

(A) All ordinances adopted by the Council shall be submitted to the Mayor who, within ten days after submission, shall either approve the ordinance by affixing his signature or disapprove it by returning it to the Council together with a statement of his objections.

(B) No ordinance shall take effect without the Mayor's approval unless he fails to return it to the legislative body within ten days after receiving it or unless the Council

votes to override the Mayor's veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one more than a majority of the membership.
(KRS 83A.130 (6))

§ 32.40 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.
(KRS 83A.060 (5))

§ 32.41 OFFICIAL CITY RECORDS.

(A) Every action of the Council is hereby made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the Council shall be entered on the official record of the meeting.

(B) The Council has provided, under the provisions of § 31.36(C) and 32.42, for the maintenance and safekeeping of the permanent records of the city. The City Clerk and the presiding officer shall sign the official record of each meeting.
(KRS 83A.060 (8))

§ 32.42 INDEXING AND MAINTENANCE REQUIREMENTS.

At the end of each month, all ordinances adopted in the city shall be indexed and maintained by the City Clerk in the following manner:

(A) The city budget, appropriations of money, and tax levies shall be maintained and indexed so that each fiscal year is kept separate from other years.

(B) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and maintained in this code of ordinances.
(KRS 83A.060 (8))

§ 32.43 PUBLICATION REQUIREMENTS.

(A) Except as provided in § 32.38(B), no ordinance shall be effective until published pursuant to KRS Chapter 424.

(B) Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

(1) The title of the ordinance;

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

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

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

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

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

§ 32.45 PERIODIC REVIEW REQUIRED.

Not less than once every five years all ordinances in this code of ordinances shall be examined for consistency with state law and with one another and shall be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions.
(KRS 83A.060 (11))

§ 32.46 MUNICIPAL ORDERS.

(A) Council may adopt municipal orders. All municipal orders shall be in writing and shall be adopted only at an official meeting. Orders may be amended only by a subsequent municipal order or ordinance. All orders adopted shall be maintained in an official order book.

(B) In lieu of an ordinance, municipal orders may be used for matters relating to the internal operation and functions of the city and to appoint or remove or approve appointment or removal of members of boards, commissions, and other agencies over which the Council has control.

(KRS 83A.060 (12), (13))

§ 32.47 PROVED BY CLERK; RECEIVED IN EVIDENCE.

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

(KRS 83A.060 (14))

§ 32.48 LEGISLATIVE IMMUNITY.

For anything said in debate, Councilmembers shall be entitled to the same immunities and protections allowed to members of the General Assembly.

(KRS 83A.060 (15))

Statutory reference:

*Privileges of members of General Assembly, see
KRS 6.050 and Ky. Const. § 43*

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

- 33.01 Definitions
- 33.02 Accounting records and financial reports
- 33.03 Annual budget ordinance
- 33.04 Annual audit of city funds
- 33.05 Official depositories; disbursement of city funds
- 33.06 Treatment of deposited funds relating to permits

Improvements

- 33.10 Definitions
- 33.11 Financing of improvements
- 33.12 Apportionment of cost
- 33.13 Comprehensive report required
- 33.14 Public hearing required
- 33.15 Adoption of ordinance; notice to affected owners
- 33.16 Affected owner may contest
- 33.17 When city may proceed; assessment constitutes lien
- 33.18 Effect of additional property or change in financing

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

BUDGET. A proposed plan for raising and spending money for specified programs, functions, activities, or objectives during a fiscal year.

DEBT SERVICE. The sum of money required to pay installments of principal and interest on bonds, notes, and other evidences of debt accruing within a fiscal year and to maintain sinking funds.

ENCUMBRANCES. Obligations in the form of purchase orders or contracts that are chargeable to an appropriation. An obligation ceases to be an encumbrance when paid or when the actual liability is recorded.

FISCAL YEAR. The accounting period for the administration of fiscal operations.

GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS. Those standards for audit of governmental organizations, programs, activities and functions issued by the Comptroller General of the United States.

GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING. Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board. (KRS 91A.010)

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

(A) The city shall keep its accounting records and render financial reports in such a way as to:

(1) Determine compliance with statutory provisions;

(2) Determine fairly and with full disclosure the financial operations of constituent funds and account groups of the city in conformity with generally accepted governmental accounting principles; and

(3) Readily provide such financial data as may be required by the federal revenue sharing program.

(B) The municipal accounting system shall be organized and operated on a fund basis. (KRS 91A.020)

§ 33.03 ANNUAL BUDGET ORDINANCE.

(A) The city shall operate under an annual budget ordinance adopted and administered in accordance with the provisions of this section. No moneys shall be expended from any governmental or proprietary fund except in accordance with a budget ordinance adopted pursuant to this section.

(B) Moneys held by the city as a trustee or agent for individuals, private organizations, or other governmental units need not be included in the budget ordinance.

(C) If in any fiscal year subsequent to a fiscal year in which the city has adopted a budget ordinance in accordance with this section, no budget ordinance is adopted, the budget ordinance of the previous fiscal year has full force and effect as if readopted.

(D) The budget ordinance of the city shall cover one fiscal year.

(E) Preparation of the budget proposal shall be the responsibility of the Mayor.

(F) The budget proposal shall be prepared in such form and detail as prescribed by ordinance.

(G) The budget proposal together with a budget message shall be submitted to Council not later than 30 days prior to the beginning of the fiscal year it covers. The budget message shall contain an explanation of the governmental goals fixed by the budget for the coming fiscal year; explain important features of the activities anticipated in the budget; set forth the reasons for stated changes from the previous year in program goals, programs, and appropriation levels; and explain any major changes in fiscal policy.

(H) (1) Council may adopt the budget ordinance making appropriations for the fiscal year in such sums as it finds sufficient and proper, whether greater or less than the sums recommended in the budget proposal. The budget ordinance may take any form that Council finds most efficient in enabling it to make the necessary fiscal policy decisions.

(2) No budget ordinance shall be adopted which provides for appropriations to exceed revenues in any one fiscal year in violation of Section 157 of the Kentucky Constitution.

(I) The full amount estimated to be required for debt service during the budget year shall be appropriated, for all governmental fund types.

(J) Council may amend the budget ordinance at any time after the ordinance's adoption, so long as the amended ordinance continues to satisfy the requirements of this section.

(K) Administration and implementation of an adopted budget ordinance shall be the responsibility of the Mayor. Such responsibility includes the preparation and submission to Council of operating statements, including budgetary comparisons of each governmental fund for which an annual budget has been adopted. Such reports shall be submitted not less than once every three months in each fiscal year.

(L) To the extent practical, the system utilized in the administration and implementation of the adopted budget ordinance shall be consistent in form with the accounting system called for in § 33.02.

(M) No city agency, or member, director, officer, or employee of any city agency, may bind the city in any way to any extent beyond the amount of money at that time appropriated for the purpose of the agency. All contracts, agreements, and obligations, express or implied, beyond such existing appropriations are void; nor shall any city officer issue any bond, certificate, or warrant for the payment of money by the city in any way to any extent, beyond the balance of any appropriation made for the purpose.

(KRS 91A.030)

§ 33.04 ANNUAL AUDIT OF CITY FUNDS.

(A) The city shall, after the close of each fiscal year, cause each fund of the city to be audited by the auditor of public accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year being audited. Within ten days of the completion of the audit and its presentation to the city legislative body, pursuant to division (B)(5) of this section, the city shall forward three copies of the audit report to the Department for Local Government for information purposes. The Department shall forward one copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.

(B) The city shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include, but not be limited to, requirements that:

(1) The auditor be employed to examine the basic financial statements which shall include the government-wide and fund financial statements;

(2) The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended.

(3) All audit information be prepared in accordance with generally accepted governmental auditing standards which includes such tests of the accounting records and such auditing procedures as considered necessary under the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized;

(4) The auditor prepare a typewritten or printed report embodying:

(a) The basic financial statements and required supplemental information;

(b) The auditor's opinion on the basic financial statements or reasons why an opinion cannot be expressed; and

(c) Findings required to be reported as a result of the audit.

(5) The completed audit and all accompanying documentation shall be presented to Council at a regular or special meeting.

(6) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the Auditor of Public Accounts upon request of the city or the Auditor of Public Accounts, and the Auditor of Public Accounts shall have the right to review the certified public accountant's workpapers upon request.

(C) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to the city for

financial data, except for statutory or judicial requirements, or requirements of the Legislative Research Commission necessary to carry out the purposes of KRS 6.955 to 6.975.

(D) Each city shall, within 30 days after the presentation of an audit to the city legislative body, publish an advertisement, in accordance with KRS Chapter 424, containing:

(1) The auditor's opinion letter;

(2) The "Budgetary Comparison Schedules-Major Funds," which shall include the general fund and all major funds;

(3) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at city hall and is available for public inspection during normal business hours;

(4) A statement that any citizen may obtain from city hall a copy of the complete audit report, including financial statements and supplemental information, for his personal use;

(5) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed \$0.25 per page; and

(6) A statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of the statement.

(E) Any person who violates any provision of this section shall be guilty of a misdemeanor and fined not less than \$50 nor more than \$500. In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than \$50 nor more than \$500, in the discretion of the court, which may be recovered only once, in a civil action brought by any resident of the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

(KRS 91A.040)

Statutory reference:

Department for Local Government to provide assistance, see KRS 91A.050

**§ 33.05 OFFICIAL DEPOSITORIES;
DISBURSEMENT OF CITY FUNDS.**

(A) The Mayor shall designate as the city's official depositories one or more banks, federally insured savings and loan companies, or trust companies within the Commonwealth. The amount of funds on deposit in an official depository shall be fully insured by deposit insurance or surety bonds.

(B) All receipts from any source of city money or money for which the city is responsible, which has not been otherwise invested or deposited in a manner authorized by law, shall be deposited in official depositories. All city funds shall be disbursed by written authorization approved by the Mayor which states the name of the person to whom funds are payable, the purpose of the payment, and the fund out of which the funds are payable. Each authorization shall be numbered and recorded.

(KRS 91A.060)

**§ 33.06 TREATMENT OF DEPOSITED FUNDS
RELATING TO PERMITS.**

(A) Twelve months after the expiration of any permit issued under this code of ordinances, all deposits or security funds received in conjunction with such permits may be transferred from deposit accounts to the general fund of the city and said funds shall be dedicated to public use if any of the following circumstances exist:

(1) The deposit or security funds are unclaimed by the person or entity giving the deposit or security after a good faith effort on the part of the city to investigate the situation surrounding the permit and return the deposit or security funds; or

(2) The deposit or security funds are unable to be returned to the depositing person or entity as a result of the city's inability to ascertain the whereabouts of said person or entity; or

(3) The deposit or security funds are unable to be returned by the city as a result of the depositing person or entity having failed to comply with requirements set out in the terms of the permit or deposit.

(B) Within 24 months after the expiration of any permit issued under this code of ordinances, if the circumstances set out in divisions (A)(1), (2) or (3) of this

section cease to exist, the depositor of said funds may apply to the city, in writing, for return of said funds and, if the city determines that said circumstances in fact no longer exist, the city shall return the deposited funds, without interest, to the depositor.

(C) Thirty-six months after the expiration of any permit issued under this code of ordinances, no funds transferred from deposit accounts to the general fund of the city under circumstances set out in divisions (A)(1), (2) or (3) of this section shall be returned to the person or entity giving the deposit or security.
(Ord. 508-2010, passed 11-15-10)

IMPROVEMENTS

§ 33.10 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

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

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

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

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

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

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

PROPERTY. Any real property benefited by an improvement.

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

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

§ 33.11 FINANCING OF IMPROVEMENTS.

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

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

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

Statutory reference:

Improvements; alternate methods, see KRS Ch. 107

§ 33.12 APPORTIONMENT OF COST.

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

§ 33.13 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

(F) Such other information as may further explain material aspects of the improvement, assessments, or financing.
(KRS 91A.240)

§ 33.14 PUBLIC HEARING REQUIRED.

After preparation of the report required by § 33.13, the city shall hold at least one public hearing on the proposed improvement at which all interested persons shall be heard. Notice of the hearing shall be published pursuant to KRS Chapter 424, and mailed to each affected property owner by certified mail, return receipt requested, and shall include:

(A) The nature of the improvement;

(B) Description of area of the improvement;

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

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

(E) Time and place of the hearing.
(KRS 91A.250)

§ 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in § 33.13 and a description of all properties. Promptly upon passage the city shall publish such ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.
(KRS 91A.260)

§ 33.16 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 33.15, any affected property owner may file an action in the circuit court of the county, contesting the undertaking of the project by special assessment, the inclusion of his property in the improvement, or the amount of his assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

(B) The city may proceed with the improvement with respect to any properties whose owners have not filed or joined in an action as provided in this section or who have contested only the amounts of their assessments, and the provisions of the resolution are final and binding with respect to such property owners except as to contested amounts of assessments. After the lapse of time as herein provided, all actions by owners of properties are forever barred.
(KRS 91A.270)

§ 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.16, or after favorable final judgment in any such action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment

thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

(B) The amount of any outstanding assessment or installments thereof on any property, and accrued interest and other charges, constitutes a lien on the property to secure payment to the bondholders or any other source of financing of the improvement. The lien takes precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except a lien for state and county taxes, general municipal taxes, and prior improvement taxes, and is not defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the Council shall exempt any benefited property from the lien for the improvement assessment, or from payment thereof, or from the penalties or interest thereon, as herein provided.
(KRS 91A.280)

§ 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or refinancing thereof, except that §§ 33.13 through 33.17 applies if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without such compliance if all property owners of the improvement consent.
(KRS 91A.290)

CHAPTER 34: PUBLIC RECORDS

Section

General

34.01 Definitions

Procedures for Requesting Public Records

34.05 Initial request with immediate inspection
34.06 Referral to proper custodian
34.07 Public records not immediately available
34.08 Refusal of unreasonable requests
34.09 Time limitation; denial of inspection
34.10 Concealing or destroying records prohibited
34.11 Access to records relating to particular individual
34.12 Format of copies
34.13 Fees for copies
34.14 Misstatement of purpose prohibited
34.15 Online access to public records in electronic form
34.16 Public records protected from disclosure
34.17 Notification of the Attorney General

GENERAL

§ 34.01 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

CITY. The city government of this city.

COMMERCIAL PURPOSE. The direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. **COMMERCIAL PURPOSE** shall not include:

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

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

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

CUSTODIAN. The official custodian or any authorized person having personal custody and control of public records. The **CUSTODIAN** having personal custody of most of the public records of this city is the City Clerk.

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

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

OFFICIAL CUSTODIAN. The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care, and keeping of public records, regardless of whether such records are in his actual personal custody and control. The **OFFICIAL CUSTODIAN** of this city shall be the City Clerk.

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

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

PUBLIC AGENCY.

- (1) Every state or local government officer;
- (2) Every state or local government department, division, bureau, board, commission and authority;
- (3) Every state or local legislative board, commission, committee and officer;
- (4) Every county and city governing body, council, school district board, special district board and municipal corporation;
- (5) Every state or local court or judicial agency;
- (6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution or other legislative act;
- (7) Any body created by state or local authority in any branch of government;
- (8) Any body which, within any fiscal year, derives at least 25% of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a public competitive procurement process shall not be included in the determination of whether a body is a **PUBLIC AGENCY** under this section;
- (9) Any entity where the majority of its governing body is appointed by a **PUBLIC AGENCY** as defined in this section; by a member or employee of the public agency; or by any combination thereof;
- (10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency, except for a committee of a hospital medical staff, established, created and controlled by a **PUBLIC AGENCY** as defined in this section; and
- (11) Any interagency body of 2 or more public agencies where each **PUBLIC AGENCY** is defined in this section.

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings,

software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a public agency. **PUBLIC RECORDS** shall not include any records owned or maintained by or for a body referred to in division (8) of the definition of "public agency" that are not related to functions, activities, programs, or operations funded by state or local authority nor any records that may be excluded by § 34.16.

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

SOFTWARE. The program code which makes a computer system function, but does not include that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system. **SOFTWARE** consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.
(KRS 61.870)

**PROCEDURES FOR REQUESTING
PUBLIC RECORDS**

§ 34.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

(B) If the custodian determines that a person's request is in compliance with this chapter and the open records law, and the requested public records are immediately available,

the custodian shall deliver the public records for inspection. A person may inspect public records at the designated office of the city during the regular office hours, or in appropriate cases, by receiving copies of the records through the mail.

(C) If the public records are to be inspected at the offices of the city, suitable facilities shall be made available in the office of the City Clerk or in another office of the city as determined by the official custodian or custodian for the inspection. No person shall remove original copies of public records from the offices of the city without written permission of the official custodian of the record. When public records are inspected at the city offices, the person inspecting the records shall have the right to make abstracts and memoranda of the public records and to obtain copies of all written public records. When copies are requested, the custodian may require advance payment of the prescribed fee.

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

advance the prescribed fee.

§ 34.06 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk does not have custody or control of the public record or records requested, the City Clerk shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records. (KRS 61.872(4))

§ 34.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

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

place, time, and earliest date on which the public record will be available for inspection or duplication.
(KRS 61.872(5))

§ 34.08 REFUSAL OF UNREASONABLE REQUESTS.

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

§ 34.09 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within three days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the three-day period of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.
(KRS 61.880)

§ 34.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

§ 34.11 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 34.16 of these rules and regulations.
(KRS 61.884)

§ 34.12 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 34.16. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

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

(2) The minimum standard format in paper form shall be defined as not less than 8½ inches x 11 inches in at least one color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and this format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.
(KRS 61.874(1) - (3))

§ 34.13 FEES FOR COPIES.

(A) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff required. If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

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

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

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

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

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

(KRS 61.874(3),(4))

Cross-reference:

Fees for online access to public records, see § 34.15

§ 34.14 MISSTATEMENT OF PURPOSE PROHIBITED.

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

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 34.13;

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

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

for that commercial use.

(KRS 61.874(5)) Penalty, see § 10.99

§ 34.15 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

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

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.13.

(KRS 61.874(6))

§ 34.16 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

(3) (a) Records confidentially disclosed to the agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which

if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

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

1. In conjunction with an application for or the administration of a loan or a grant;

2. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Ch. 154;

3. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or

4. For the grant or review of a license to do business.

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

(4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the Commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A) (2) above.

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

(6) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for a public agency relative to the acquisition of

property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision.

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

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

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

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

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

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

(B) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 34.08.

(C) The provisions of this section shall in no way prohibit or limit the exchange of public records or the

sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

(D) No exemption under this section shall be construed to deny, abridge, or impede the right of a municipal employee, an applicant for employment, or an eligible on a register to inspect and copy any record, including preliminary and other supporting documentation, that relates to him. Such records shall include, but not be limited to work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting

documentation. A city employee, applicant, or eligible shall not have the right to inspect or copy any examination or any documents relating to ongoing criminal or administrative investigations by any agency.
(KRS 61.878)

§ 34.17 NOTIFICATION OF THE ATTORNEY GENERAL.

The official custodian shall notify the Attorney General of any actions filed against the city in circuit court regarding the enforcement of the open records law, KRS 61.870 through 61.884.

CHAPTER 35: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 35.01 Establishment and continuance
- 35.02 Chief of Police; police officers
- 35.03 Qualifications
- 35.04 Compensation
- 35.05 Appointment; removal
- 35.06 Reserved
- 35.07 Oath of office
- 35.08 Officers to abide by city and state rules, regulations, and laws
- 35.09 Holding other positions while in office
- 35.10 Use of blue and red lights on vehicles used by Police Department permitted

Volunteer Fire Department

- 35.25 Establishment

POLICE DEPARTMENT

§ 35.01 ESTABLISHMENT AND CONTINUANCE.

The Police Department of the city established by previous ordinances is herewith continued.
(Ord. 334-1997, passed 2-17-97)

§ 35.02 CHIEF OF POLICE; POLICE OFFICERS.

(A) The Police Department shall consist of a Chief of Police and such other full- and part-time officers as are authorized and approved by the Mayor.

(B) The Chief of Police shall command the Police Department and shall be the Chief Administrative Officer of the Police Department reporting directly to the Mayor and the Chief Administrative Officer of the city in the absence of the Mayor.
(Ord. 334-1997, passed 2-17-97; Am. Ord. 448-2005, passed 3-31-05)

§ 35.03 QUALIFICATIONS.

To be eligible for appointment as a member of the police force a person must be at least 21 years of age, able to read and write the English language intelligibly, and meet the requirements of KRS 95.710. No person who has been convicted of a felony is eligible for appointment.
(Ord. 334-1997, passed 2-17-97; Am. Ord. 448-2005, passed 3-31-05)

§ 35.04 COMPENSATION.

Compensation of all Police Officers will be set by the Annual Budget.
(Ord. 334-1997, passed 2-17-97; Am. Ord. 448-2005, passed 3-31-05)

§ 35.05 APPOINTMENT; REMOVAL.

The Chief of Police shall be appointed by the Mayor of the city with approval of the City Council. The Chief of Police may be removed by the Mayor at will unless otherwise provided by applicable Kentucky or federal law.
(Ord. 334-1997, passed 2-17-97; Am. Ord. 448-2005, passed 3-31-05)

§ 35.06 RESERVED.

§ 35.07 OATH OF OFFICE.

Every member of the police force shall take an oath that he or she will faithfully perform the duties of his or her office and that he or she possesses the required qualifications.
(Ord. 334-1997, passed 2-17-97; Am. Ord. 448-2005, passed 3-31-05)

§ 35.08 OFFICERS TO ABIDE BY CITY AND STATE RULES, REGULATIONS, AND LAWS.

Members of the Police Department shall have the authority granted by, and shall abide by and adhere to the rules, regulations, and laws set forth by the Kentucky Revised Statutes, and of the city; provided, that no such rule, regulation, or law shall apply that alters, abridges, or otherwise restricts the constitutional rights of the members and the members, except when on duty, shall not be restrained from exercising their right and privileges or from entering into any endeavor enjoyed by all other citizens of the city in which they reside.

(Ord. 334-1997, passed 2-17-97)

§ 35.09 HOLDING OTHER POSITIONS WHILE IN OFFICE.

There is no prohibition of police officers holding off-duty employment as long as the employment does not jeopardize their effectiveness as a police officer.

(Ord. 334-1997, passed 2-17-97; Am. Ord. 448-2005, passed 3-31-05)

§ 35.10 USE OF BLUE AND RED LIGHTS ON VEHICLES USED BY POLICE DEPARTMENT PERMITTED.

All law enforcement vehicles used by the Police Department of the city may be equipped with red and/or blue lights that flash, rotate, or oscillate.

(Ord. 149-1986, passed 3-17-86; Am. Ord. 448-2005, passed 3-31-05)

Statutory reference:

City legislative bodies allowed to authorize the use of red and blue lights by ordinance, see KRS 189.920(3)

VOLUNTEER FIRE DEPARTMENT**§ 35.25 ESTABLISHMENT.**

A Fire Department is hereby established in the city to be known as the Prospect Fire Department.

(Am. Ord. 448-2005, passed 3-31-05)

CHAPTER 36: EMPLOYEE POLICIES

Section

- 36.01 Participation in County Employees Retirement System

§ 36.01 PARTICIPATION IN COUNTY EMPLOYEES RETIREMENT SYSTEM.

(A) This city is hereby authorized to participate in the County Employees Retirement System effective July 1, 1989, and all eligible regular full-time officers and employees of this agency are hereby authorized and directed to comply with the statutory requirements of this retirement system.

(B) All the employees of this city (either employed under nonhazardous job positions or hazardous positions) whose duties require an average of 100 hours during each working month shall be considered as “regular full-time” employees for county retirement purposes except those persons who are employed as temporary, part-time, and seasonal workers, as defined in KRS 78.510(21) of the County Employees Retirement Laws.

(C) The Mayor will comply with all the statutory requirements to make the County Employees Retirement System “hazardous duty coverage” available for all eligible employees who are working under approved position within the Police Department.
(Ord. 179-1989, passed 11-20-89)

CHAPTER 37: TAXATION

Section

- 37.01 County assessment adopted
- 37.02 Due date; payment
- 37.03 Delinquency
- 37.04 Ad valorem taxes on motor vehicles
- 37.05 Disposition of funds
- 37.06 Franchise tax on financial institutions

also pay all costs and expenses incidental to any action taken by the city for collection of the delinquent tax bill.

(B) Delinquent taxes shall be collectable under the provisions of state law relating to the collection of delinquent taxes by cities of the fourth class. (Ord. 113-1983, passed 6-29-83)

§ 37.01 COUNTY ASSESSMENT ADOPTED.

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

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date. (Ord. 113-1983, passed 6-29-83)

§ 37.02 DUE DATE; PAYMENT.

(A) No later than August 20 of each year, the City Clerk shall prepare and mail, or arrange for the preparation and mailing at the expense of the city, tax bills on all real estate situated within the city. Each bill shall show each lot, the assessment due the city, and the total amount of the bill.

(B) All taxes, except ad valorem taxes on motor vehicles, shall become due on September 30. (Ord. 113-1983, passed 6-29-83)

§ 37.03 DELINQUENCY.

(A) Any taxes, except ad valorem taxes on motor vehicles, not paid on or before the due date shall be subject to a penalty of 10% on the taxes due and unpaid, plus interest from the due date until paid at the rate of 1% per month, or part thereof, compounded. The delinquent taxpayer shall

§ 37.04 AD VALOREM TAXES ON MOTOR VEHICLES.

(A) All ad valorem taxes on motor vehicles shall be collected by the Jefferson 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 such taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.

§ 37.05 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 City Council.

§ 37.06 FRANCHISE TAX ON FINANCIAL INSTITUTIONS.

(A) Pursuant to the provisions of KRS Chapter 136, an annual franchise tax is hereby levied on financial institutions, said tax to be measured by the deposits in the institutions located within the city and fixed at the rate of 0.025% of deposits as reflected by the financial institutions' report of deposits submitted to the Kentucky Revenue Cabinet and certified by the Cabinet to the city. Each such financial institution shall pay the tax to the city each year as hereinafter provided.

(B) The words used in this section shall have the same meanings as provided in KRS Chapter 136, including, without limitation, the following:

DEPOSITS. All demand and time deposits, excluding deposits of the United States Government, state and political subdivision, other financial institutions, public libraries, education institutions, religious institutions, charitable institutions, and certified and offices' checks.

FINANCIAL INSTITUTION.

(1) A national bank organized and existing as a national bank association pursuant to the provisions of the National Bank Act, 12 U.S.C. sec. 21 et seq., in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or a national bank organized after December 31, 1995, that meets the requirements of the National Bank Act in effect on December 31, 1995;

(2) Any bank or trust company incorporated or organized under the laws of any state, except a banker's bank organized under KRS 286.3-135;

(3) Any corporation organized under the provisions of 12 U.S.C. sec. 611 to 631, in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or any corporation organized after December 31, 1995, that meets the requirements of 12 U.S.C. sec. 611 to 631, in effect on December 31, 1995; or

(4) Any agency or branch of a foreign depository as defined in 12 U.S.C. sec. 3101, in effect on December 31, 1995, exclusive of any amendments made subsequent to that date, or any agency or branch of a foreign depository established after December 31, 1995, that meets the requirements of 12 U.S.C. sec. 3101 in effect on December 31, 1995.

TAX and TAXES. Includes interest for any late payment accrued at the rate provided by KRS 131.010(6).

(C) The amount and location of deposits in said financial institutions shall be determined by the method used by the financial institution for filing the summary of its reports with the Federal Deposit Insurance Corporation. The accounting method used to allocate deposits for completion of the summary of deposits shall be the same as has been utilized in prior periods. Any deviation from prior accounting methods may only be adopted with the permission of the Kentucky Revenue Cabinet.

(D) For the calendar year 1996, the city shall issue bills to the financial institution by May 1, 1997, and payment of the taxes shall be made by the institution with a 2% discount by May 31, 1997, or without discount by June 30, 1997. For calendar years 1997 and thereafter, the city shall issue bills to the financial institution by December 1 of each calendar year, and payment of the taxes shall be made, with a 2% discount by December 31 of each calendar year, or without discount by January 31 of the next calendar year.

(E) Pursuant to KRS Chapter 136, the president, vice-president, secretary, treasurer, or any other person holding any equivalent corporate office of any financial institution subject to this section shall be personally and individually liable jointly and severally, for the taxes under this section in the event that the financial institution is unable to make payment. Neither the corporate dissolution or withdrawal of the financial institution from the Commonwealth nor the cessation of holding any corporate office shall discharge the liability imposed by this section. The personal and individual liability shall apply to each and every person holding a corporate office at the time the taxes become or became due. No person will be personally and individually liable pursuant to this section if that person did not have authority in the management of the business or financial affairs of the financial institution at the time the taxes imposed by this section become or became due.

(F) The proceeds of such taxes and interest are to be placed in the General Fund of the city and are to be used for the general operation expenses of the city, including, but not limited to, purchase of city supplies, safety and security, health and sanitation, recreation and welfare, improvements and maintenance of streets, garbage collection, street lights and expenses thereof, and other improvements of the city, and all other necessary and proper municipal functions as may be properly ordained and resolved by the City Council.
(Ord. 328-1996, passed 8-19-96)

CHAPTER 38: CODE OF ETHICS

Section

38.01	Definitions
38.02	Standards of conduct
38.03	Financial disclosure
38.04	Nepotism
38.05	Political activities
38.06	Ethics commission
38.07	Penalties
38.08	Appeals

§ 38.01 DEFINITIONS.

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

CANDIDATE. Any person who files for office in any city election, whether through the regular process of filing or who shall be a candidate by reason of a write-in.

CITY OFFICIAL or EMPLOYEE. Any person, officer or employee holding a position by election, appointment, or employment in the service of the city, whether paid or unpaid, full-time or part-time, including members of any agency, board, committee or commission or appointed entirely by the city, but excluding any joint agency, board, committee or commission in which the city appoints only a part of the membership.

IMMEDIATE FAMILY MEMBER. A spouse, children and grandchildren and their spouses, step-children and step-grandchildren and their spouses, parents and parents of a spouse, and brothers and sisters and their spouses.

INTEREST. Any material direct or indirect benefit accruing to a public official or employee or their family members, whether in the public official's or employee's own name or the name of any person, firm, corporation, association or trust from which the official or employee is entitled to receive any financial benefit, as a result of a contract or transaction which is or which is known will become the subject of an official act or action by or with the city (other than the duly authorized salary or compensation for his or her services to the city).

OFFICIAL ACT. Any legislative, administrative, appointive or discretionary act of any public official or employee of the city or any agency, board, committee or commission thereof.

TRANSACTION. Any matter, including but not limited to, contracts, work or business with the city, the sale or purchase of real estate by the city, and any request for zoning amendments, variances, or special permits pending before the city upon which a public official or employee performs an official act or action. (Ord. 298-1994, passed 11-21-94; Am. Ord. 482-2007, passed 11-19-07)

§ 38.02 STANDARDS OF CONDUCT.

(A) No city official or employee or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.

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

(C) No city official or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.

(D) No city official or employee shall use, or allow to be used, his or her public office or employment, or any information not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment by the city, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.

(E) No city official shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

(F) No city official or employee shall disclose confidential information concerning property, government, legal, personnel or other affairs of the city.

(G) No city official or employee shall accept any valuable gift, whether in the form of service or thing, from any person, firm or corporation which, to his or her knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the city; provided, however, that any such public official who is a candidate for public office may accept campaign contributions and/or services in connection with such campaign, pursuant to the laws of the Commonwealth of Kentucky.

(H) No city official or employee shall hold a contract made by the city except if the city finds that the contract is in the best interest of the city because of price, limited supply or other specific reason.

(I) Nothing in this chapter shall prohibit any city official or employee, or members of his or her immediate family, from representing himself or herself, or themselves, in negotiations or proceedings concerning his or her, or their, own interests.

(Ord. 298-1994, passed 11-21-94)

§ 38.03 FINANCIAL DISCLOSURE.

(A) Any city official or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within the city government shall disclose such private interest to the Ethics Commission.

(B) Any city official or employee who has a private interest in any matter pending before the City Council shall disclose such private interest on the record of the City Council and shall disqualify himself or herself from participating in any decision or vote relating thereto.

(C) Any city official or employee who shall have a private interest, directly or indirectly, in any contract or

matter pending before or within the City Council shall disclose such private interest to the Ethics Commission.

(D) Every city official or employee shall disclose, not later than March 1 on a form provided by the Ethics Commission, a statement of financial interests, which shall include:

(1) The name and address of employers from whom the officer or employee was paid salary and/or wages totaling more than \$10,000 during the previous calendar year.

(2) The name and address of any legal entity on which the officer or employee serves as an officer or director as of December 31 of the reporting year.

(3) The name and address of business interests, real estate (other than his or her primary residence), rental property, and farms in which the officer or employee owns at least a 5% interest, such interest totaling more than \$10,000, on December 31 of the reporting year.

(E) Each statement shall be signed and dated by the individual filing the statement of financial interest. Knowingly signing a fraudulent statement shall be a class A misdemeanor.

(F) Candidates for city office shall file disclosure forms as though they were city officials within 21 days of their filing to participate in any election; provided, however, candidates who have filed a form by reason of incumbency or employment within the past 12 months shall be exempt from this provision.

(G) No city official, employee or candidate for public office within the city shall be required to disclose his or her personal or family financial records, statements or documents of financial nature except as provided herein. (Ord. 298-1994, passed 11-21-94)

§ 38.04 NEPOTISM.

No spouse, child, parent or sibling of a city official or employee shall be employed in a position in city government; provided, however, such spouse, child, parent or sibling may occupy a voluntary position for which there is no remuneration.

(Ord. 298-1994, passed 11-21-94)

§ 38.05 POLITICAL ACTIVITIES.

No appointment to or employment in any city position shall be dependent on political activity. No employee shall be required to engage in any political activity as a condition of employment. (Ord. 298-1994, passed 11-21-94)

§ 38.06 ETHICS COMMISSION.

(A) The City Council shall appoint from one to three persons who shall form the Ethics Commission. Each member of this Commission shall serve a two-year term. The initial members of the Ethics Commission shall be appointed within 60 days of the effective date of this chapter. The Commission shall:

- (1) Require any inquiry or complaint concerning ethical issues to be submitted in written form.
- (2) Receive, hear and investigate written complaints concerning violations of this chapter and shall report to the full City Council for a final settlement as to the appropriate penalties as specified in § 38.07. In hearing and investigating complaints, the Commission shall have the power to subpoena witnesses, administer oaths, take testimony and require other production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Ethics Commission shall be guilty of a misdemeanor and punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days or both, with each day of violation being considered a separate violation.
- (3) Render advisory opinions concerning this chapter and may, at its discretion, publish same with such deletions as may be necessary to prevent disclosure of the individual or individuals involved or concerned.
- (4) Meet only as necessary and shall issue advisory opinions within 30 days of the date of the meeting and formal findings of fact and conclusions of law within 60 days of any hearing alleging a violation of this chapter.

(B) The Ethics Commission shall hold and have responsibility for all materials and information, including, but not limited to, disclosure forms as provided for herein, complaints, records and testimony. Such materials and

information are subject to disclosure as provided under state law. (Ord. 298-1994, passed 11-21-94; Am. Ord. 501-2009, passed 11-16-09)

§ 38.07 PENALTIES.

Violations of this chapter shall be punishable as follows:

- (A) In the case of elected officials and other appointed public officials other than employees, a violation of this chapter shall be considered misconduct subject to removal from office when so determined by the City Council.
- (B) In the case of employees, by one or more of the following to be determined by the City Council: reprimand, suspension, or removal from office, employment or service and forfeiture of not more than three months salary.
- (C) In the case of contractors, by one or more of the following: oral or written reprimands, cancellation of the transaction and suspension or disqualification from being a contractor or subcontractor under city or city-funded contracts, with such decision to be approved by the City Council.
- (D) Suspension may be imposed upon an employee, other appointed public official or a contractor during an investigation of charges of a serious and compelling nature based on adequate evidence indicating violation under this section with such decision to be made by the City Council.
- (E) All procedures under this section shall be in accordance with due process requirements, including, but not limited to, a right to notice and a hearing prior to imposition of any penalties. (Ord. 298-1994, passed 11-21-94)

§ 38.08 APPEALS.

In all cases the City Council shall make all final determinations as to the appropriate penalties. In all cases involving penalties, the aggrieved party shall have whatever rights and remedies exist in law or in equity. (Ord. 298-1994, passed 11-21-94)

CHAPTER 39: CODE ENFORCEMENT BOARD

Section

- 39.01 Definitions
- 39.02 Creation and membership
- 39.03 Powers
- 39.04 Appointment of members; appointment of alternate members; terms of office; removal from office; oath; compensation
- 39.05 Organization of Board; meetings; quorum; open meetings; voting; minutes
- 39.06 Conflict of interest
- 39.07 Jurisdiction
- 39.08 Powers of the Code Enforcement Board
- 39.09 Enforcement proceedings
- 39.10 Hearing; final order
- 39.11 Legal counsel
- 39.12 Appeals; final judgment
- 39.13 Ordinance fine
- 39.14 Lien; fines; charges; fees

§ 39.02 CREATION AND MEMBERSHIP.

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

(Ord. 491-2008, passed 9-15-08)

§ 39.03 POWERS.

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

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

(Ord. 491-2008, passed 9-15-08)

§ 39.01 DEFINITIONS.

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

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

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

ORDINANCE. An official action of a local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body which embodies all or part of an ordinance.

(Ord. 491-2008, passed 9-15-08)

§ 39.04 APPOINTMENT OF MEMBERS; APPOINTMENT OF ALTERNATE MEMBERS; TERMS OF OFFICE; REMOVAL FROM OFFICE; OATH; COMPENSATION.

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

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

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

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

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

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

(C) The executive authority may appoint, subject to the approval of the legislative body, two alternate members to serve on the Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.

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

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

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

(G) Members of the Code Enforcement Board shall receive no compensation for their services, but may be reimbursed for actual expenses attendant to the performance of their duties as members of the Board.

(H) No member of the Code Enforcement Board may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city.
(Ord. 491-2008, passed 9-15-08)

§ 39.05 ORGANIZATION OF BOARD; MEETINGS; QUORUM; OPEN MEETINGS; VOTING; MINUTES.

(A) The Code Enforcement Board shall annually elect a chair and vice-chair from among its members. The chairperson shall be the presiding officer and a full voting

member of the Board. In his or her absence, the vice-chair shall be the chairperson. If both are absent, the Board shall designate any member to be acting chairperson.

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

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

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

(E) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.
(Ord. 491-2008, passed 9-15-08)

§ 39.06 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/herself from voting on the matter in which (s)he has an interest and shall not be counted for purposes of establishing a quorum.
(Ord. 491-2008, passed 9-15-08)

§ 39.07 JURISDICTION.

The Code Enforcement Board shall have the authority to review the enforcement of city ordinances and code provisions which specifically provide for code enforcement.
(Ord. 491-2008, passed 9-15-08)

§ 39.08 POWERS OF THE CODE ENFORCEMENT BOARD.

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

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

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

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

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

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

(F) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the Code Enforcement Board has jurisdiction. (Ord. 491-2008, passed 9-15-08)

§ 39.09 ENFORCEMENT PROCEEDINGS.

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

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

(B) Except as provided in division (C) below, if a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a city ordinance, the Code Enforcement Officer is authorized to issue a citation.

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

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

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code or the number of the ordinance violated;
- (6) The name of the code enforcement officer;
- (7) (a) The civil fine that will be imposed for the violation if all of the following conditions are met:
 - 1. Payment is made within seven days of the date of the citation; and
 - 2. The alleged violator does not contest the citation; and
 - 3. The alleged violator takes the action(s) necessary

(b) The civil fine shall be the minimum fine stated in the ordinance unless the offender has been cited and paid a fine for a similar offense. In that case, the minimum fine will double each time the person is cited for a similar offense.

- (8) The maximum civil fine that may be imposed if the person elects to contest the citation;
- (9) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
- (10) A statement that if the person fails to pay the civil fine set forth in the citation within the time allowed and fails to appear at the hearing, the person shall be deemed to have waived their right to a hearing before the Code Enforcement Board to contest the citation and a determination by the Board that the violation was committed shall be final.

(E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall forward the original and one copy to the Police Department Administrative Assistant. The Administrative Assistant will notify Code Enforcement Board

members of scheduled hearings when an offender does not pay the fine within seven days.

(F) (1) If the alleged violator does not pay the civil fine within seven days of the citation, and does not contest the citation by appearing at the hearing before the Code Enforcement Board, the Board shall, upon determining that the violation was committed, enter a final order and impose a civil fine within the range of the uncontested and maximum fine on the citation. More than one fine may be assessed when:

(a) The ordinance provides that each day the violation continues may be considered a separate offense; and

(b) Notice of the same is provided on the citation form.

(2) Charges and fees incurred by the city in connection with the enforcement of the ordinance may be assessed in addition to the civil fine(s). A copy of the final order shall be served on the person guilty of the violation. (Ord. 491-2008, passed 9-15-08)

§ 39.10 HEARING; FINAL ORDER.

(A) Any person who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and a determination by the Code Enforcement Board 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 citation. A copy of the final order shall be served upon the person guilty of the violation 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.

(B) 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.

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

(D) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in division (A) above. (Ord. 491-2008, passed 9-15-08)

§ 39.11 LEGAL COUNSEL.

Each case before the Code Enforcement Board shall be presented by an attorney selected by the city or by a Code Enforcement Officer for the city. The City Attorney may either be counsel to the Code Enforcement Board or may present cases before the Code Enforcement Board, but in no case serve in both capacities. (Ord. 491-2008, passed 9-15-08)

§ 39.12 APPEALS; FINAL JUDGMENT.

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

(B) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in division (A) above, the Code Enforcement Board's order shall be deemed final for all purposes. (Ord. 491-2008, passed 9-15-08)

§ 39.13 ORDINANCE FINE.

Violations of ordinances that are enforced by the City Code Enforcement Board shall provide a fine in the penalty section of each such ordinance.
(Ord. 491-2008, passed 9-15-08)

§ 39.14 LIEN; FINES; CHARGES; FEES.

(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 charges and fees incurred by the city in connection with the enforcement of the ordinance.

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

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

(D) In addition to the remedy prescribed in division (A), 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. 491-2008, passed 9-15-08)

TITLE V: PUBLIC WORKS

Chapter

50. SEWERS

51. GARBAGE AND REFUSE; RECYCLABLE MATERIALS

CHAPTER 50: SEWERS

Section

General Provisions

- 50.01 Definitions
- 50.02 Application for service
- 50.03 Standards for installation
- 50.04 Inspection
- 50.05 Public access to information
- 50.06 Notice to employees
- 50.07 Storm sewer grates required

Rates and Charges

- 50.20 Installation of monitoring facility
- 50.21 Installation costs
- 50.22 Connection fees
- 50.23 Service fee
- 50.24 Unusual handling and treatment surcharge; procedure for appeal

Sewer Use Regulations

- 50.35 Restricted discharges
- 50.36 Disposal of radioactive waste
- 50.37 Use of garbage grinders
- 50.38 Grease, oil, and sand traps
- 50.39 Discharge of unpolluted waters into sewer system
- 50.40 Limitations on point of discharge
- 50.41 Accidental discharge notification

Administration and Enforcement

- 50.55 Mayor to administer and enforce regulations
- 50.56 Application of state and federal regulations
- 50.57 Notice of violation; corrective action; time limit
- 50.58 Termination of service in emergency cases
- 50.59 User liable for damage to city property
- 50.60 Misrepresentation; falsifying documents
- 50.61 Violations

Privies; Sewage Treatment Facilities

50.75	Definitions
50.76	Standards for privies
50.77	Sewage treatment facilities
50.99	Penalty

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in milligrams per liter.

CITY. The city of Prospect in its capacity as owner and operator of the municipal sewer system.

COMBINED SEWER. A sewer which is intended to serve as a sanitary sewer and a storm sewer.

EFFLUENT. The outflow of treated water from the sewage treatment plant.

INTERCEPTOR. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes to discharge into the sewer system.

SANITARY SEWER. A sewer which is intended to convey only domestic and admissible commercial and industrial liquid and water-carried wastes.

SEWAGE SYSTEM. All facilities for collecting, transporting, pumping, treating, and disposing of sewage and sludge.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in 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, which adversely affects the sewage system.

SOLID WASTE. Includes, but is not limited to, uncomminuted garbage, grease, entrails, bones, hair, hides or fleshings, feathers, cinders, ashes, straw, leaves, grass clippings, mud, sand, gravel, tar, asphalt, concrete, cement, paper, wood, plastic, metal, or glass.

STORM SEWER. A sewer which is intended to convey only storm water, surface runoff, street drainage, and other unpolluted waters.

TREATMENT WORKS. Any devices or systems used by the city in conveyance, storage, treatment, recycling, and reclamation of municipal sewage including pumps, lifts, collection systems, power, land, and aboveground treatment tanks, inground treatment tanks, chlorinators, lagoons, and any other equipment and appurtenances.

UNPOLLUTED WATER. Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment works.

USER. Any person who contributes, causes, or permits the contribution of wastewater to the city sewer system. (Ord. 130-1985, passed 3-18-85)

§ 50.02 APPLICATION FOR SERVICE.

(A) Any person desiring access to the city's sanitary sewer system shall submit written application for service. For residential lots located in the subdivisions of Hunting Creek, Fox Harbor, or Timberlake which were platted on or before January 1, 1985, completion of the application for a utility permit will be considered proper notification and the provisions of § 50.04 shall not apply. All other potential users shall submit their request in writing and include the following information:

- (1) Name, address, and location, if different from the address;
- (2) Estimated daily wastewater flow rates;
- (3) Site plans, floor plans, mechanical and plumbing plans and details which show all sewers, sewer connections, and appurtenances by size, location, and elevation;
- (4) Any other information as may be deemed to be necessary by the city to evaluate the application for service.

(B) In addition to the information required above, commercial users shall also, at the city's request, furnish any or all of the following:

- (1) Wastewater constituents and characteristics as determined by any analytical laboratory acceptable to the city;
- (2) Average daily and 30-minute peak wastewater flow rate;
- (3) Where known, the nature and concentration of any pollutants in the discharge which are limited by state or federal pretreatment standards.
(Ord. 130-1985, passed 3-18-85)

§ 50.03 STANDARDS FOR INSTALLATION.

All sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code and the Louisville and Jefferson County Department of Health regulations and standards.
(Ord. 130-1985, passed 3-18-85)

§ 50.04 INSPECTION.

(A) All users shall notify the city when the sewer line is ready for connection. The city reserves the right to order and to supervise testing of the line to insure that it is watertight, gastight, and that it meets applicable state and county requirements at the owner's expense. Any defect or leakage discovered as a result of testing shall be corrected at the owner's expense before final connection will be permitted.

(B) The city may inspect the facilities and records relating to the wastewater discharges of any user to ascertain whether the provisions of this chapter are 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 its representatives ready access at all reasonable times, to all parts of the premises, for the purposes of inspection, sampling, or in the performance of any of the city's duties. The city shall have the right to set up on the user's property, any devices which are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with security guards so that, upon presentation of suitable identification, personnel from the city will be permitted at any time to enter without delay for the purposes of performing their specific responsibilities.
(Ord. 130-1985, passed 3-18-85)

§ 50.05 PUBLIC ACCESS TO INFORMATION.

All information and data on a user either provided by the user or obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or any other governmental agency, unless restricted by law.
(Ord. 130-1985, passed 3-18-85)

§ 50.06 NOTICE TO EMPLOYEES.

In order that employees of users be informed of the city's requirements, users shall make available to their employees copies of this chapter and direct them to comply with all applicable regulations. Failure to do so shall not release the owner of any liability for loss or damage to the city's sewer system.
(Ord. 130-1985, passed 3-18-85)

§ 50.07 STORM SEWER GRATES REQUIRED.

(A) It shall be unlawful for any person to construct or cause to be constructed within the city any drainage, storm sewer, or sewer pipe having a diameter of 18 inches or more which does not have a grate, cover or other safety device at both its inlet and outlet ends which will prevent access to such pipe by persons.

(B) Such grates shall be constructed so as not to impede the flow of water into or out of such pipes and to

allow maintenance of such pipes by adult human beings equipped with such tools or devices necessary to temporarily remove the grates for the purposes of maintenance.

(C) Pipes presently constructed or maintained which are not in compliance with divisions (A) and (B) above, and which are not owned or controlled by the city, shall be brought into compliance with this section within 45 days of the date on which this section is passed, approved and published according to law.

(Ord. 276-1993, passed 12-13-93) Penalty, see § 50.99

RATES AND CHARGES

§ 50.20 INSTALLATION OF MONITORING FACILITY.

Based upon the information supplied in § 50.02, new users may, at the discretion of the city, be required to install a monitoring facility to allow inspection, sampling, and flow measurement of the wastewater produced. Monitoring facilities that are required to be installed shall be constructed, operated, and maintained at the user's expense.

(Ord. 130-1985, passed 3-18-85)

§ 50.21 INSTALLATION COSTS.

All costs and expenses incidental to the proper installation and connection of the sewer lines shall be borne by the user. The user shall indemnify the city of any loss or damage, direct or indirect, resulting from the design or installation of the sewer line. Streets, sidewalks, and all public property disturbed in the course of installation shall be restored in a manner satisfactory to the city.

(Ord. 130-1985, passed 3-18-85)

§ 50.22 CONNECTION FEES.

Tap-in fees are established at \$2,200 per tap.

§ 50.23 SERVICE FEE.

(A) Service fees shall be established by the city based upon the volume of the wastewater. Residential users shall pay a uniform monthly service fee which assumes an

average flow rate of 400 gallons per day, which shall be referred to as the residential equivalent or R.E. The current residential rate is \$15 per month.

(B) Commercial users shall be charged a service fee which is directly correlated to the average percentage of the R.E. used. This percentage shall be based upon calculations furnished by the Louisville and Jefferson County Department of Public Health for new users connected 12 months or less, or by averaging the actual water consumption of each commercial user from data supplied by the Louisville Water Company on an annual basis. For example, a commercial user having an average flow rate of 200 gallons per day (1/2 R.E.) shall pay a fee which correlates to 50% of the established R.E. The current commercial rate is \$7.50 per month.
(Ord. 130-1985, passed 3-18-85)

**§ 50.24 UNUSUAL HANDLING AND
TREATMENT SURCHARGE; PROCEDURE
FOR APPEAL.**

(A) Any user whose wastewater strength exceeds a biochemical oxygen demand (BOD) of 300 milligrams per liter shall be subject to a monthly surcharge adequate to compensate the city for the additional cost of handling and treatment. The surcharge shall be affixed pursuant to competent laboratory sampling and analysis, and the city's consulting engineer's evaluation of additional costs based upon the laboratory results. Wastewater constituents and characteristics shall not be recognized as confidential data.

(B) Any user subject to a surcharge based upon the sampling results will be so notified in writing by the city, stating the reason for the surcharge and a schedule for payment. Affected users will be resampled periodically, but not less than once every 12 months, and the surcharge adjusted accordingly.

(C) If, as a result of sampling and analysis, the city finds that a user's wastewater violates §§ 50.35 or 50.36, or otherwise contains substances or possesses characteristics which may have a deleterious effect upon the wastewater facilities, the city reserves the right to:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the city's sanitary sewer;
- (3) Require control over the quantities and rates of discharge;
- (4) Require payment to cover the added cost of handling and treatment.

(D) Any user may appeal his surcharge and request resampling for any of the following:

- (1) User has sufficient reason to believe that the results of the sampling were not representative of his average wastewater strength;
- (2) User has taken steps to permanently reduce or eliminate high BOD pollutants from his wastewater;
- (3) User has valid reason to question the validity of the laboratory results and the procedures employed in obtaining the sample.

(E) The user must submit his appeal in writing to the city, stating his reason for the appeal and outlining the conditions or circumstances relevant to his appeal. Resampling and reevaluation performed at the request of the user shall be at the user's expense, and shall be conducted by a laboratory mutually agreeable to the user and the city. All analytical data submitted shall be certified by the laboratory conducting the analysis. Resampling, in every instance, shall be conducted at a time and date chosen by the city.

(F) Where resampling results differ markedly from the original sampling, the city will adjust the surcharge accordingly and so notify the user.
(Ord. 130-1985, passed 3-18-85)

§ 50.35 RESTRICTED DISCHARGES.

No user shall discharge wastes to the city's sewer system which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

(A) A fire or explosion hazard; prohibited substances include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, alcohols, ketones, and any other substance which the city, state, or EPA has determined to be a potential fire or explosion hazard;

(B) Obstruction to the flow in the city's sewers, or other interference to the treatment facility. This includes, but is not limited to, solid or viscous substances such as

ashes, bones, entrails, cinder, metal, glass, plastics, whole blood, tar, feathers, lubricating oil, and unground garbage;

(C) Heat in amounts which will inhibit biological activity in the receiving city treatment plant. Any wastewater which at the introduction to the city sewer system has a temperature in excess of 150F. (65C.), or any wastewater which would result in a treatment plant influent temperature which exceeds 104F. (40C.) is prohibited;

(D) An accumulation of noxious or malodorous liquids, gases, or solids which create a public nuisance, hazard to life, or prevent entry into the system for the purposes of repair or maintenance;

(E) Discoloration or any other condition in the quality of effluent from the city's treatment facility such that the legal receiving water requirements cannot be met, and in no case, wastewater with a color at the introduction to system which exceeds 300 ADMI (American Dye Manufacturers Institute) units;

(F) Interference with the proper functioning of any part of city's treatment works, including but not limited to, lines, lifts, and pumps. Specifically prohibited is wastewater from commercial businesses containing floatable oils, fats or grease, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures of 32-150F. (0-65C.). All users are prohibited from discharging wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin;

(G) Danger to life or safety of any person;

(H) City's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation, reuse, or disposal;

(I) Unusual collection or treatment costs to the city;

(J) City's treatment works to be subjected to a slug or wastewater released at such a flow or concentration as to cause interference or overloading of the city's system;

(K) Any condition which violates or causes the city to violate any statute, rule, regulation, or ordinance of any public agency, or county, state, or federal regulatory body.
(Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.36 DISPOSAL OF RADIOACTIVE WASTE.

No person shall discharge wastewater containing radioactive wastes into the city's sewer system, except under the following conditions:

- (A) When radioactive wastes or isotopes of such half-life or concentration do not exceed established limits of applicable state or federal regulations;
 - (B) When the user is in compliance with the rules and regulations of all other applicable regulatory agencies;
 - (C) When the user has filed with the city written notification that the wastewater contains, or may contain, radioactive waste.
- (Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.37 USE OF GARBAGE GRINDERS.

(A) Waste from garbage grinders shall not be discharged into the city's sewer system, except when the waste is generated from a residential user in the preparation of food normally consumed in the user's home. Commercial users, including but not limited to, hotels, hospitals, restaurants, and similar institutions, shall not use garbage grinders, but shall dispose of organic waste in garbage containers.

(B) In no case shall grinders be used to dispose of any solid wastes such as paper products, plastics, garden refuse, cinders, or bones.

(Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.38 GREASE, OIL, AND SAND TRAPS.

(A) Establishments involved in the preparation of food for commercial purposes shall provide grease interceptors or traps. Grease, oil, and sand interceptors or traps shall be provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand, and other harmful ingredients. The interceptors or traps will not be required for private living quarters or dwelling units.

(B) All interceptors or traps shall be of a type and capacity approved by the Kentucky Department for Natural Resources and Environmental Protection and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight, and equipped with easily removable covers.

(C) When installed, all grease, oil, and sand interceptors or traps shall be maintained by the user at his expense, in continuously efficient operation at all times.

(D) Approval of proposed facilities or equipment by the Kentucky Department for Natural Resources and Environmental Protection does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm, or corporation of the responsibility of enlarging or otherwise modifying the facilities to accomplish the intended purpose.

(Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.39 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER SYSTEM.

No person shall discharge or cause to be discharged into the city's sanitary sewer system unpolluted waters such as groundwater, rain water, or subsurface drainage. The city reserves the right to inspect and test the connection lines of any user suspected of leaks or defects; and to require repair, if necessary, at the user's expense. No sanitary drain, sump, or sump pump discharged by manual switch-over or discharge connection shall have a dual use for removal of unpolluted water.

(Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.40 LIMITATIONS ON POINT OF

DISCHARGE.

No person shall discharge any waste or wastewater directly into a manhole or other opening in a public sewer, including the storm sewer system, without the written approval of the city. The city specifically prohibits the discharge of cesspool, septic tank, seepage pit contents, industrial waste, or other batch liquid waste under these conditions. (Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.41 ACCIDENTAL DISCHARGE NOTIFICATION.

Users shall notify the city immediately upon accidental discharge of any wastewater which violates the regulations of this chapter, to enable the city to attempt minimization of damage to the sewer system. Notification will not relieve users of liability for any related expense, loss, or damage to the sewer system, or for any fines, civil penalties, or penalties imposed on the city under federal, state, or local law. (Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

ADMINISTRATION AND ENFORCEMENT

§ 50.55 MAYOR TO ADMINISTER AND ENFORCE REGULATIONS.

The Mayor or his designated representative shall administer and enforce the regulations contained in this chapter. (Ord. 130-1985, passed 3-18-85)

§ 50.56 APPLICATION OF STATE AND FEDERAL REGULATIONS.

The regulations contained in this chapter shall not be construed as repealing any state or federal laws or regulations governing the design, construction, maintenance, operation, and use of sanitary, storm, and combined sewers, but shall be held and construed as ancillary and supplementary, except to the extent that they may be in direct conflict with state or federal laws. (Ord. 130-1985, passed 3-18-85)

§ 50.57 NOTICE OF VIOLATION; CORRECTIVE ACTION; TIME LIMIT.

Violation of any section contained in this chapter shall be corrected or abated as directed by the city. The city shall serve written notice stating the nature of the violation and shall provide a time limit for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations. (Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.58 TERMINATION OF SERVICE IN EMERGENCY CASES.

In cases which cause or threaten to cause a hazard to public health or damage to the treatment works, the city may take emergency measures which may include termination of service. (Ord. 130-1985, passed 3-18-85)

§ 50.59 USER LIABLE FOR DAMAGE TO CITY PROPERTY.

(A) When a discharge of wastes causes an obstruction, damage, or any other impairment to the city's facilities, the city may assess a charge against the user for the work required to clean or repair the facility. These charges will be billed directly to the user when costs are final. The city shall have remedies for the collection of costs as it has for the collection of sewer service charges.

(B) Any person who maliciously, willfully, or negligently breaks, damages, destroys, defaces, or tampers with any structure, appurtenance, or equipment which is part of the city sewer system shall be subject to arrest under charge of criminal mischief.

(Ord. 130-1985, passed 3-18-85)

§ 50.60 MISREPRESENTATION; FALSIFYING DOCUMENTS.

No person shall knowingly make any false statements, representation, or certification on any application, record, plan, or other document required pursuant to this chapter, nor falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. 130-1985, passed 3-18-85) Penalty, see § 50.99

§ 50.61 VIOLATIONS.

Any person in violation of this chapter shall be liable for any and all costs resulting from the violation. The provisions of this section shall not apply to those violations addressed by §§ 50.40, 50.59(B), or 50.60.

(Ord. 130-1985, passed 3-18-85)

PRIVIES; SEWAGE TREATMENT FACILITIES**§ 50.75 DEFINITIONS.**

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

SANITARY PRIVY. One in which human excrement is deposited in a mosquito and flyproof receptacle kept in

proper condition at all times.
(Ord. 56-1976, passed - -76)

§ 50.76 STANDARDS FOR PRIVIES.

(A) *Maintenance prohibited.* No person shall maintain a privy vault, cesspool or similar contrivance for the reception of human excreta in the city when the premises abut a public sewer.

(B) *Permit to construct.* No person shall dig or use, or cause to be dug or used, any privy vault or cesspool, or connect any plumbing with a cesspool, or build or cause to be built any privy house within the city, except with the written permission of the Mayor or duly authorized administrative official. All applications for such permits must be accompanied by a certificate from the Metropolitan Sewer District to the effect that the premises do not abut upon a public sewer.

(C) *Approval by city.* When the premises do not abut upon a public sewer, and pending the establishment of such a sewer, the owner, agent or occupant of the premises may, after securing the necessary permit, construct a sanitary privy, which, prior to installation, must receive the approval of the Mayor or duly authorized administrative official as to suitability, construction and sanitary efficiency.

(D) *Disposal of contents.* Excrement removed from sanitary privies shall be emptied only into the public sewers and in accordance with the requirements established by City Council.

(E) *Permit to remove contents.* No person other than a person who has received a permit from the city shall empty or remove any portion of the contents of any privy vault, cesspool or other contrivance for the collection of human excrement, or transport the contents of any privy, cesspool or other contrivance through the streets, highways, alleys or other places in the city.

(F) *Discharge of storm water into sanitary sewer prohibited.* No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cellar drainage of ground water origin, cooling water or unpolluted water, or drainage to or into any sanitary sewer, without the express written consent of the city and the Jefferson County Health Department.

(G) *Discharge of sewage into storm sewers prohibited.* No person shall discharge or cause to be

discharged into the storm sewers, any sanitary sewage, combinations of storm water and sanitary sewage, garbage, solid food wastes, leaves, trash, debris, water or other liquid containing solids or suspended solids.
(Ord. 56-1976, passed - -76) Penalty, see § 50.99

§ 50.77 SEWAGE TREATMENT FACILITIES.

(A) All sewage treatment plants (whether primary, secondary, tertiary, or lift stations) and any other facility usually and ordinarily associated with the proper handling of waste located within the city shall be licensed by the city. All licensed applications should be accompanied by a current financial statement of the owner. An annual license fee established by ordinance of City Council shall be paid by those operating such facilities to the city.

(B) Prior to being licensed by the city, the owner shall provide the city and the residents owning property adjacent to the facility, with the names, addresses, and phone numbers of the persons, firms, or corporations who are responsible for providing 24-hour maintenance service to said facility if the failure of such facility could, in the opinion of the Mayor or duly authorized administrative official, present a hazard to the health and welfare of the city's residents. Such information shall be provided whenever such responsibilities shall change; however, in no event shall notification be given less than once every six months. Notification shall be given by registered mail, return receipt requested and evidence that such notification has been given to the residents owning property adjacent to the facility shall be provided to the city upon request.

(C) All facilities which, if they should fail, could produce a health hazard for the city's residents shall have a warning device which is self-powered and does not depend upon external power sources. This device shall conspicuously warn of any malfunctions of the facility which could cause a possible health hazard. The owner of such facility shall demonstrate to the city's satisfaction the effectiveness of such warning devices.

(D) Any additions to, revisions of, or major changes in any sewer facility located within the city are subject to a building permit and the approval of the Mayor or duly authorized administrative official.
(Ord. 56-1976, passed - -76) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this chapter, and no penalty of fine or imprisonment is otherwise provided, the offender shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense.

(B) Violators of § 50.07 shall be fined not less than \$100 nor more than \$250 for each offense. Each day's continued violation shall constitute a separate offense. (Ord. 276-1993, passed 12-13-93)

(C) Civil penalties.

(1) Any person violating § 50.40 shall upon conviction be subject to a fine of not more than \$10,000, or imprisonment for not more than 12 months, or both.

(2) Any person violating § 50.60 shall upon conviction be punished by a fine of not more than \$1,000.
(Ord. 130-1985, passed 3-18-85)

(D) Any person who violates any provision of §§ 50.76 or 50.77 shall be guilty of a violation and fined not less than \$20 or more than \$100. Each day's continuance of the violation shall constitute a separate offense. (Ord. 56-1976, passed - -76)

(E) This chapter is subject to enforcement by the Code Enforcement Board of the City of Prospect. A violation of any provisions of this chapter shall be considered a civil offense in accordance with KRS 65.8808. (Ord. 357-1998, passed 5-18-98)

CHAPTER 51: GARBAGE AND REFUSE; RECYCLABLE MATERIALS

Section

- 51.01 Removal of recyclable materials from garbage or containers prohibited
- 51.02 Recycling containers; property of city
- 51.03 Collection and sanitary disposal of animal waste within city

- 51.99 Penalty

§ 51.01 REMOVAL OF RECYCLABLE MATERIALS FROM GARBAGE OR CONTAINERS PROHIBITED.

No person, unless authorized in writing by the Mayor or the Mayor's designee, shall remove, burn, overturn or tamper with any rubbish, garbage or the container therefor, when such rubbish, garbage or container is set out on the public street, highway, sidewalk, alley or private premises when the rubbish, garbage or container is placed there for the purpose of collection of recyclable materials.

(Ord. 216-1991, passed 10-21-91) Penalty, see § 51.99

§ 51.02 RECYCLING CONTAINERS; PROPERTY OF CITY.

Recycling containers provided to the property owners within the city by the city or its sanitation contractor, are and shall at all times remain property of the city.

(Ord. 216-1991, passed 10-2-91)

§ 51.03 COLLECTION AND SANITARY DISPOSAL OF ANIMAL WASTE.

(A) Collection Device Required. It shall be unlawful for any owner or person in charge of a dog or cat or other four-footed mammal to permit the animal to be on school grounds, city parks or public property or on any private property (other than that of the owner or person otherwise in charge of the animal) without the permission of the owner of said property, or on any streets, sidewalks, highways or rights of way in the city without having in his or her possession a suitable device for the collection and sanitary disposal of animal waste.

(B) Disposal. It shall be unlawful for the owner of a dog or cat or other four-footed mammal to permit that animal to eliminate or excrete waste on school grounds, city parks, or other public property, or on any private property (other than that of the owner or person in charge of the animal) without the permission of the owner of said property, or on any streets, sidewalk, highway, or right of way within the city, unless the owner or person in charge of the animal removes all of the waste deposited by the animal and disposes of the same in a sanitary manner. (Ord. 355-1998, passed 5-18-98)

§ 51.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other penalty is provided shall be guilty of a violation and fined not less than \$10 nor more than \$50 for each offense. In addition, any person found in the act of removing recyclable material in violation of § 51.01 shall be subject to confiscation of all recyclable materials in the possession of that person. (Ord. 216-1991, passed 10-21-91)

(B) Any person who violates any provisions of this chapter shall be fined \$25. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808. (Ord. 355-1998, passed 5-18-98)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. BICYCLES AND MOTORCYCLES

74. WEIGHT LIMITS

CHAPTER 70: GENERAL PROVISIONS

Section

- 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
- Traffic-Control Devices***
- 70.15 Signal legends
 - 70.16 Establishment and maintenance of traffic-control devices
 - 70.17 Obedience to signals
 - 70.18 Interference with signals
 - 70.19 Unauthorized signals or markings
 - 70.20 Device to be legible and in proper position
 - 70.21 Temporary disregard of devices by police officers
-
- 70.99 General penalty

CROSSWALK. That portion of the roadway included within the extension of the sidewalk across any intersection, and such 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 that portion of the street used for vehicles whether marked by curbstones or not.

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

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

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.

§ 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, vehicles of the Commonwealth Attorney's office when on official business, and ambulances on an authorized emergency run.

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

Prospect - Traffic Code

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

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

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

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

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

STREET. Every public way, including alleys.

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

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

§ 70.02 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, this state, county, or city, and it shall be unlawful for any such 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 § 10.99

§ 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 this 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 discretion, have authority to impose such 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.

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 such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to

other vehicles and to pedestrians lawfully within the intersection at the time such 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 such 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 such 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 such 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 such 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: 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. However, when flashing amber lights appear above a lane all left turns shall be made from that lane. Where red arrows appear above such lanes, vehicles shall not move against them. If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at such place prohibits such 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. 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. The city shall ensure that all traffic control devices are preceded by a 100-foot area clear of large bushes or trees with hanging branches that could interfere with a drivers' ability to see the sign. (Am. Ord. 448-2005, passed 3-31-05)

§ 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 such barrier or sign must be approved by the city.

(B) Such 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) 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 bearing any commercial advertising. 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 such 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 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.

CHAPTER 71: TRAFFIC RULES

Section

OPERATION GENERALLY

Operation Generally

- 71.01 Obstructing traffic
- 71.02 Reverse or U turn
- 71.03 Backing vehicles
- 71.04 Vehicles crossing sidewalks
- 71.05 Speed limit

Accidents

- 71.15 Duty of operator
- 71.16 Accident report

Prohibitions

- 71.25 Operator of vehicle to drive carefully
- 71.26 Right-of-way of emergency vehicles; following emergency vehicles; driving over fire hose
- 71.27 Smoke emission or other nuisance

Parades

- 71.40 Definitions
- 71.41 Permit required
- 71.42 Application for permit
- 71.43 Standards for issuance of permit
- 71.44 Notice of rejection of permit
- 71.45 Appeal procedure when permit denied
- 71.46 Alternative permit
- 71.47 Notice to city and other officials when permit issued
- 71.48 Contents of permit
- 71.49 Duties of permittee
- 71.50 Public conduct during parades
- 71.51 Revocation of permit

- 71.99 Penalty

§ 71.01 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such 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 shall be deemed to have violated this division rather than division (B) above.
Penalty, see § 71.99

§ 71.02 REVERSE OR U TURNS.

The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.
(KRS 189.330(8)) Penalty, see § 71.99

§ 71.03 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as

to proceed on the same side of the roadway in the lawful direction of travel.

Penalty, see § 71.99

§ 71.04 VEHICLES CROSSING SIDEWALKS.

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

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

Penalty, see § 71.99

§ 71.05 SPEED LIMIT.

(A) The speed limit for all residential streets in the city is hereby established at 25 miles per hour, except the speed limit from Highway 42 and Fox Harbor Road to the corner of Fox Cove Court and Fox Harbor Road which is hereby established at 20 miles per hour. Any person violating the provisions hereof shall be fined in accordance with KRS 189.394.

(B) The purpose of this section is residential streets shall be those streets within the city which are not also designated as county, state, or U.S. highways. (Ord. 156-1987, passed 6-15-87; Am. Ord. 448-2005, passed 3-31-05)

Statutory reference:

Authority to regulate speed, see KRS 189.390 (5)

ACCIDENTS

§ 71.15 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an

accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.

Penalty, see § 71.99

Statutory reference:

Duty in case of accident, see KRS 189.580

§ 71.16 ACCIDENT REPORT.

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

Penalty, see § 71.99

PROHIBITIONS

§ 71.25 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway. Tailgating shall be designated as an unsafe mode of operation.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway. (KRS 189.290) (Am. Ord. 448-2005, passed 3-31-05)
Penalty, see § 71.99

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

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

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

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

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

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

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

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

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

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

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

(KRS 189.930) Penalty, see § 71.99

§ 71.27 SMOKE EMISSION OR OTHER NUISANCE.

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.

(KRS 189.020) Penalty, see § 71.99

PARADES

§ 71.40 DEFINITIONS.

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

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

PARADE PERMIT. A permit required by this subchapter.

§ 71.41 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 or other authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions; or

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

Penalty, see § 71.99

§ 71.42 APPLICATION FOR PERMIT.

A person seeking issuance of a parade permit shall file an application with the Chief of Police or other authorized city official on forms provided by such officer.

(A) Filing period. The application for a parade permit shall be filed not less than five 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 chairman 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 such assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply

for the permit on his behalf;

(13) 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 \$20. (Ord. 273-1993, passed 8-16-93) Penalty, see § 71.99

§ 71.43 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 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 fire fighting equipment enroute 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 enroute.

(G) That the necessary deposit has been made to ensure that the fiscal responsibility of the parade sponsors for additional police hours and for proper clean-up of parade debris is met. (Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 71.99

§ 71.44 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 disapproves the application, he 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 action stating the reasons for his denial of the permit.

§ 71.45 APPEAL PROCEDURE WHEN PERMIT DENIED.

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

§ 71.46 ALTERNATIVE PERMIT.

The Chief of Police or other authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

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

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

- (A) The Mayor;
- (B) The City Attorney;
- (C) The Fire Chief;

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

§ 71.48 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

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

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

(G) Such other information as is reasonably necessary to the enforcement of this subchapter. Penalty, see § 71.99

§ 71.49 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade. Penalty, see § 71.99

§ 71.50 PUBLIC CONDUCT DURING PARADES.

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

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

Penalty, see § 71.99

Cross-reference:

Parking on parade route, see § 72.07

§ 71.51 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 who violates § 71.26 shall be guilty of a misdemeanor and shall be fined not less than \$60 nor more than \$500, or be imprisoned in the county jail for not more than 30 days, or both. (KRS 189.993(8))

CHAPTER 72: PARKING REGULATIONS

Section

PARKING GENERALLY

Parking Generally

- 72.01 Obstructional parking; double parking
- 72.02 Manner of parking
- 72.03 Limitations of stopping and parking
- 72.04 Restrictions and prohibitions on designated streets
- 72.05 Parking restricted to allow street cleaning
- 72.06 Parking in excess of certain number of hours prohibited; towing authorized
- 72.07 Parking on parade route
- 72.08 Parking on off-street facility
- 72.09 Owner responsibility
- 72.10 Parking in parks
- 72.11 Display of parked vehicle for sale
- 72.12 Parking with handicapped permits
- 72.13 Parking of recreational vehicles in residential areas
- 72.14 Parking of vehicles off of paved areas

Impounding

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

Snow Emergency

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

72.99 Penalty

Statutory reference:

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

§ 72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street. Penalty, see § 72.99

§ 72.02 MANNER OF PARKING.

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two right wheels are within six inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side the two left wheels are to be within six inches of and parallel with the curb.

(C) No vehicle shall be backed to the curb on any street, except that wagons and trucks may do so when loading and unloading provided that such loading and unloading and delivery of property and material shall not consume more than 30 minutes. Such backing of trucks or wagons is prohibited at all times and on all streets in the city where any truck or wagon so backed interferes with the use of the roadway of moving vehicles or occupies road space within ten feet of the center line of the street.

(D) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required therefor would be within ten feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(E) It shall be unlawful for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.

(F) It shall be unlawful for the operator of any motor vehicle to park any vehicle on the streets or public ways of the city in front of or otherwise obstructing any public or private US mailbox. (Ord. 348-1997, passed 12-8-97)
Penalty, see § 72.99

§ 72.03 LIMITATIONS OF STOPPING AND PARKING.

It shall be unlawful for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(A) On the mainly-traveled portion of any roadway or on any other place in the roadway where vehicles stand in any manner other than as specified in § 72.02.

(B) On a sidewalk.

(C) In front of sidewalk ramps provided for persons with disabilities.

(D) In front of or otherwise obstructing a public or private driveway.

(E) Within an intersection or crosswalk.

(F) At any place where official signs prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(G) Within 30 feet of any flashing beacon, traffic sign, or traffic-control device.

(H) No person shall move a vehicle not lawfully under his control into any such prohibited area. (KRS 189.450(5), (6) (Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 72.99

§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.

(A) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(B) The provisions of this section imposing a time limit on parking shall not relieve any person from his duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(C) When signs are erected in compliance with the provisions of division (F) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(D) When a curb has been painted in compliance with the provisions of division (F) below, no person shall park a vehicle at any time at or adjacent to any curb so marked.

(E) When signs are erected in compliance with the provisions of division (F) below, in each block giving notice thereof, no person shall park a vehicle between the hours specified by official signs on any day except Sundays on any street so marked.

(F) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs or in conjunction therewith, the face and top of a curb or curbs at or adjacent to which parking is prohibited at all times may be painted a solid yellow color.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and set in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(G) When signs are erected in compliance with division (F) above in each block giving notice thereof, no person shall park a vehicle for a time longer than specified on official signs any day except Sunday and on any street so marked.
Penalty, see § 72.99

§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.
Penalty, see § 72.99

§ 72.06 PARKING IN EXCESS OF CERTAIN NUMBER OF HOURS PROHIBITED; TOWING AUTHORIZED.

It shall be unlawful for anyone to habitually park in any one place any vehicle on any of the public ways or streets of the city for a period of 24 hours or longer. Any vehicle left parked in any one place on any of the public ways or streets of the city for a period of 24 hours or longer shall be deemed abandoned, and shall be subject to all existing regulations of the city pertaining to abandoned motor vehicles.
(Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 72.99

Cross-reference:

Removal of abandoned vehicles, see § 72.21 et seq.

§ 72.07 PARKING PARADE ROUTE.

(A) The Chief of Police or other authorized city official shall have the authority, whenever in his judgment it is necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect, and to prohibit and prevent such parking.

(B) It shall be unlawful to park or leave unattended any vehicle in violation of such signs or directions.
Penalty, see § 72.99

Cross-reference:

Parades, see §§ 71.40 through 71.51

§ 72.08 PARKING ON OFF-STREET FACILITY.

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of division (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of §§ 72.20 through 72.22.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon that the property or parking facility is privately owned and that unauthorized vehicles will be removed at the owner's expense before exercising the authority granted in division (B).

Penalty, see § 72.99

Statutory reference:

Removal of vehicles by owners of private parking lots; signs, see KRS 189.725

§ 72.09 OWNER RESPONSIBILITY.

If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

Penalty, see § 72.99

§ 72.10 PARKING IN PARKS.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking

area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on such roadway. Penalty, see § 72.99

§ 72.11 DISPLAY OF PARKED VEHICLE FOR SALE.

It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street. Penalty, see § 72.99

§ 72.12 PARKING WITH HANDICAPPED PERMITS.

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for handicapped persons, when operated by a handicapped person or when transporting a handicapped person, may be parked in a designated handicapped parking place, or when parked in a metered parking space may be parked for two hours for no fee, or when parked where any parking limit is imposed may be parked for two hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the handicapped person to or from the parked vehicle, but in no circumstances longer than 30 minutes.

(B) This section shall not permit parking in a “no stopping” or “no parking” zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a vehicle to be parked in such a manner as to constitute a traffic hazard. Penalty, see § 72.99

§ 72.13 PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL AREAS.

(A) For those sections of the city which have been or are being developed primarily as residential areas, it shall be unlawful for any person to park, store, or otherwise maintain a boat, any truck, tractor truck (an automotive vehicle with a driver's cab used to haul trailers) truck trailer, trailer, house

trailer, ATV, disabled vehicle, recreational vehicle, or mobile home on any public or private property within the city, unless it is enclosed within a garage or structure, and is not occupied as a dwelling or sleeping place. This refers to resident-owned vehicles and all commercial vehicles.

(B) Notwithstanding the provisions of division (A) above, a city resident may park his or her boat, tractor truck, truck trailer, trailer, or recreational vehicle in the driveway, but not on the grass, of his or her dwelling for a period not to exceed 72 hours for the purposes of loading, unloading, cleaning, repairing, or servicing the recreational vehicle, upon obtaining a permit from the city. The permit shall be issued solely for the foregoing purposes and may not be issued more than three times per calendar year. The permit shall be displayed prominently upon the recreational vehicle, boat, bus, tractor truck, truck trailer, or trailer.

(C) A renewal permit may not be issued to any person within one week after issuance to that person of an initial permit, except in the event of an emergency situation creating the likelihood of injury to persons or property. The existence of an emergency shall be determined by the city.

(D) A recreational vehicle owned by a person who is not a resident of the city and is a guest of a resident of the city, may be parked for a period not to exceed 72 hours in the driveway of the residence in which the recreational vehicle owner is a guest, upon obtaining a permit from the city. A city police officer or the City Administrative Officer shall issue the permit upon execution by the resident of an application stating that the permit will be used exclusively for his or her guest. The permit shall be displayed prominently on the recreational vehicle.

(E) It shall be the duty of the city law enforcement officer upon request, or upon his or her own volition, to investigate any and all violations of this section and enforce its provisions.
(Ord. 39-1975, passed 6-23-75; Am. Ord. 109-1983, passed 7-27-83; Am. Ord. 294-1994, passed 9-19-94; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 72.99

§ 72.14 PARKING OF VEHICLES OFF OF PAVED AREAS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **FRONT YARD.** The yard extending across the front of a lot, between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the principal building or any projections thereof. On corner lots the **FRONT YARD** shall be considered as parallel to the street on which the lot has its least dimension.

(2) **SIDE YARD.** The open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

(3) **REAR YARD.** The yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof. On all corner lots the **REAR YARD** shall be at the opposite end of the lot from the front yard.

(4) **CORNER LOT.** A lot fronting on two streets at their point of intersection.

(5) **RESIDENTIAL AREA.** Any property zoned for residential use.

(6) **COMMERCIAL AREA.** Any property zoned for commercial use.

(B) *Parking on unpaved portion of residential lots at front yard or side yard.* It shall be unlawful for any person, corporation, company or other entity to park or leave standing, any automobile, boat, motor home, trailer or other

vehicle on the unpaved portion of a residential area’s front yard or side yard, as defined herein.

(C) *Parking on unpaved portion of residential lots at rear yard.* It shall be unlawful for any person, corporation, company or other entity to park or leave standing, any automobile, boat, motor home, trailer or other vehicle on the unpaved portion of a residential area’s rear yard unless said vehicle is screened from street view.

(D) *Exceptions to residential area parking restrictions.* The parking restrictions set out in divisions (B) and (C) of this section for residential areas shall not apply:

(1) During the time of sealing or resealing of asphalt driveways and for three days after such sealing or resealing has been completed; or

(2) During such time when the resident’s driveway is actively under construction or reconstruction; or

(3) During such time as a temporary portable trash or storage container, duly permitted under Chapter 98 of this code of ordinances, is stored on a residential driveway in such a way as to prevent use of said driveway; or

(4) When guests of a resident owner are not able to safely park vehicles on the resident owner’s driveway during a party or celebratory event conducted by the resident owner; provided however that this exception shall not be allowed for more than a period of 12 consecutive hours at a time; or

(5) For a period of time, not to exceed one week in duration, when the resident’s driveway is blocked or made otherwise unusable due to debris or other materials deposited on a driveway as a result of an act of God, natural disaster or weather-related emergency; or

(6) On New Year’s Eve Day, New Year’s Day, Easter, Kentucky Derby Eve Day, Kentucky Derby Day, Mother’s Day, Father’s Day, July 4th, Labor Day, Thanksgiving Eve Day, Thanksgiving Day, Christmas Eve Day or Christmas Day.

(E) *Parking on unpaved portion of commercial lots at front yard or side yard.* It shall be unlawful for any person, corporation, company or other entity to park or leave standing, any automobile, boat, motor home, trailer or other

vehicle on the unpaved portion of a commercial area front yard or side yard, as defined herein.

(F) *Exceptions to commercial area parking restrictions.* The parking restrictions set out in division (E) of this section for commercial areas shall not apply:

(1) During the time of sealing or resealing of asphalt driveways and for three days after such sealing or resealing has been completed; or

(2) During such time when the commercial business owner's driveway is actively under construction or reconstruction; or

(3) During such time as a temporary portable trash or storage container, duly permitted under Chapter 98 of this code of ordinances, is stored on a commercial business owner's driveway in such a way as to prevent use of said driveway.

(Ord. 509-2010, passed 12-13-10) Penalty, see § 72.99

IMPOUNDING

§ 72.20 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

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

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

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

§ 72.21 REQUIRED NOTICE TO OWNER.

(A) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, other public

authority, or private person or business for any reason 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 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 vehicle 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))

§ 72.22 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 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/or storage, the sale and collection of

proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting, and/or 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

§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.

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 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 such parking be prohibited, he is authorized to announce such prohibition, to become effective at a time specified by him. After the effective time of such 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 1:00 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 such fall. 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 announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this section shall no longer be in effect.

Penalty, see § 72.99

§ 72.36 TERMINATION OF EMERGENCY.

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 is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If such announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

§ 72.37 SNOW EMERGENCY ROUTES.

The term “**SNOW EMERGENCY ROUTE**” shall mean any route designated by the Chief of Police or other authorized city official. On such street or highway designated as a snow emergency route, special signs shall be posted to this effect.

§ 72.99 PENALTY.

(A) Any person receiving a citation for any parking violation in the city shall be deemed to have committed a violation and fined in an amount not less than \$20 nor more than \$100. (KRS 189.990(1))

(B) Anyone found to be in violation of § 72.13 shall be fined not less than \$25, nor more than \$100. Each day that the violation continues shall be considered a separate offense. Section 72.13 is subject to enforcement by the Code Enforcement Board of the City of Prospect. A violation of § 72.13 shall be considered a civil offense in accordance with KRS 65.8808. (Ord. 39-1975, passed 6-23-75; Am. Ord. 109-1983, passed 7-27-83; Am. Ord. 358-1998, passed 5-18-98)

CHAPTER 73: BICYCLES AND MOTORCYCLES

Section

- 73.01 Operation of bicycles
- 73.02 Operation of motorcycles and
motorscooters
- 73.03 Skating and coasting
- 73.04 Clinging to vehicles

- 73.99 Penalty

Cross-reference:

Required obedience to traffic directions, see § 70.02(C)

§ 73.01 OPERATION OF BICYCLES.

(A) No person shall operate a bicycle on the sidewalks of the city.

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

(C) No operator of any bicycle shall carry another person on such bicycle.
Penalty, see § 73.99

Statutory reference:

Bicycles; safety regulations and standards, see KRS 189.287

§ 73.02 OPERATION OF MOTORCYCLES AND MOTORSCOOTERS.

(A) No operator of any motorcycle, motorscooter, or power-driven bicycle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(B) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any public park, except on a roadway or in a parking area.

(C) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any play lot or tot lot.

Penalty, see § 73.99

Statutory reference:

Regulations for operating and riding on motorcycles, see KRS 189.285

§ 73.03 SKATING AND COASTING.

Except on streets which may be declared from time to time as “play streets” by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.
Penalty, see § 73.99

§ 73.04 CLINGING TO VEHICLES.

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

(B) No person shall ride on the projection, running board, or fenders of any vehicle.
Penalty, see § 73.99

§ 73.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed to have committed a violation and shall be fined not more than \$50 for each offense.

CHAPTER 74: WEIGHT LIMITS

Section

- 74.01 Weight limits
- 74.02 Bond required for heavy vehicles for use of streets
- 74.99 Penalty

such vehicle, object or contrivance or the applicant for the building permit may be required to post a bond with surety to cover potential damages. Such bond with surety shall be executed at the time a building permit is issued in an amount set by City Council.

(B) Any person operating a vehicle weighing in excess of 10,000 pounds gross weight including load shall carry a certification of the weight of the vehicle and the weight of the load with such certification meeting regulations or requirements established by City Council.

(C) This section does not apply to vehicles belonging to the city or fire departments, emergency vehicles, fuel trucks, or garbage collection trucks.

(D) Upon discovery, the Mayor or other duly authorized administrative official is authorized to issue stop work orders and take any necessary court or other legal action to stop violations of this section. (Ord. 65-1978, passed 4-10-78) Penalty, see § 74.99

§ 74.01 WEIGHT LIMITS.

(A) No person shall operate on any street within the city, with the exception of any portions of Highway 42 and Covered Bridge Road, any motor vehicle which exceeds 36,000 pounds gross weight, including the load. However, special permits may be granted by the Mayor or other duly authorized administrative official on such conditions, regulations and subject to such fees as may be set by the City Council.

(B) This section shall not extend to any motor vehicles which enter the city for purposes of delivering goods, merchandise or other property or service to completed residences within the city limits nor to moving van type trucks moving residents into or out of the city.

(C) Signs indicating the weight limitations described above shall be erected at appropriate locations by the Chief of Police or his authorized representative.

(D) Any person operating a motor vehicle in excess of 10,000 pounds gross weight shall carry a certification of the weight of the vehicle and the weight of the load. Such certification shall be in accordance with any requirements established by the City Council. (Ord. 40-1975, passed 8-25-75) Penalty, see § 74.99

§ 74.99 PENALTY.

(A) Any person who violates any provision of § 74.01 shall be guilty of a violation and upon conviction thereof shall be fined not less than \$50 nor more than \$100. (Ord. 40-1975, passed 8-25-75)

(B) Any person, firm, or corporation violating any of the provisions of § 74.02 shall, for each such offense, be guilty of a violation and shall be punished by a fine of not less than \$20 nor more than \$100. (Ord. 65-1978, passed 4-10-78)

§ 74.02 BOND REQUIRED FOR HEAVY VEHICLES FOR USE OF STREETS.

(A) Whenever it is anticipated that any construction or other projects will result in a series of trips over the streets and roads of the city by vehicles which exceed 16,000 pounds gross weight including load, the owner or operator of

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. STREETS AND SIDEWALKS

92. NUISANCES

93. FIREWORKS; FIRE PREVENTION

94. LITTERING

95. ABANDONED OR JUNKED VEHICLES

96. SATELLITE DISHES

97. TREES AND FORESTATION

98. TEMPORARY PORTABLE STORAGE AND TRASH CONTAINERS

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
- 90.07 Stabling or keeping of livestock
- 90.08 Noise disturbance
- 90.09 Feeding or artificial attraction of deer

Dogs

- 90.15 Definition
- 90.16 Vaccination and license required
- 90.17 Dogs running at large
- 90.18 Impoundment

- 90.99 Penalty

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. Shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100 (4))

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

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

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

§ 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 unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure. An area surrounded by a radio fence is considered enclosed under the meaning of this section provided the radio fence is both working and effective in containing said animals.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another. (Am. Ord. 448-2005, passed 3-31-05) 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 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 any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or 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 subsection shall not apply to

Prospect - General Regulations

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 with the 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.

(C) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section. (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) It shall be unlawful, except as provided in KRS 258.235, for any person, except a peace officer in the exercise of his lawful duties, to destroy any animal. (Ord. 27-1975, passed 4-23-75)

(B) Any peace officer, animal control officer, or any person authorized by the Board of Agriculture 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.

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

(D) (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 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 agent at his 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) Penalty, see § 90.99

§ 90.07 STABLING OR KEEPING OF LIVESTOCK.

It shall be unlawful for any person to keep, stable, or allow the keeping or stabling, on any subdivision building lot or lots within the city, of any chickens, ducks, geese or other fowl, swine, cattle, goats, horses, or the like. No noxious or offensive trade or activities shall be carried on upon any subdivision building lot or lots, nor shall anything be done thereon which may be or become an annoyance or a public nuisance. The limitation on horses, cattle, and the like shall not apply to estate lots of two or more acres facing the state highway, or farms of more than ten acres within the city. However, all other federal, state, and local laws and regulations shall apply to these animals. The limitation on horses shall not apply to any other lot within the city of four or more acres.
(Ord. 31-1975, passed 4-28-75; Am. Ord. 115-1983, passed 11-2-83)
Penalty, see § 90.99

§ 90.08 NOISE DISTURBANCE.

It shall be unlawful for any person to permit on his premises any loud, frequent, or continuous howling, barking, yelping, or any noisemaking by any animal which annoys or disturbs neighboring property owners or occupants.
(Ord. 27-1975, passed 3-24-75) Penalty, see § 90.99

§ 90.09 FEEDING OR ARTIFICIAL ATTRACTION OF DEER.

It shall be unlawful for any person to:

(A) Provide or permit on his or her property, a source of food intended for deer other than naturally occurring food sources such as trees, shrubs, flora or other vegetation; or

(B) Create or permit conditions on their property intended to attract deer into established residential areas, including the setting of salt licks or other similar devices which serve or may serve to draw deer from their natural secure habitats.
(Ord. 500-2009, passed 9-21-09) Penalty, see § 90.99

DOGS

§ 90.15 DEFINITION.

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

CAT. Any member of the feline family.

DOG. Any member of the canine family.
(Am. Ord. 448-2005, passed 3-31-05)

§ 90.16 VACCINATION AND LICENSE REQUIRED.

It shall be unlawful to keep within the city limits any dog or cat which should have been vaccinated or licensed according to KRS 258.015 and 258.135, but has not been vaccinated or licensed.
(Ord. 27-1975, passed 3-24-75; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 90.99

§ 90.17 DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or keeper of any dog or cat, either licensed or unlicensed, regardless of the age of the dog or cat, to allow the dog or cat to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property.
(Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 90.99

Prospect - General Regulations**§ 90.18 IMPOUNDMENT.**

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

(Am. Ord. 448-2005, passed 3-31-05)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise

provided shall be fined not less than \$25 nor more than \$500 for each offense. Each day the violation exists shall constitute a separate offense. This chapter is subject to enforcement by the Code Enforcement Board of the City of Prospect. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808. (Am. Ord. 359-1998, passed 5-18-98)

(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500. (KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

Section

§ 91.02 APPLICATION; FEE.

Excavations and Construction

- 91.01 Permit required for work done in public areas
- 91.02 Application; fee
- 91.03 Bond may be required
- 91.04 Certification of completed projects
- 91.05 Refusal to issue permit

Drainage

- 91.15 Permit required for lot grade changes
- 91.16 Property owners to maintain swales, culverts, ditches, and grades
- 91.17 Notice of violation
- 91.18 Maintenance of drainage easements and public rights of way across residential property

Obstructions

- 91.40 Mud and gravel on streets
- 91.99 Penalty

EXCAVATIONS AND CONSTRUCTION

§ 91.01 PERMIT REQUIRED FOR WORK DONE IN PUBLIC AREAS.

No person, firm, or corporation shall be permitted to cut, take up, destroy, or tunnel under any street, right-of-way, or other public area within the corporate boundaries of the city without first having obtained and posted a permit from the Mayor or his or her duly appointed representative.

(Ord. 69-1978, passed 4-10-78; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 10.99

(A) An application for a permit shall be signed by the individual making the application and by the owner of the property located within the city which will benefit by the issuance of the permit. The application shall be filed with the Mayor or his or her representative. It shall provide information as may be reasonably required for an intelligent understanding of the proposed work and its effect on the street, right-of-way, or public area as well as any surrounding property. The information set forth in the written application shall contain at least the following:

- (1) The reason for the request;
- (2) The overall dimensions of the length, width, depth, and height of any excavation;
- (3) The location of the proposed project;
- (4) The effects of the project on the adjacent properties which can be reasonably expected to result; and more specifically, what provisions will be made to assure that adjacent properties are not adversely affected by the excavation;
- (5) The time when the project is expected to begin and the length of time that it will take before it is completed;
- (6) A description of the precautions to be taken to assure the general public's safety;
- (7) A description of the substances to be used and the methods by which the street, right-of-way, or public area will be restored to the same condition which it was prior to the project, provided, however, that no street shall be considered restored unless any cuts into the pavement are replaced not less than ten feet on either side of the cut, made waterproof and feathered so as to eliminate any bumps or rough places;
- (8) Certification that the applicants are aware of all city, county, and state standards relating to the construction of streets within the city and that all repairs will be in accordance with these standards;

Prospect - General Regulations

(9) Certification that barricades, lights, flares, and police will be used where the city feels it is necessary to divert or caution traffic near the project;

(10) Certification that the applicants will indemnify and hold the city and any property owners harmless from any and all costs which may be incurred because of the project.

(B) No permit shall be issued until an application fee of \$200 is paid to the city.
(Ord. 69-1978, passed 4-10-78; Am. Ord. 269-1993, passed 8-16-93; Am. Ord. 448-2005, passed 3-31-05)

§ 91.03 BOND MAY BE REQUIRED.

The Mayor, or his or her representative, may require as a condition precedent to the issuance of the permit that a bond be executed by the applicants with corporate or other acceptable surety. In the event that a bond is required, it shall be made payable to the city in an amount which the Mayor or his or her representative shall deem necessary. It shall indemnify the city and any property owners against any damages or expenses incurred by them by reason of the project. Damages shall also be payable to the city from the surety bond for failure to comply strictly with the terms of the permit. Failure to complete the excavation within the time limitations shall result in liquidated damages in an amount to be determined by the Mayor not exceeding \$50 for each and every day's delay in completing the excavation. No bond shall be released prior to the completion of the project for which the permit was requested.
(Ord. 69-1978, passed 4-10-78; Am. Ord. 448-2005, passed 3-31-05)

§ 91.04 CERTIFICATION OF COMPLETED PROJECTS.

No project shall be certified by the Mayor or his or her representative as having been completed unless the Mayor or his or her representative is completely satisfied that the city and the owners of all property within the corporate boundaries have not incurred any expenses or damages by reason of the project for which they have not been reimbursed by reason of the excavation. All streets, rights-of-way, or public areas must be in essentially the same condition that they were in prior to the project. In no event shall the project be certified as having been completed within less than two years of the date that all excavation and repairs

to streets, rights-of-way, or public areas were completed in order to assure that all damages are discovered.
(Ord. 69-1978, passed 4-10-78; Am. Ord. 448-2005, passed 3-31-05)

§ 91.05 REFUSAL TO ISSUE PERMIT.

The Mayor or his or her representative may refuse to issue the permit if, in his or her opinion, he or she feels that the proposed project could cause serious injuries to the public safety, health, and welfare, and unless he or she is satisfied that neither the city nor any property owner will incur any costs or expenses by reason of the excavation.
(Ord. 69-1978, passed 4-10-78; Am. Ord. 448-2005, passed 3-31-05)

DRAINAGE

§ 91.15 PERMIT REQUIRED FOR LOT GRADE CHANGES.

It shall be unlawful for any owner or agent of any property within the city to change the grade of his or her lot in any manner which affects or may affect the flow of either the surface or the subsurface water, on or under his or her property or any adjoining property, without first obtaining a permit from the Mayor.
(Ord. 57-1976, passed 11-22-76; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 10.99

§ 91.16 PROPERTY OWNERS TO MAINTAIN SWALES, CULVERTS, DITCHES, AND GRADES.

All owners of property within the city are responsible for maintaining the swales, culverts, ditches, and grades in the area between their property line and the paved portion of the street in such a condition that they perform the function for which they were initially intended by the engineer charged with the responsibility of designing the roads. This section is subject to enforcement by the Code Enforcement Board. A violation of § 91.16 shall be considered a civil offense in accordance with KRS 65.8808.
(Ord. 57-1976, passed 11-22-76; Am. Ord. 360-1998, passed 5-18-98) Penalty, see § 10.99

§ 91.17 NOTICE OF VIOLATION.

The Mayor shall give notice of violations of this subchapter to the owner or his or her agent requiring the nuisance to be abated within 30 days.
(Ord. 57-1976, passed 11-22-76; Am. Ord. 448-2005, passed 3-31-05)

§ 91.18 MAINTENANCE OF DRAINAGE EASEMENTS AND PUBLIC RIGHTS OF WAY ACROSS RESIDENTIAL PROPERTY.

(A) All drainage easements or public rights of way located upon residential property shall be planted with grass or other suitable vegetation which allows for maximum absorption and encourages even flow of surface water and reduces the amount of silt traveling with the runoff through the city's drainage facilities.

(B) No parking pads or similar areas shall be constructed or otherwise formed upon any drainage easements or public rights of way.

(C) No impermeable surface shall be created, constructed or otherwise located within the drainage easement or public rights of way.

(D) No substance shall be placed in the drainage easement or public right of way which may increase the amount of silt in entering the drainage system.

(E) No activity shall occur within the drainage easement or public right of way which shall have the effect of damaging the vegetation or altering the grade of any drainage easement or public right of way.

(F) Vehicles shall not be parked in the drainage easement or public right of way on a frequent or regular basis and no vehicle shall be parked overnight on the drainage easement or public right of way.

(G) This section shall not apply to driveways as indicated on construction and site plans approved by the city which cross the drainage easement or public right of way.

(H) Any and all conditions resulting in a violation of any provision of this section shall be declared a nuisance and shall be subject to abatement procedures under § 92.04.
(Ord. 389-1999, passed 3-15-99) Penalty, see § 91.99

OBSTRUCTIONS

§ 91.40 MUD AND GRAVEL ON STREETS.

(A) It shall be unlawful and is declared a public nuisance for the owner of any property facing or abutting a street within the city to permit mud or gravel to wash or be dumped from his property upon or unto a paved public street facing or abutting his property.

(B) If the owner fails to remove the mud and gravel, upon the expiration of 24 hours following the notification, a fine shall be imposed. The city shall proceed to remove the mud and gravel from the paved public street, and the cost will be added to the fine.

(C) The fine and cost imposed under division (B) above, shall, if the owner cannot be located, become a lien upon the property.

(D) This section is subject to enforcement by the Code Enforcement Board. A violation of any provision of § 91.40 shall be considered a civil offense in accordance with KRS 65.8808.
(Ord. 38-1975, passed 6-23-75; Am. Ord. 362-1998, passed 5-18-98) Penalty, see § 10.99

§ 91.99 PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation and the offender shall be fined for not less than \$50 nor more than \$500 for each offense in addition to any expenses incurred by the city as a result of the violation. Each day's continued violation shall constitute a separate offense.
(Ord. 300-1994, passed 1-17-95; Am. Ord. 349-1997, passed 12-8-97)

(B) Any person who violates any provision of § 91.18 shall be fined not less than \$50 nor more than \$500 for each offense. Each day the violation exists shall constitute a separate offense. This section is subject to enforcement by the Code Enforcement Board. A violation of any provisions of § 91.18 shall be considered a civil offense in accordance with KRS 65.8808. This penalty may be applied in addition to the costs of abatement under § 92.04 at the direction of the Code Enforcement Board.
(Ord. 389-1999, passed 3-15-99; Am. Ord. 448-2005, passed 3-31-05)

CHAPTER 92: NUISANCES

Section

92.01	Definitions
92.02	Common law and statutory nuisances
92.03	Certain conditions declared a nuisance
92.04	Abatement procedure
92.05	Nuisance created by others
92.06	Suspension of license

92.99	Penalty
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Cross-reference:

Junked or abandoned vehicles, see Chapter 95

Satellite dishes within the city, see Chapter 96

Statutory reference:

Private nuisances, see KRS 411.500 - 411.570

§ 92.01 DEFINITIONS.

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

NUISANCE. Public nuisance.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior or other packing materials, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, plastic, dust and other similar materials.

SCRAP METAL. Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

(Am. Ord. 448-2005, passed 3-31-05)

§ 92.02 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances

may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.

Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) *Dangerous buildings adjoining streets.* Any building, house, or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property using or being upon the streets or public way of the city adjoining the premises, by reason of the collapse of the building, house, or structure or by the falling of parts thereof or of objects therefrom.

(B) *Dangerous trees or stacks adjoining street.* Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(C) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property or the city in general.

(D) *Noxious odors or smoke.* Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(E) *Noise from motor vehicles.* Discharge into the open air of exhaust from any motor vehicle except through a suitable and efficient muffler or other device which will effectively prevent loud or explosive noises. (Ord. 13-1974, passed 6-24-74)

Prospect - General Regulations

(F) *Loudspeakers.* The use of any mechanical loudspeaker or other device, amplifier, or noisemaker on any moving or standing vehicle within the city for advertising or other purposes. (Ord. 13-1974, passed 6-24-74)

(G) *Storage of explosives.* The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(H) *Weeds or grass.* It shall be unlawful for the owner or occupant of any property within the city which faces or abuts on any street to permit grass or weeds to grow in excess of seven inches. When the grass and/or weeds exceed the height of seven inches, the owner will be given notice in accordance with § 92.04 hereof to mow said lot to a height of four inches. This provision shall not apply to timberland, natural wooded areas not part of a lot to which this section otherwise applies nor farm pastureland. (Ord. 60-1977, passed 4-25-77; Am. Ord. 343-1997, passed 6-16-97)

(I) *Open wells.* The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(J) *Trees and shrubbery obstructing streets and sidewalks.* Trees, overhanging branches, hedges, shrubs, or weeds on the sidewalks or public ways of the city or on private property adjacent to a public way which obstructs a sidewalk or which obstructs the vision of any vehicle operator or obstructs any traffic sign so as to create a hazard to the safe operation of vehicles. When any such conditions are observed by city personnel the owner will be given notice in accordance with § 92.04 thereof to correct the problem specified in the notice. (Ord. 57-1976, passed 11-22-76)

(K) *Keeping of animals.* The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

(L) *Junk; scrap metal.* The storage of junk or scrap metal within the city limits except on premises authorized by the city for such purposes.

(M) *Operation of heavy equipment.* The operation of heavy equipment within the city except as necessary for construction projects for which a building permit has been issued by the city, but only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of legal holidays.

(N) *Failure to remove snow and ice.* The failure to remove snow and ice from parking lots and sidewalks in commercial areas of the city within 24 hours of the cessation of a snowstorm, sleet storm or freezing rainstorm.

(O) The disruption of vegetation covering drainage easements or public rights of way in any manner so as to affect the flow of water over the ground, hinder the natural absorption of the water into the ground, or cause silt to be added to the water flow. Such disruption includes, but is not limited to: paving, graveling, dumping, frequent vehicular use, and the accumulation of debris.

(P) *Storage of construction materials in residential areas.* The storage or placement of construction or building materials in front or side yards of residential parcels within the city for a period of more than 28 days while active construction is ongoing at the specific address, or for a period of more than 14 days when no construction activity is being conducted at the specific address. This provision shall apply to repairs, remodeling, or additions to an existing residence, but shall not apply to construction of a new residence within the city. (Ord. 250-1992, passed 10-19-92; Am. Ord. 388-1999, passed 1-11-99; Am. Ord. 390-1999, passed 3-15-99; Am. Ord. 448-2005, passed 3-31-05; Am. Ord. 523-2012, passed 11-12-12)
Penalty, see § 92.99

§ 92.04 ABATEMENT PROCEDURE.

(A) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon.

(B) Upon the failure of the owner of the property to eliminate the nuisance, health hazard or source of filth, when requested to do so by the authorized city official, the authorized city official is authorized to send its agents or employees upon the property to remedy the situation.

(C) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons

from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(Ord. 314-1995, passed 11-20-95)

Statutory reference:

Abatement of nuisance, see KRS 381.770

§ 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 92.06 SUSPENSION OF LICENSE.

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

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

(C) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

§ 92.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not less than \$25 nor more than \$500 for each offense. Each day's continued violation shall constitute a separate offense. This chapter shall be subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

(Ord. 363-1998, passed 5-18-98)

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

- 93.01 Definitions; legality of items
- 93.02 Sale or use prohibited; exception for public display
- 93.03 Consumer fireworks; restrictions on sale
- 93.04 Bond or liability insurance requirement
- 93.05 Exempted sales and uses
- 93.06 Destruction of fireworks

Fire Prevention

- 93.20 Blasting permit
- 93.21 Storage of flammables and other matter

- 93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) As used in KRS 227.700 to 227.750, **FIREWORKS** means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “consumer fireworks” as defined in division (B) or “display” fireworks as defined in division (D) and as set forth in the U.S. Department of Transportation’s (DOT) hazardous materials regulations. **FIREWORKS** does not include:

(1) *Exception number 1:* Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

(2) *Exception number 2:* Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

(3) *Exception number 3:* Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects. (KRS 227.700)

(B) As used in KRS 227.700 through 227.750, **CONSUMER FIREWORKS** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this chapter. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. **CONSUMER FIREWORKS** are further defined by the Consumer Product Safety Commission in CPSC, 16 CFR Pts. 1500 and 1507, are classified as Division 1.4G explosives by the U.S. Department of Transportation and include the following:

(1) *Ground and hand-held sparkling devices.*

(a) *Dipped stick-sparkler or wire sparkler.* These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

Prospect - General Regulations

(b) *Cylindrical fountain.* Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(c) *Cone fountain.* Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(d) *Illuminating torch.* Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(e) *Wheel.* A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) *Ground spinner.* Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) *Flitter sparkler.* Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(h) *Toy smoke device.* Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(2) *Aerial devices.*

(a) *Sky rockets and bottle rockets.* Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(b) *Missile-type rocket.* A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) *Helicopter, aerial spinner.* A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) *Roman candles.* Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

(e) *Mine, shell.* Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, "stars," components producing reports containing up to 130 milligrams of explosive composition per report, or other devices are propelled into the air. The term **MINE** refers to a device with no internal components containing a bursting charge, and the term **SHELL** refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term **CAKE** refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground.

(f) *Aerial shell kit, reloadable tube.* A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed 1 3/4 inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(3) *Audible ground devices.*

(a) *Firecrackers, salutes.* Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced.

(b) *Chaser.* Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.
(KRS 227.702)

(C) Items listed below are classified as **NOVELTIES** and **TRICK NOISEMAKERS** and are not classified as consumer fireworks by the U.S. Department of Transportation, and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(1) *Snake, glow worm.* Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) *Smoke device.* Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) *Wire sparkler.* Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

(4) *Trick noisemaker.* Item that produces a small report intended to surprise the user. These devices include:

(a) *Party popper.* Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) *Booby trap.* Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) *Snapper.* Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d) *Trick match.* Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e) *Cigarette load.* Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) *Auto burglar alarm.* Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.
(KRS 227.704)

(D) As used in KRS 227.700 through 227.750, **DISPLAY FIREWORKS** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible

effects by combustion, deflagration or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 CFR Pts. 1500 and 1507, and are classified as Class B explosives by the U.S. Department of Transportation.
(KRS 227.706)

(E) *Legality of items.*

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

(2) Items described in division (D) are not legal for retail sale but are legal under permits granted pursuant to this chapter for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.

(3) Items described in division (C) are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.
(KRS 227.708)

**§ 93.02 SALE OR USE PROHIBITED;
EXCEPTION FOR PUBLIC DISPLAY.**

No person, firm, co-partnership or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode, any display fireworks, except as follows:

(A) (1) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals.

(2) Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person.

(3) **COMPETENT DISPLAY OPERATOR** shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) license and have participated as an assistant in firing at least five public displays. A **COMPETENT DISPLAY OPERATOR** is also an employee possessor. A permit under division (A)(1) shall be issued only to a competent display operator holding an ATF license.

(4) At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local Fire Chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 Code for Fireworks Display (adopted edition).

(5) Permits shall be filed with the office of the State Fire Marshal at least 15 days in advance of the date of the display. After this privilege shall have been granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable. For the purpose of this section, **PUBLIC DISPLAY OF FIREWORKS** shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(6) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 18 years of age.

(7) The Commissioner of the Department of Housing, Buildings and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this division. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division.

(B) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler,

dealer, or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco and Firearms, and Explosives if the sale is to a person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.

(C) The sale of display fireworks in accordance with a license issued by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

(D) The sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(E) The use of fuses and railway torpedoes by railroads.

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.

(G) The use of any pyrotechnic device by military organizations.

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency.

(I) Nothing in this section shall prohibit a person, firm, co-partnership, non-profit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in KRS 227.702 and as permitted pursuant to KRS 227.715.

(KRS 227.710) Penalty, see § 93.99

§ 93.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in § 93.02, the consumer fireworks described in § 93.01(B) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in § 93.01(B)(1) shall register annually with the State Fire Marshal's office in accordance with KRS 227.715, and

display its registration certificate in a conspicuous location at the site.

(C) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted addition).

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in § 93.01(B) to any person under 18 years of age.

(E) No person under 18 years of age may be employed by a fireworks distribution facility, or manufacturing facility. No person under 18 years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under KRS 227.715 unless the individual is supervised by a parent or guardian. (KRS 227.715 (7) through (9)) Penalty, see § 93.99

§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

No permit shall be issued under § 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than \$1,000,000. However, the appropriate city official or the State Fire Marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.

(KRS 227.720) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or

theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.
(KRS 227.730)

§ 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this chapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or "display" designation shall require the notification of the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the State Fire Marshal, the State Fire Marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal's intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal's intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last

publication, a hearing as set out in division (C)(1) shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.
(KRS 227.750)

FIRE PREVENTION

§ 93.20 BLASTING PERMIT.

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. The authorized city official, before granting such 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. The permit fee pursuant to this section shall be \$20.
(Ord. 270-1993, passed 8-16-93) Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such 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 the provisions of §§ 93.02 or 93.04, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be guilty of a misdemeanor and shall be fined not more than \$1,000, or imprisoned for not more than 30 days, or both. (KRS 227.990 (4))

(B) Any person who violates any other provisions of this chapter shall be fined not less than \$25 nor more than \$5000 for each offense. Each day's continued violation shall constitute a separate offense. This chapter shall be subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.
(Ord. 364-1998, passed 5-18-98)

CHAPTER 94: LITTERING

Section

- 94.01 Throwing litter from vehicle
- 94.02 Tracking foreign matter on streets
- 94.03 Hauling loose material
- 94.04 Sweeping litter into gutters
- 94.05 Litter on private property

- 94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.
Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.
Penalty, see § 94.99

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.
Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.
Penalty, see § 94.99

§ 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not less than \$100 nor more than \$500 for each offense. Each day the violation is committed or permitted to continue shall constitute a separate offense. This chapter shall be subject to enforcement by the Code Enforcement Board or any Court of Law. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.
(Ord. 365-1998; Am. Ord. 442-2004, passed 4-19-04)

CHAPTER 95: ABANDONED OR JUNKED VEHICLES

Section

- 95.01 Definitions
- 95.02 Parking, storage of abandoned or junked vehicles
- 95.03 Leaving on public ways
- 95.04 Removal by city

- 95.99 Penalty

§ 95.02 PARKING, STORAGE OF ABANDONED OR JUNKED VEHICLES.

(A) It shall be unlawful for any person to park, store, leave, or permit the parking or storing of any vehicle of any kind or any part thereof for a period of time in excess of seven days, which is rusted, wrecked, junked, partially dismantled, inoperative, or in an abandoned condition, whether attended or not, on any private or public property within the city limits. This section shall not apply to a vehicle in an enclosed building.

(B) The accumulation and storage of one or more abandoned or junked vehicles or parts thereof on private or public property shall constitute a nuisance detrimental to the health, safety, and welfare of the inhabitants of the city. It shall be the duty of the registered owner of the vehicle, the owner of record of the property, or the person in possession of the private property upon which the vehicle or parts thereof is located, to abate the nuisance through removal of the vehicle from the city or to have the same housed in a building where it will not be visible from the street.

(Ord. 152-1986, passed 12-15-86) Penalty, see § 95.99

§ 95.01 DEFINITIONS.

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

ABANDONED VEHICLE. Any vehicle or part thereof which is left on public or private property within the city under circumstances indicating desertion, relinquishment, nonuse, or divestment of the vehicle.

JUNKED VEHICLE. Any vehicle or part thereof which does not have lawfully affixed thereto both an unexpired license plate and which, in the judgment of a reasonably prudent man observing community standards, is in one or more of the following conditions: rusted, wrecked, partially dismantled, or otherwise nonfunctional. Junked vehicles may be deemed to include major parts thereof including, but not limited to bodies, engines, transmissions, and rear ends.

PRIVATE PROPERTY. Any real property in the city which is privately owned.

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

VEHICLE OWNER. Any individual, firm, corporation, or unincorporated association with a claim, either individual or joint, of ownership, or any legal or equitable interest in a vehicle.
(Ord. 152-1986, passed 12-15-86)

§ 95.03 LEAVING ON PUBLIC WAYS.

It shall be unlawful for anyone to park on any of the public ways of the city, an abandoned or junked vehicle for a period in excess of 24 hours.

(Ord. 152-1986, passed 12-15-86) Penalty, see § 95.99

§ 95.04 REMOVAL BY CITY.

(A) In addition to the penalties provided in § 95.99, the city may remove any junked or abandoned vehicle located on private property by issuance of a written notice and order to the registered owner of the abandoned or junked vehicle or to the owner or person in possession of private property on which the abandoned or junked vehicle is situated, requiring that the vehicle be removed from the property within ten days. This notice and order may be issued by any police officer and may be served on the appropriate party, either personally or by certified mail. In

addition, notice shall be conspicuously affixed to the abandoned or junked vehicle or parts thereof.

(B) In the event any person fails to comply with an order issued pursuant to this section, the Police Department may have the abandoned or junked vehicle removed and disposed of and may impose on the person violating the order a reasonable charge to cover the direct and indirect costs, if any, for the removal and disposition of the vehicle or parts thereof. Vehicles so removed and which are fit for future use may be sold pursuant to the provisions of §§ 70.21 and 70.22. Vehicles so removed and which are unfit for future use in the opinion of the police, may be disposed of immediately in such manner as the police deem appropriate. Any person aggrieved by an order issued pursuant to this section may request a hearing before the Mayor.

(C) In addition to the penalties provided in § 95.99, the city may remove any junked or abandoned vehicle in violation of §§ 95.02 or 95.03 which is on a public way of the city or on public property of the city, by order of the Police Department and disposed of pursuant to §§ 70.21 and 70.22 except where the vehicle is deemed by the police to be unfit for future use, in which event, the vehicle may be disposed of immediately in such manner as the police deem appropriate.
(Ord. 152-1986, passed 12-15-86)

§ 95.99 PENALTY.

Any person found to be in violation of §§ 95.02 or 95.03 shall be guilty of a violation and shall be fined \$50 per day per violation. Any person who violates §§ 95.02 or 95.03 shall, in addition to any fine, be liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation. These penalty provisions are in addition to the remedies set forth in § 95.04. This chapter is subject to enforcement by the Code Enforcement Board. A violation of any provision of this chapter shall be considered a civil offense in accordance with KRS 65.8808.
(Ord. 152-1986, passed 12-15-86; Am. Ord. 366-1998, passed 5-18-98)

CHAPTER 96: SATELLITE DISHES

Section

- 96.01 Satellite dishes prohibited within city
- 96.02 Preexisting dishes to be screened

- 96.99 Penalty

§ 96.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, any person, firm or corporation violating this chapter shall immediately take whatever corrective actions are necessary to come into compliance with this chapter. Chapter 96 is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808. (Ord. 194-1990, passed 5-21-90; Am. Ord. 367-1998, passed 5-18-98)

§ 96.01 SATELLITE DISHES PROHIBITED WITHIN CITY.

In the interest of the public health, safety, welfare and aesthetics, it shall be unlawful for any person to construct or install any satellite dish larger than 39.37 inches in diameter, or to enlarge or alter any satellite dish to a diameter greater than 39.37 inches in any residential area of the city. Any satellite dish in conformity with the foregoing provision must be placed in the back or side yard of residential premises and must be screened from public view, insofar as practical to ensure proper operation. Satellite dishes located in commercial areas, while not restricted in size, shall also be screened from public view insofar as practical to ensure proper operation. (Ord. 194-1990, passed 5-21-90; Am. Ord. 292-1994, passed 9-19-94; Am. Ord. 409-2000, passed 5-15-00; Am. Ord. 473-2006, passed 10-16-06) Penalty, see § 96.99

§ 96.02 PREEXISTING DISHES TO BE SCREENED.

Any satellite dish within the city already existing as of the effective date of this chapter shall be operated, maintained and screened from public view, so as not to create a nuisance, hazard, eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to public health, safety, welfare or aesthetics. (Ord. 194-1990, passed 5-21-90) Penalty, see § 96.99

CHAPTER 97: TREES AND FORESTATION

Section

- 97.01 Definitions
- 97.02 Creation of Forestation Board
- 97.03 Term of office of Forestation Board
- 97.04 Compensation
- 97.05 Duties and responsibilities of the Forestation Board/City Tree Plan
- 97.06 Operation of Forestation Board
- 97.07 Native and non-native tree species permitted or prohibited
- 97.08 Spacing of street trees
- 97.09 Distance from curb and sidewalk
- 97.10 Planting distance from street corners and hydrants
- 97.11 Planting distance from utilities
- 97.12 Public tree care
- 97.13 Remedial action by property owner regarding dead, diseased or infected trees
- 97.14 Topping, disfiguring and damaging of trees
- 97.15 Pruning, corner clearance, street lamp and traffic control obstruction
- 97.16 Removal or damage to public trees
- 97.17 Nominations for designation of protected or historic trees
- 97.18 Pruning, removal or excavation relating to protected or historic trees
- 97.19 Interference with Forestation Board
- 97.20 Arborist permit, bond, insurance and agreed standards
- 97.21 Review by City Council

- 97.99 Penalty

related training, possesses the competence to provide for or supervise the management of trees and other woody plants.

CITY. The City of Prospect, Kentucky.

HISTORIC TREES. Any public tree found by the arborist for the city or by resolution of the Prospect Forestation Board of the city to be of notable historic interest because of its age, type or size; or a tree which traces its ancestry through seed or propagation to an historic event or notable personage including trees descendant from a tree found at an historic location and trees descendant from a tree planted by a prominent individual.

PARK TREES. Trees located within the city's established parks, open areas, landscaped areas, open lawn areas, confined spaces around buildings, recreational facilities, plazas, parking lots, buffers, and recreational areas of the city.

PROTECTED TREES. Any public tree within the corporate limits of the City of Prospect with a circumference of 42 inches or more, measured at four feet above natural grade, and which is deemed by the arborist for the city or by resolution of the Prospect Forestation Board to have significant or historical interest to the city.

PUBLIC SHRUBS OR BUSHES. Any low, multiple-stemmed, woody vegetation located within the public right-of-way, within the city's established parks, open areas, landscaped areas, open lawn areas, plazas, parking lots, buffers, and recreational areas of the city.

PUBLIC TREES. Collectively include "street trees", "park trees" and "trees on other public properties" as further defined in this chapter.

STREET TREES. Trees located within the public street right-of-way of the city.

TREES ON OTHER PUBLIC PROPERTIES. Trees within greenways, along trails, in riparian zones and drainage areas, in buffers, or in utility easements within the city. This type of forestation is commonly identified with densely wooded areas or flood plains adjacent to streams and creek banks.

§ 97.01 DEFINITIONS.

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

ARBORIST. An individual engaged in the profession of arboriculture who, through experience, education and

TRENCH OR TRENCHING. A linear cut in the ground exceeding 12 feet in length and of such depth as to significantly affect the tree roots of a public tree in the area of the trench. A trench or trenching on private land falls within the definition of regulated trenching in situations where such trenching affects roots of trees on public land. (Ord. 484-2007, passed 12-10-07)

§ 97.02 CREATION OF FORESTATION BOARD.

There is hereby created and established a Forestation Board for the City of Prospect, Kentucky, which shall consist of five members, citizens, and residents of the city, who shall be appointed by the Mayor with the approval of the City Council. The Forestation Board shall exist as a distinct administrative board with independent authority. (Ord. 484-2007, passed 12-10-07)

§ 97.03 TERM OF OFFICE OF FORESTATION BOARD.

The term of office for the five persons appointed by the Mayor to the Forestation Board shall be three years, except that the term of two of the members appointed initially shall be for one year, and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. 484-2007, passed 12-10-07)

§ 97.04 COMPENSATION.

The members of the Forestation Board of the City of Prospect shall serve without compensation. (Ord. 484-2007, passed 12-10-07)

§ 97.05 DUTIES AND RESPONSIBILITIES OF THE FORESTATION BOARD/CITY TREE PLAN.

It shall be the responsibility of the Forestation Board to study, investigate, counsel, develop and administer a written City Tree Plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs along streets, in parks and in other public areas. Said plan shall be updated annually and delivered to the Mayor and City Council no later than the last Friday in April of each year,

that date coinciding with National Arbor Day observance. Upon acceptance and approval of the plan by the City Council, it shall constitute the official comprehensive tree plan for the City of Prospect, Kentucky. The Board, when requested by the City Council, shall consider, investigate, and make recommendations upon any special matter or question coming within the scope of its work. (Ord. 484-2007, passed 12-10-07)

§ 97.06 OPERATION OF THE FORESTATION BOARD.

The Forestation Board shall select its own officers, and keep a written record of its findings and written reports of its meetings. A majority of the members shall constitute a quorum for the transaction of business. (Ord. 484-2007, passed 12-10-07)

§ 97.07 NATIVE AND NON-NATIVE TREE SPECIES PERMITTED OR PROHIBITED.

The Forestation Board shall formulate an official Native and Non-Native Tree Species Listing for the City of Prospect in consultation with a professional arborist or professional forester retained by the city and/or the Kentucky Division of Forestry. The list shall be approved by the Mayor and City Council. The list shall specifically address both allowed and non-allowed species and shall be broken down into categories of small, medium, and large trees as well as native and non-native categories. No species other than those included in this list may be planted as street trees, park trees or trees on other public properties without written permission of the Forestation Board. The initial listing of allowed and non-allowed trees shall be published by resolution of the Forestation Board no later than 60 days after the adoption of this section. Thereafter, said official listing shall be included in the Annual Report of the Forestation Board to the Mayor and City Council, and submitted no later than the last Friday in April of each year. The listing of allowed and non-allowed trees shall be kept on file with the city, shall be reviewed and updated at least annually, but may be updated with approval of the Mayor at such times as circumstances require. (Ord. 484-2007, passed 12-10-07)

§ 97.08 SPACING OF STREET TREES.

The spacing of street trees will be in accordance with the three size classifications as set out by the Forestation

Board in its most recently updated official listing, and unless specifically approved in writing by the Forestation Board, no newly planted trees may be planted closer together than the following distances: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet. When planting new street trees near existing mature trees, a minimum distance must separate the trees based upon one-third of the new tree's mature spread.
(Ord. 484-2007, passed 12-10-07)

§ 97.09 DISTANCE FROM CURB AND SIDEWALK.

The distance which trees may be planted from curbs or curb lines and sidewalks will be in accordance with the classifications of trees as set out by the Forestation Board in its most recently updated official listing, and no newly planted trees may be planted closer to any curb or sidewalk than the following distances: small trees, two feet; medium trees, three feet; and large trees, four feet.
(Ord. 484-2007, passed 12-10-07)

§ 97.10 PLANTING DISTANCE FROM STREET CORNERS AND HYDRANTS.

No street tree or park tree shall be planted closer than 20 feet to any street corner, measured from the point of the nearest intersection's curbs and curb lines. No tree shall be planted closer than ten feet from any fire hydrant or utility pole. No shrubs or bushes located in the public right-of-way shall be planted closer than 20 feet from any street corner or intersection if said plant or bush obstructs visual site lines of any vehicle operator or creates any other health or safety hazard.
(Ord. 484-2007, passed 12-10-07)

§ 97.11 PLANTING DISTANCE FROM UTILITIES.

No tree, whether on public or private property within the city, other than those classified as "small trees" as set out by the Forestation Board in its most recently updated official Tree Listing, may be planted under or within ten lateral feet of any overhead utilities wire.
(Ord. 484-2007, passed 12-10-07)

§ 97.12 PUBLIC TREE CARE.

The city shall have the right to plant, prune, maintain; and to remove public trees, stumps, plants, or shrubs within

the lines of all streets, alleys, lanes, and other public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city, in consultation with the Forestation Board, and a professional arborist or professional forester retained by the city if deemed appropriate, may remove or cause or order to be removed or remediated any public tree or any portion thereof which is in an unsafe condition or which by reason of its nature is injurious due to fungus, insects, or other pests. All contractual work or labor conducted on behalf of the city in planting, pruning, maintaining or removing public trees or stumps shall be done in accordance with current American National Standards for Arboricultural Operations Safety Requirements (ANSI Z133.1) and current American National Standards for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300). The Mayor or City Administrator shall notify the Forestation Board whenever it is necessary for said Board to make determinations to effectuate the provisions of this chapter.
(Ord. 484-2007, passed 12-10-07)

§ 97.13 REMEDIAL ACTION BY PROPERTY OWNER REGARDING DEAD, DISEASED OR INFECTED TREES.

The city, upon written confirmation from the Forestation Board, in consultation with a professional arborist or professional forester retained by the city if deemed appropriate, shall have the right to cause the removal or remediation of any tree or any portion of a tree located on private property within the city when that tree presents an unsafe condition constituting a hazard to life or property, or presents a threat or potential threat of the spread of disease to other trees within the city due to injurious fungus, insects, or other pests. If the owners of said trees decline for any reason to remove or remediate trees as required under this section, the city may provide written notice, via regular mail or posting on the property, advising the owners to conduct removal or remediation. If removal or remediation is not conducted within 45 calendar days, the city may provide further written notice, via regular mail or posting on the property, advising the owner of the city's intent to remove or remediate said trees. The owners shall have ten days from the receipt or posting of said notice to file a written appeal of the proposed removal or remediation to the Forestation Board. The Forestation Board shall have 30 days to issue a written ruling on such appeal.
(Ord. 484-2007, passed 12-10-07)

§ 97.14 TOPPING, DISFIGURING AND DAMAGING OF TREES.

It shall be unlawful for any person, firm, or city department to top or significantly disfigure any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires and other obstructions where alternative pruning practices are impractical may be exempt from this chapter by written decision of the Forestation Board. No person shall, with respect to any street tree, park tree or other tree on public property, intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to said trees; allow any gaseous, liquid, chemical, or solid substance which is harmful to trees to come in contact with said trees or the base of said trees; or set fire or permit fire to burn when such fire or heat from fire will injure any portion of said trees.

(Ord. 484-2007, passed 12-10-07)

§ 97.15 PRUNING, CORNER CLEARANCE, STREET LAMP AND TRAFFIC CONTROL OBSTRUCTION.

The owner of any tree overhanging a street or right-of-way within the city shall prune the branches so that such branches do not obstruct the light from any street lamp, impede the flow of pedestrian or vehicular traffic, or obstruct the view of any street intersection. In such intersection situations there shall be a clear space of eight feet above the surface of the street or sidewalk. Owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which may constitute a threat to public safety when they interfere with the proper spread of light along the street from a street light or interfere with visibility of any traffic control device or sign. If said owners fail to prune trees as required under this section, the city may provide written notice, via regular mail or via a posting on the property, advising the owners to conduct appropriate pruning. If the pruning is not conducted within 25 calendar days after receipt of notice, the city may conduct the pruning and assess the costs to the owners, for which a lien may attach, if payment is not received by the city within 30 days after notice of the costs assessed to the owners.

(Ord. 484-2007, passed 12-10-07)

§ 97.16 REMOVAL OR DAMAGE TO PUBLIC TREES.

No person or business shall damage any public tree in the city including any shade or ornamental tree along sidewalks or other public ways of the city, or remove any public tree in the city including any shade or ornamental tree along sidewalks or other public ways of the city without first obtaining written permission from the Forestation Board, in

consultation with a professional arborist or professional forester if deemed appropriate. No person shall excavate any ditches, tunnels, trenches or create a new driveway within a radius of 15 feet from any public tree, without first obtaining written permission from the Forestation Board.

(Ord. 484-2007, passed 12-10-07)

§ 97.17 NOMINATIONS FOR DESIGNATION OF PROTECTED OR HISTORIC TREES.

Any owner of lands within the City of Prospect, including the city itself, may nominate a tree on their land to be designated as a "protected tree" or "historic tree" as defined in this chapter. Nominations for such designations shall be submitted to the Forestation Board in writing and be accompanied by documentation supporting the designation. The Forestation Board may conduct hearings on protected or historic tree nominations. The Forestation Board shall make their determination regarding designation within 90 days from receipt of the written nomination or within 45 days after a final hearing regarding designation, whichever date occurs later. The designation of a tree as a "protected tree" or "historic tree" shall attach to and run with the land as a binding designation for subsequent owners. However, nothing shall prevent a landowner later in time from the owner who originally obtained "protected" or "historic" designation, from petitioning the Forestation Board to remove such designation for good cause shown. A record of all trees within the city designated as "protected" or "historic" shall be kept on file at the Prospect City Hall and an updated listing of all such trees shall be included in the annually updated City Tree Plan. The Forestation Board, in its discretion, may require as a condition of determining a tree or trees to be "protected" or "historic," that the landowner requesting such designation agree to the city recording a document signed by said landowner requesting that the designated tree or trees be included in a written covenant running with title to the land.

(Ord. 484-2007, passed 12-10-07)

§ 97.18 PRUNING, REMOVAL OR EXCAVATION RELATING TO PROTECTED OR HISTORIC TREES.

No person or business shall remove or prune a "protected" or "historic" tree designated as such by the Forestation Board without first obtaining written permission from the Forestation Board, in consultation with a professional arborist or professional forester if deemed appropriate. No person or business shall excavate any ditches, tunnels, trenches or lay any driveway within a radius of 20 feet from any "protected" or "historic" tree, without first obtaining written permission from the Forestation Board, in consultation with a professional arborist or professional forester if deemed appropriate. (Ord. 484-2007, passed 12-10-07)

§ 97.19 INTERFERENCE WITH FORESTATION BOARD.

No person or business shall prevent, delay, or interfere with the Forestation Board or any of its agents or servants while engaging in the planting, cultivating, mulching, pruning, spraying, removing or otherwise caring for trees as authorized under this chapter. (Ord. 484-2007, passed 12-10-07)

§ 97.20 ARBORIST PERMIT, BOND, INSURANCE AND AGREED STANDARDS.

It shall be unlawful for any person or company to engage in the business or occupation of pruning, treating, or removing (street or park) trees within the city without first applying for and obtaining a permit. The permit fee shall be \$40 annually; however, no permit shall be required of any utility or public service company or city employee doing such work in the pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$1,000,000 for bodily injury and \$500,000 for property damage, agreeing to indemnify the city or any person injured or damage resulting from the pursuit of such endeavors as herein described. This coverage shall include premises and/or operations, independent contractors, products and/or completed operations, broad form property damage, explosion/collapse/underground (XCU) coverage, and a contractual liability endorsement. Further, before any permit shall be issued, each applicant shall first file evidence

of workers compensation insurance coverage. Finally, before any permit shall be issued, the individual or company shall confirm their agreement to follow current American National Standards for Arboricultural Operations Safety Requirements (ANSI Z133.1) and current American National Standards for Tree Care Operations — Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300). (Ord. 484-2007, passed 12-10-07)

§ 97.21 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the Prospect Forestation Board. Any person may appeal any ruling or order of the Forestation Board to the City Council which may in its discretion afford a full hearing of the matter and make a final decision. Requests for reviews of Forestation Board conduct, acts and decisions must be filed in writing with the City Clerk or City Administrator within 20 days of the final action of the Forestation Board. (Ord. 484-2007, passed 12-10-07)

§ 97.99 PENALTY.

Any person or company found to have violated any provision of this chapter shall be subject to a fine not less than \$50 nor more than \$750 to be determined by the Forestation Board. Each tree affected by any violation of this chapter shall be considered as a separate offense and shall carry a separate fine. If as a result of the violation of this chapter, the injury, mutilation or death of a tree, shrub, or other plant located on city owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with applicable references or resources set out in the most recently updated City Tree Plan. (Ord. 484-2007, passed 12-10-07)

CHAPTER 98: TEMPORARY PORTABLE STORAGE AND TRASH CONTAINERS

Section

- 98.01 Purpose
- 98.02 Definitions
- 98.03 Exclusions
- 98.04 Permits and conditions
- 98.05 Allowance of and time frames for storage containers on property
- 98.06 Allowance of and time frames for trash containers on property
- 98.07 Allowance of and time frames for temporary buildings or structures on property
- 98.08 Allowance of and time frames for trucks, trailers and vehicles used to contain trash or store materials on property
- 98.09 Exceptions in emergencies
- 98.10 Permit fees
- 98.11 Advertising and signage
- 98.12 Access for enforcement

- 98.99 Fines and penalties

COMMERCIAL AREAS. Real property within the corporate boundaries of the City of Prospect, Kentucky holding a land use designation or zoning classification for commercial purposes.

DAY or DAYS. Calendar days unless specifically noted otherwise. The modified reference to "work days" shall be taken to mean only days which the City of Prospect and their city offices are open for regular business.

PORTABLE. Taken in its broadest sense. The fact that a portable trash or storage container is without wheels or is set upon a platform or foundation is immaterial so long as the container is designed for and is capable of being moved or relocated.

RESIDENTIAL AREAS. Real property within the corporate boundaries of the City of Prospect, Kentucky holding a land use designation or zoning classification for residential purposes.

PORTABLE TRASH or STORAGE CONTAINER. Any type of temporary storage container, vehicle or structure, including but not limited to:

TEMPORARY BUILDINGS OR STRUCTURES. Temporary buildings or structures, not otherwise covered by the restrictions of the Land Development Code, whose primary purpose on a given property is to act as a construction office, a receptacle for debris or waste or a location to store personal property during construction, demolition, remodeling or other similar activity.

TEMPORARY PORTABLE STORAGE CONTAINER. Devices delivered to a site by a vehicle for the purpose of containing materials or debris during construction, demolition, remodeling or other similar activities; sometimes referred to as Portable On-Demand Storage units or "PODS".

TEMPORARY PORTABLE TRASH CONTAINERS. Movable containers utilized for the containment of debris or waste during construction, demolition, remodeling or other similar activities pending removal from the property; sometimes referred to as "dumpsters."

§ 98.01 PURPOSE.

This chapter is designed to regulate and limit the time and physical placement of various forms of temporary trash or materials storage devices; including portable storage containers, portable trash containers, temporary storage structures, trailers or trucks used for storage, and trailers or trucks used for holding trash; some of which devices are at times referred to as portable on-demand storage units ("PODS") or "dumpsters." (Ord. 485-2007, passed 12-10-07)

§ 98.02 DEFINITIONS.

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

CITY. The City of Prospect, Kentucky and all territories within its corporate boundaries.

TRUCKS, TRAILERS AND VEHICLES.

Trucks, trailers, or other vehicles whose primary purpose on a given property is to act as a receptacle for debris or waste or to store personal property during construction, demolition, remodeling or other similar activity.

(Ord. 485-2007, passed 12-10-07)

§ 98.03 EXCLUSIONS.

(A) Any single temporary portable trash or storage container which is incapable of holding more than a maximum of one cubic yard shall not be subject to this chapter.

(B) Any single temporary portable trash container which is incapable of holding more than 100 gallons shall not be subject to this chapter.

(C) Any permanently situated portable trash container located in a commercial area of the city where the container is dedicated to an ongoing use related to the business or businesses utilizing the container shall not be subject to this chapter, provided said trash container is otherwise fully compliant with all laws and regulations regulating size, location, safety, visual screening, odors, or nuisances associated with permanently situated trash containers.

(D) Any portable trash or storage container exclusively located in an enclosed area, such as an enclosed garage, shall not be subject to this chapter. (Ord. 485-2007, passed 12-10-07)

§ 98.04 PERMITS AND CONDITIONS.

No portable storage or trash container or structure as defined herein shall be allowed to be located on or remain situated on any real estate within the City of Prospect without first securing a permit from the city.

(A) The City Clerk or the Clerk's designee shall provide application/permit forms for the purpose of securing a temporary portable storage or trash, container, vehicle or structure permit.

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

(C) The effective date of the permit shall be the date on which the permit is issued, as opposed to the date the

portable trash or storage container or structure is delivered to the property.

(D) The permit application shall contain:

(1) The name of the applicant, being the person to whom the portable trash or storage container or structure is supplied;

(2) The address at which the portable trash or storage container or structure will be placed;

(3) An indication of whether the applicant owns, leases, or merely occupies the property on which the portable trash or storage container or structure is placed;

(4) The delivery date and removal date;

(5) All active building permit numbers, if applicable; and

(6) A sketch graphically depicting the location and the placement of the portable trash or storage container or structure on the property.

(E) No more than one portable trash or storage container or structure may be placed at any residential property within the city at one time.

(F) No more than two temporary portable trash or storage containers or structures may be placed at any commercial property within the city at one time.

(G) Portable trash or storage containers are prohibited from being placed in streets or in the front yard of a property. In residential areas they must be kept in the driveway of the property at the furthest accessible point from the street. In commercial areas or in residential parking lots, they must be placed on paved surfaces.

(H) It shall be the obligation of the permit applicant to assure that the portable trash or storage container or structure is secured in a manner which does not endanger the safety of persons or property in the vicinity.

(I) No portable trash or storage container or structure may be placed on public property for use by a private individual.

(J) Portable storage containers may not exceed eight and one-half feet in height, ten feet in width or 20 feet in length.

(K) Portable trash containers may not exceed six feet in height, eight feet in width or 22 feet in length. (Ord. 485-2007, passed 12-10-07)

§ 98.05 ALLOWANCE OF AND TIME FRAMES FOR STORAGE CONTAINERS ON PROPERTY.

(A) *Temporary portable storage containers in residential areas.* Limitations on the amount of time temporary portable storage containers are permitted to remain on residential property shall be as follows:

(1) *Time allowed.* A permit for the location of a portable storage container on residential property shall be issued for a maximum of five days.

(2) *Permitting subsequent to placement of storage container.* The city, upon observing an un-permitted residential portable storage container, shall provide written or verbal notification to the landowner or any agent of the source supplying the container of the need for a permit. There shall be subtracted from the number of days allowable for the permit, two days for each day the portable storage container is located on the property without a valid permit, running from the time the landowner or container supplier receives written notice of the need to obtain a permit. Thus, if the container is placed on the property one day before the permit is issued, the issuance and expiration period for a residential portable storage container will be three days.

(3) *Return of container for unloading.* When a portable storage container is returned to residential property for the purpose of unloading, another permit must be obtained from the city. The initial delivery of the container for the purpose of loading and its return for unloading shall be counted as one event.

(4) *Limitation on number of permits.* No more than two events involving four required permits shall be issued for the location of a portable storage container on the same residential lot during a 12-month period where the lot is under the same ownership. However, the City Administrator may, upon written documentation of circumstances involving fire damage, water damage, weather damage, personal emergency of the landowner, or other similar extraordinary circumstance, allow up to four events involving eight required permits on the same residential lot during said 12-month period where the property is under the same ownership.

(B) *Temporary portable storage containers in commercial areas.* Limitations on the amount of time temporary portable storage containers are permitted to remain on commercial property shall be as follows:

(1) *Time allowed.* A permit for the location of a commercial portable storage container shall be issued for a maximum of ten days.

(2) *Permitting subsequent to placement of container.* The city, upon observing an un-permitted commercial portable storage container, shall provide written or verbal notification to the business owner, business manager, and/or any agent of the source supplying the container of the need for a permit. There shall be subtracted from the number of days allowable for the permit, two days for each day the portable storage container is located on the property without a valid permit, running from the time the landowner or container supplier receives written notice of the need to obtain a permit. Thus, if the container is placed on the property two days before the permit is issued, the issuance and expiration period for a commercial portable storage container will be six days.

(3) *Return of container for unloading.* When a portable storage container is returned to commercial property for the purpose of unloading, another permit must be obtained from the city. The initial delivery of the container for the purpose of loading and its return for unloading shall be counted as one event.

(4) *Limitations on number of permits.* No more than two events involving four required permits shall be issued for the location of a portable storage container on the same commercial lot during a 12-month period where the lot is under the same ownership. However, the City Administrator may, upon written documentation of circumstances involving fire damage, water damage, weather damage, or similar extraordinary circumstance, allow up to four events involving eight required permits on the same commercial lot during said 12-month period where the property is under the same ownership. (Ord. 485-2007, passed 12-10-07)

§ 98.06 ALLOWANCE OF AND TIME FRAMES FOR TRASH CONTAINERS ON PROPERTY.

(A) *Temporary portable trash containers in residential areas.* Limitations on the amount of time temporary portable trash containers are permitted to remain on residential property shall be as follows:

(1) *Time allowed.* A permit for the location of a portable trash container on residential property shall be issued for a maximum of 14 days. Permits may be renewed at the discretion of the City Administrator for a period up to seven days upon receipt of written documentation showing continued substantial progress on the project necessitating the trash container. If such a showing is not made, the trash container shall be removed and may be brought back to the site only when it can be demonstrated that such progress is able to be resumed.

(2) *Permitting subsequent to placement of container.* The city, upon observing an un-permitted residential portable trash container, shall provide written or verbal notification to the landowner or any agent of the source supplying the container of the need for a permit. There shall be subtracted from the number of days allowable for the permit, two days for each day the portable trash container is located on the property without a valid permit, running from the time the landowner or container supplier receives written notice of the need to obtain a permit. Thus, if the container is placed on the property two days before the permit is issued, the issuance and initial expiration period for a residential portable trash container will be ten days.

(3) *Limitation on number of permits.* No more than two permits shall be issued for the location of a portable trash container on the same residential lot during a 12-month period where the lot is under the same ownership. However, the City Administrator may, upon written documentation of circumstances involving fire damage, water damage, weather damage, personal emergency of the landowner, or other similar extraordinary circumstance, allow up to four permits on the same residential lot during said 12-month period where the property is under the same ownership.

(B) *Temporary portable trash containers in commercial areas.* Limitations on the amount of time temporary portable trash containers are permitted to remain on commercial property shall be as follows:

(1) *Time allowed.* A permit for the location of a portable trash container on commercial property shall be issued for a maximum of 28 days. Permits may be renewed at the discretion of the City Administrator for a period up to 14 days upon receipt of written documentation showing continued substantial progress on the project necessitating the trash container. If such a showing is not made, the trash container shall be removed and may be brought back to the site only when it can be demonstrated that such progress is able to be resumed.

(2) *Permitting subsequent to placement of container.* The city, upon observing an un-permitted commercial portable trash container, shall provide written or verbal notification to the business owner, business manager, and/or any agent of the source supplying the container of the need for a permit. There shall be subtracted from the number of days allowable for the permit, one day for each day the portable trash container is located on the property without a valid permit, running from the time the business owner, business manager or container supplier receives written notice of the need to obtain a permit. Thus, if the container is placed on the property two days before the permit is issued, the issuance and initial expiration period for a commercial portable trash container will be 26 days.

(3) *Limitation on number of permits.* No more than two permits shall be issued for the location of a portable trash container for the use of a commercial establishment at the same location during a 12-month period where the commercial establishment is under the same ownership. However, the City Administrator may, upon written documentation of circumstances involving fire damage, water damage, weather damage, or other similar extraordinary circumstance, allow up to three permits at the same location during said 12-month period where the commercial establishment is under the same ownership.

(Ord. 485-2007, passed 12-10-07)

§ 98.07 ALLOWANCE OF AND TIME FRAMES FOR TEMPORARY BUILDINGS OR STRUCTURES ON PROPERTY.

(A) *Temporary buildings or structures used as construction offices, storage for trash or storage of materials in residential areas.* Temporary buildings or structures used as construction offices, storage for trash, or storage of materials are not permitted in residential areas of the city, except during times of initial construction when undeveloped land is being developed for multi-family unit residential occupancy. In the development of undeveloped land for multi-family unit residential occupancy, limitations on the amount of time temporary buildings or structures are permitted to remain in residential areas shall be as follows:

(1) *Time allowed.* An initial permit for the location of a temporary building or structure used as construction offices, storage for trash, or storage of materials in residential areas may be issued for the period of time necessary to complete construction on the property, but no longer than a period of 12 months. Initial permits may be

renewed at the discretion of the City Administrator for subsequent periods of 45 days each upon receipt of written documentation showing continued substantial progress on the project necessitating the building or structure, and a specific written showing of a continuing need for the structure at the property. If such showings are not made, the temporary buildings or structures shall be removed and brought back to the site only when it can be demonstrated that progress is able to be resumed and/or that there is a continuing need for the structure at the property. In the event that such showings are not made and the temporary buildings or structures are not removed within ten days the landowner, development firm, and/or any agent of the source providing the building or structure shall be subject to all fines and penalties provided for under this chapter.

(2) *Permitting subsequent to placement of building or structure.* The city, upon observing an unpermitted temporary building or structure used as construction offices, storage for trash, or storage of materials in a residential area, shall provide written or verbal notification to the landowner, development firm, and/or any agent of the source providing the building or structure of the need for a permit. If a permit is not obtained from the city within two working days, the landowner, development firm, and/or any agent of the source providing the building or structure shall be subject to all fines and penalties provided for under this chapter.

(3) *Prohibition of residential usage.* No temporary building or structure used as construction offices, storage for trash, or storage of materials in a residential area shall at any time be used for residential purposes. If such building or structure is used for residential purposes, the landowner, development firm, and/or any agent of the source providing the building or structure shall be subject to all fines and penalties provided for under this chapter.

(B) *Temporary buildings or structures used as construction offices, storage for trash or storage of materials in commercial areas.* Limitations on the amount of time temporary buildings or structures used as construction offices, storage for trash, or storage of materials are permitted to remain on commercial property shall be as follows:

(1) *Time allowed.* An initial permit for the location of a temporary building or structure used as construction offices, storage for trash, or storage of materials in commercial areas may be issued for the period of time necessary to complete construction on the property, but no longer than a period of ten months. Initial permits may be

renewed at the discretion of the City Administrator for subsequent periods of 30 days each upon receipt of written documentation showing continued substantial progress on the project necessitating the building or structure, and a specific written showing of a continuing need for the structure at the property. If such showings are not made, the temporary buildings or structures shall be removed and brought back to the site only when it can be demonstrated that progress is able to be resumed and/or that there is a continuing need for the structure at the property. In the event that such showings are not made and the temporary buildings or structures are not removed within ten days the business owner, business manager, and/or any agent of the source providing the building or structure shall be subject to all fines and penalties provided for under this chapter.

(2) *Permitting subsequent to placement of building or structure.* The city, upon observing an unpermitted temporary building or structure used as construction offices, storage for trash, or storage of materials in a commercial area, shall provide written or verbal notification to the business owner, business manager, and/or any agent of the source providing the building or structure of the need for a permit. If a permit is not obtained from the city within two working days, the business owner, business manager, and/or any agent of the source providing the building or structure shall be subject to all fines and penalties provided for under this chapter.

(3) *Prohibition of residential usage.* No temporary building or structure used as construction offices, storage for trash, or storage of materials in a commercial area shall at any time be used for residential purposes. If such building or structure is used for residential purposes, the business owner, business manager, and/or any agent of the source providing the building or structure shall be subject to all fines and penalties provided for under this chapter.

(Ord. 485-2007, passed 12-10-07)

§ 98.08 ALLOWANCE OF AND TIME FRAMES FOR TRUCKS, TRAILERS AND VEHICLES USED TO CONTAIN TRASH OR STORE MATERIALS ON PROPERTY.

(A) *Trucks, trailers, and vehicles used to contain trash or store materials in residential areas.* Limitations on the location of trucks, trailers, and vehicles used to contain trash or store materials on residential property and the amount of time they are allowed remain on residential lots, not on roadways or roadway right-of-ways, shall be as follows:

(1) *Time allowed.* The location of a truck, trailer or vehicle used to contain trash or store materials on residential lots, not on roadways or roadway right-of-ways, shall be allowed for the period of time necessary to complete demolition or construction on the property related to the presence of the truck, trailer or vehicle. This period shall be subject to review by the city on a daily basis. If such truck, trailer or vehicle remains on residential property for a period longer than three days, the city may require a written showing of continued substantial progress on the demolition or construction project by the landowner, and/or an agent of the owner of the truck, trailer or vehicle. The city may in addition require a specific written showing of a continuing need for the truck, trailer or vehicle on the property. If such showings are not made, the truck, trailer or vehicle must be removed and brought back to the site only when it can be confirmed that progress is able to be resumed and/or that there is a continuing need for the truck, trailer or vehicle at the property. In the event that such showings are not made and the truck, trailer or vehicle is not removed within two days the landowner and/or an agent of the owner of the truck, trailer or vehicle shall be subject to all fines and penalties provided for under this chapter.

(2) *Prohibition of residential usage.* No truck, trailer, or vehicle used to contain trash or store materials in a residential area shall at any time be used for residential purposes. If such truck, trailer, or vehicle is used for residential purposes, the landowner and/or an agent of the owner of the truck, trailer or vehicle shall be subject to all fines and penalties provided for under this chapter.

(B) *Trucks, trailers, and vehicles used to contain trash or store materials in commercial areas.* Limitations on the location of trucks, trailers, and vehicles used to contain trash or store materials on commercial property and the amount of time they are allowed remain on commercial property shall be as follows:

(1) *Time allowed.* The location of a truck, trailer or vehicle used to contain trash or store materials in commercial areas shall be allowed for the period of time necessary to complete demolition or construction on the property related to the presence of the truck, trailer or vehicle. This period shall be subject to review by the city on a daily basis. If such truck, trailer or vehicle remains on commercial property for a period longer than three days, the city may require a written showing of continued substantial progress on the demolition or construction project by the landowner, and/or an agent of the owner of the truck, trailer or vehicle. The city may in addition require a specific written

showing of a continuing need for the truck, trailer or vehicle on the property. If such showings are not made, the truck, trailer or vehicle must be removed and brought back to the site only when it can be confirmed that progress is able to be resumed and/or that there is a continuing need for the truck, trailer or vehicle at the property. In the event that such showings are not made and the truck, trailer or vehicle is not removed within two days the landowner, business owner, and/or an agent of the owner of the truck, trailer or vehicle shall be subject to all fines and penalties provided for under this chapter.

(2) *Prohibition of residential usage.* No truck, trailer, or vehicle used to contain trash or store materials in a commercial area shall at any time be used for residential purposes. If such truck, trailer, or vehicle is used for residential purposes, the landowner and/or an agent of the owner of the truck, trailer or vehicle shall be subject to all fines and penalties provided for under this chapter. (Ord. 485-2007, passed 12-10-07)

§ 98.09 EXCEPTIONS IN EMERGENCIES.

In the case of emergencies, such as floods, wind storms, fires or other acts of God, and man-made disasters such as sewage back-ups, water leaks, electrical overloads and other such events which significantly damage property; the city may suspend the provisions of this chapter regarding time periods, limits on number of containers, location of containers on the property, location of buildings or structures on the property; or other appropriate waivers where it is deemed necessary to assist in recovery, restoration, mitigation of further damage and construction efforts. The issuance of a permit shall however, be required in all situations.

(Ord. 485-2007, passed 12-10-07)

§ 98.10 PERMIT FEES.

(A) *Temporary portable storage containers.* At the time a permit is issued for a temporary portable storage container, the applicant shall pay a fee to the city of \$20. In the event the permit is not obtained before the container is placed on the property, the permit fee shall be \$50.

(B) *Temporary portable trash containers.* At the time a permit is issued for a temporary portable trash container, the applicant shall pay a fee to the city of \$30. In the event a portable trash container permit is not obtained before the container is placed on the property, the permit fee shall be \$100.

(C) *Buildings and structures used as construction offices, storage for trash or storage of materials.* At the time a permit is issued for a temporary building or structure used for a construction office, storage of trash, or storage of materials, the applicant shall pay a fee to the city of \$30. In the event the permit is not obtained before the building or structure is placed on the property, the permit fee shall be \$150.
(Ord. 485-2007, passed 12-10-07)

should be removed due to safety considerations, may be removed by the city, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the container structure was located and may be filed as a lien against such property by the city.
(Ord. 485-2007, passed 12-10-07)

§ 98.11 ADVERTISING AND SIGNAGE.

No temporary or permanent portable storage or trash container shall contain commercial advertising other than the name, address, and telephone number of the provider of the container. No graffiti shall be allowed on any portable storage or trash container. In the event graffiti is placed on any such container, it shall be removed or painted over by the owner or lessee of the container within 48 hours.
(Ord. 485-2007, passed 12-10-07)

§ 98.12 ACCESS FOR ENFORCEMENT

Any holder of a temporary portable storage container, temporary portable trash container, or temporary building permit under this chapter shall allow access to private property by city officials including police and/or code enforcement officers during reasonable hours of the day to verify compliance with the applicable provisions of this chapter.
(Ord. 485-2007, passed 12-10-07)

§ 98.99 FINES AND PENALTIES.

Any person, firm, corporation, or other entity violating this chapter, or any provision thereof, shall be subject to a civil fine of not less than \$50 for each such violation. Each day on which a violation exists or occurs shall be deemed a separate violation for which a separate fine may be assessed. A separate fine shall apply to each day that any single portable storage container, portable trash container, temporary building or structure, or truck, trailer or vehicle remains on the property after the expiration of the stated applicable time limitation. Any storage container, trash container, building or structure, or truck, trailer or vehicle which is not removed at the end of the time for which it may lawfully remain on the property, or which the city determines

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL LICENSING PROVISIONS

111. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

112. PAWNBROKERS

113. INSURANCE COMPANIES

114. ALCOHOLIC BEVERAGES

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

- 110.01 Licenses required to engage in certain trades, businesses, or professions
- 110.02 Application for license
- 110.03 Issuance of license; standards for issuance
- 110.04 Date and duration of license
- 110.05 License not transferable
- 110.06 License certificate to be displayed
- 110.07 Revocation or suspension
- 110.08 Appeal and review
- 110.09 Exemptions
- 110.10 Business license fee

- 110.99 Penalty

§ 110.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES, OR PROFESSIONS.

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of the city without first applying for and obtaining a license from the City Clerk or other duly authorized issuing authority.

§ 110.02 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the City Clerk in writing upon forms to be furnished by him and shall contain:

- (1) The name of the applicant and of each officer, partner, or business associate;
- (2) His present occupation and place of business;
- (3) His place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;

(5) The period of time for which the license is desired;

(6) A description of the merchandise to be sold, if for a vendor;

(7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application. Penalty, see § 110.99

§ 110.03 ISSUANCE OF LICENSE; STANDARDS FOR ISSUANCE.

(A) Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the City Clerk shall forthwith deposit the fee in the General Fund of the city and issue to the applicant a proper license certificate signed by the City Clerk and any other appropriate city official. If for any reason the license is not issued, the license fee shall be returned to the applicant.

(B) Upon receipt of an application, an investigation of the applicants business reputation and moral character shall be made.

(C) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

Prospect - Business Regulations

- (1) Has been convicted of a crime of moral turpitude; or
- (2) Has made willful misstatements in the application; or
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 110.04 DATE AND DURATION OF LICENSE.

(A) A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee will be required of licensees irrespective of the date of issue of the license.

(B) In no event shall a license be granted to any business or any person for a longer time than one year. (KRS 92.310)

§ 110.05 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred. Penalty, see § 110.99

§ 110.06 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the license. Penalty, see § 110.99

§ 110.07 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the legislative body at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the legislative body may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

§ 110.08 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the legislative body from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the City Clerk who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The City Clerk shall notify the Mayor and all members of the legislative body of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the legislative body members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the legislative body present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

§ 110.09 EXEMPTIONS.

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from

municipal licensing and/or license taxes pursuant to state or federal law.

§ 110.10 BUSINESS LICENSE FEE.

(A) The following definitions shall be used pursuant to this section:

A **BUSINESS** is an undertaking through which goods are created or sold or services are provided to members of the public or to other businesses.

EMPLOYEES are persons who receive compensation from a business, whether they work on a full-time or part-time basis.

The **DUE DATE** is January 31 of each year for businesses which were operating in the city on January 1 of that year. For businesses which locate in the city after January 1 of each year, the due date shall be 30 days following the time the business opens.

OPERATING IN THE CITY shall mean either (1) having a business located within the limits of the city or (2) selling goods or performing services at least 50 percent of the time within the city limits. The Mayor shall be the final authority as to whether a business is subject to the license requirements.

(B) On January 1, 1998 and each January 1 thereafter, each business operating in the city shall pay to the city a license fee according to the schedule below: The calculation of the number of employees shall be made by the employer based upon the average number of employees employed during the month of November.

<i>Number of Employees</i>	<i>Business License Fee</i>
0-5	\$50.00
6-10	\$100.00
11 or more	\$200.00

(C) The Mayor shall cause an application form to be created which shall include, but not be limited to, information concerning emergency contact information which would be useful to the city in the event of need at the business location.

(D) Application for a business license shall consist of the completion of an application form and payment of the fee. In the event a business license is not secured within 30 days

of the due date, the business shall be fined not more than \$25 per day for each day the business fails to secure a license following the due date.

(E) The city shall issue a license to each applicant for a business permit who pays the required fee and completes the application form. Such license shall be available for inspection by city officials at the business location.

(Ord. 341-1997, passed 5-19-97; Am. Ord. 356-1998, passed 5-18-98; Am. Ord. 417-2001, passed 5-25-01)

§ 110.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not less than \$25 nor more than \$500. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808. (Am. Ord. 368-1998, passed 5-18-98)

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

111.01	Definitions
111.02	License requirement
111.03	Application procedure
111.04	Standards for issuance
111.05	Revocation procedure
111.06	Standards for revocation
111.07	Appeal procedure
111.08	Exhibition of identification
111.09	Sales from vehicles; door-to-door sales
111.99	Penalty

§ 111.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

PEDDLER.

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

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

A person who is a peddler is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

§ 111.02 LICENSE REQUIREMENT.

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

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

(E) The executive authority of the city may waive the license required herein upon the application to the city for a waiver and for just cause shown. (Ord. 214-1991, passed 9-16-91) Penalty, see § 111.99

§ 111.03 APPLICATION PROCEDURE.

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

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

Prospect - Business Regulations

(c) The permanent address of such individual;

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

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

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

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

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

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

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

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do

business, authorizing the applicant to act as such representative.

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

Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

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

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

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

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

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

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the

licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application; or

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

(C) Any violation of this chapter; or

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 111.05.

(B) The order of the legislative body after the hearing shall be final.

§ 111.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed

Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see § 111.99

§ 111.09 SALES FROM VEHICLES; DOOR-TO-DOOR SALES.

No person, firm, or corporation shall operate within the limits of the city any vehicle for the purpose of vending any product from that vehicle or solicit the sale of any product from door-to-door.

(Ord. 29-1975, passed 3-24-75) Penalty, see § 111.99

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not less than \$25 nor more than \$500. Each day's violation shall constitute a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

(Ord. 369-1998, passed 5-18-98)

CHAPTER 112: PAWNBROKERS

Section

112.01	Definitions
112.02	Bond
112.03	Register to be kept; daily reports
112.04	Receipt to be given for each article; sale of article
112.05	Maximum interest, resale price
112.06	Receipt to be given for payment of loan
112.07	Prohibited activities
112.08	Enforcement
112.99	Penalty

§ 112.01 DEFINITIONS.

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

PAWNBROKER. Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.
(KRS 226.010)

§ 112.02 BOND.

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of \$1000. This bond shall be conditioned that he will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.
(KRS 226.020)

§ 112.03 REGISTER TO BE KEPT; DAILY REPORTS.

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him. The register shall show the dates of all loans or purchases, and the names of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged.

The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his official duty.
(KRS 226.040)

(B) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports. (KRS 226.070)
Penalty, see § 112.99

§ 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 112.03(A) to be kept in his register. He shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying such person that, unless he redeems the

article within ten days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 112.99

§ 112.05 MAXIMUM INTEREST, RESALE PRICE.

Any pawnbroker as defined in § 112.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed one-fifth of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by § 112.03, and for other expenses, losses, and incidental costs associated with servicing such loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) Penalty, see § 112.99

§ 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(KRS 226.090) Penalty, see § 112.99

§ 112.07 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.

(KRS 226.030) Penalty, see § 112.99

§ 112.08 ENFORCEMENT.

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.

(KRS 226.100)

§ 112.99 PENALTY.

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500, and his license may be forfeited to the city. (KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 112.03(B) shall be guilty of a violation and shall be fined not less than \$20 nor more than \$100. (KRS 226.990(3))

CHAPTER 113: INSURANCE COMPANIES

Section

- 113.01 Imposition of license fee
- 113.02 Amount of fee for companies issuing life insurance
- 113.03 Amount of fee for companies issuing policies other than life insurance
- 113.04 Due date; delinquency
- 113.05 Written breakdown of collections
- 113.06 Overpayment of insurance company license fee

premiums returned to policy holders. 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) and 18A.228 or the premiums paid to any state employee benefit fund created pursuant to KRS Chapter 18A.

(Ord. 125-1984, passed 9-17-84; Am. Ord. 202-1990, passed 7-2-90; Am. Ord. 510-2011, passed 2-21-11)

§ 113.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar year basis.

(Ord. 125-1984, passed 9-17-84)

§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING 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 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of those policies.

(Ord. 125-1984, passed 9-17-84; Am. Ord. 202-1990, passed 7-2-90)

§ 113.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 7.5% of the premiums actually collected within each calendar quarter by reason of the issuance of those policies on risks located within the corporate limits of the city on those classes of business which that company is authorized to transact, less all of the

§ 113.04 DUE DATE; DELINQUENCY.

All license fees imposed by this chapter 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).

(Ord. 125-1984, passed 9-17-84)

§ 113.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

- (A) Casualty;
- (B) Automobile;
- (C) Inland marine;
- (D) Fire and allied perils;
- (E) Health; and
- (F) Life.

(Ord. 125-1984, passed 9-17-84)

§ 113.06 OVERPAYMENT OF INSURANCE COMPANY LICENSE FEE.

(A) Time for Making Claim of Overpayment; Loss of Claim. An insurance company which has paid to the city the license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, as required by §§ 113.01 et seq., and which believes it has paid an amount in excess of the amount due, shall notify the city of such claim by delivering notice to the Chief Administrative Officer in the form described in division (B) of this section, within 365 days of the date which said fee was paid. Failure of an insurance company to deliver insurance company to deliver notice in the required form within such time shall forever bar any claim of overpayment by the insurance company.

(B) Elements of Claim. The notice delivered to the city shall contain the following elements:

(1) Name and principal place of business of the insurance company at the time the license fee in question was paid and at the time notice was made.

(2) As to the license fee in question; the amount of license fee paid; the date upon which the license fee was paid; and, the date upon which the license fee was due.

(3) A statement that the insurance company believes that the amount of the license fee it paid is incorrect.

(4) A statement identifying the amount which the insurance company believes is the correct license fee.

(5) A detailed explanation identifying each element of the calculation which led to the determination of the amount of the license fee which the insurance company paid, and each element which leads to the determination of the amount of license fee which the insurance company believes is correct.

(6) A detailed explanation identifying the alleged error in calculating the license fee which the insurance company paid and how the alleged error arose.

(C) Review of Claim. The Chief Administrative Officer of the City of Prospect shall review the notice submitted by the insurance company and determine the correct amount of license fee due for the specified period. The Office shall then notify the insurance company of the Officer's determination.

(D) Results Following Review.

(1) If the Chief Administrative Officer determines that an overpayment was made, the insurance company may recover the amount of overpayment as determined by the Officer only as a credit in calculating the license fee due for the calendar quarter following the date of the Officer's determination. If the amount of license fee which would be due in said quarter, without consideration of the credit, is less than the credit, the insurance company shall make use of such portion of the credit as is necessary to reduce the license fee for the quarter to zero. Any unused portion of the credit shall be carried forward and applied, to the maximum amount possible, in each subsequent quarter until the credit is exhausted.

(2) If, however, the insurance company has ceased doing business at the time of the notice of overpayment, the insurance company shall be entitled to receive the amount of overpayment as calculated by the Officer in the form of a refund from the city. If the amount of refund exceeds \$25,000, the city, in its discretion, may refund the entire amount in a single payment or may refund the amount as four equal payments paid one per quarter for the following four quarters.

(3) If the Chief Administrative Officer for the city determines that no overpayment was made, the Officer shall notify the insurance company of such determination.

(4) In no event shall the insurance company be entitled to interest on any overpayment.
(Ord. 381-1998, passed 9-14-98)

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

§ 114.02 LICENSE REQUIRED.

Licensing Regulations

- 114.01 Privilege license
- 114.02 License required
- 114.03 License fees
- 114.04 When payment due
- 114.05 Special hours license
- 114.06 Sunday retail drink license
- 114.07 Businesses to correspond with businesses authorized by state law
- 114.08 Expiration date; proration
- 114.09 Hours of sale
- 114.10 Conflicting provisions
- 114.11 Regulating distance between package liquor sales

No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting or other traffic in alcoholic beverages in the city unless that person holds the kind of license that authorized such act issued by the City Alcoholic Beverage Control Administrator.
(Ord. 211-1991, passed 6-24-91) Penalty, see § 114.99

§ 114.03 LICENSE FEES.

(A) The following kinds of distilled spirits and wine licenses may be issued by the city, the fees for which shall be:

City Alcoholic Beverage Control Administrator

- 114.25 Establishment
- 114.26 Duties and functions
- 114.27 Oath; bond
- 114.28 Compensation
- 114.29 Term of office
- 114.30 Statutory duties to be assigned to City Clerk

- 114.99 Penalty

LICENSING REGULATIONS

§ 114.01 PRIVILEGE LICENSE.

The city does hereby elect to regulate license and impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages within the city, as allowed by the provisions of the Kentucky Revised Statutes.
(Ord. 211-1991, passed 6-24-91)

Prospect - Business Regulations

<i>Types of Licenses</i>	<i>Fee</i>
(1) Distiller's license, per annum	\$ 500.00
(2) Rectifier's license, per annum	1,500.00
(3) Blender's license, per annum	1,500.00
(4) Wholesaler's license, per annum	1,500.00
(5) Retail package license, per annum	600.00
(6) Retail drink license, per annum	800.00
(7) Special temporary license, per month or part of month, 1/6 of fee enumerated in division (A)(6) of this table	133.34
(8) Special private club license, per annum	150.00
(9) Special Sunday retail drink license	300.00
(10) Nonresident, special agent or solicitor's license, per annum	20.00
(11) Restaurant wine license	
(a) New applicants	300.50
(b) Renewals	300.50

(B) The following kinds of malt beverage licenses may be issued by the city, the fees for which shall be:

<i>Types of Licenses</i>	<i>Fee</i>
(1) Brewer's license, per annum	\$ 500.00
(2) Microbrewery license, per annum	250.00
(3) Distributor's license, per annum	200.00
(4) Retailer's license, per annum	
(a) New applicants	200.00
(b) Renewals	150.00
(5) Special temporary license, per month or part thereof	12.50

(Ord. 211-1991, passed 6-24-91)

§ 114.04 WHEN PAYMENT DUE.

Fees for all licenses issued under § 114.06(A) shall be due and payable on July 1 of each year, all licenses shall expire on June 30 next following date of issuance. (Ord. 211-1991, passed 6-24-91)

§ 114.05 SPECIAL HOURS LICENSE.

(A) The City Alcoholic Beverage Control
Alcoholic Beverages

Administrator may issue a special hours license to any person, firm or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the city of an annual license fee of \$250.

(B) The City Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell malt beverages at retail upon the payment in advance to the city of the sum of \$50. (Ord. 211-1991, passed 6-24-91)

§ 114.06 SUNDAY RETAIL DRINK LICENSE.

(A) In addition to those other licenses authorized herein, the city shall issue a special Sunday Retail Drink License to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, upon payment in advance to the city of the sum of \$300.

(B) Sales of alcoholic beverages on Sunday pursuant to the license granted under division (A) of this section shall permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 2:00 a.m. Monday by hotels, motels and restaurants which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of 100 people at tables and which receive at least 50% or more of their gross annual income from their dining facilities by the sale of food in accordance with KRS 244.290.

(Ord. 211-1991, passed 6-24-91)

§ 114.07 BUSINESSES TO CORRESPOND WITH BUSINESSES AUTHORIZED BY STATE LAW.

The business authorized by the licenses provided for herein shall correspond to the business authorized by the corresponding licenses authorized by KRS Chapter 243 and KRS Chapter 446 and specifically including the definitions contained in KRS 446.010.

(Ord. 211-1991, passed 6-24-91)

§ 114.08 EXPIRATION DATE; PRORATION.

All licenses issued hereunder shall expire on June 30 next following their effective date of issue. The license provided in § 114.03, if such license is issued between January 1 and June 30 of the license year, shall be one-half of the fee so specified in § 114.03 for all such licenses except temporary licenses as provided in § 114.03(A)(7) and (B)(4).

(Ord. 211-1991, passed 6-24-91)

§ 114.09 HOURS OF SALE.

Hours and times in which distilled spirits, wine and beer may be sold are as follows:

(A) Distilled spirits and wine. It shall be unlawful for any person, firm or corporation licensed for the sale of distilled spirits or wine at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday and Saturday or between 2:00 a.m. Sunday and 6:00 a.m. Monday, or on election day when polls are open in the city.

(B) Malt beverages. It shall be unlawful for any person, firm or corporation licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away, or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday or on any election day when the polls are open in the city.

(C) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (A) and (B) of this section, shall be the hours of 4:00 a.m. and 6:00 a.m. for the Monday before the first Saturday in May of each year, through 4:00 a.m. of the following Sunday.

(D) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (A) and (B) of this section, shall be between the hours of 4:00 a.m. and 6:00 a.m. for January 1 of each year; except when December 31 and January 1 fall on Sunday and Monday respectively, in which case the rules from divisions (A) and (B) of this section apply.

(E) The sale of distilled spirits or wine at retail may be permitted, on premises licensed for such purposes, between the hours of 6:00 a.m. and midnight on each day of the week, except for the hours of 1:00 p.m. Sunday through 9:00 p.m. Sunday, upon issuance of a special hours license as set forth in § 114.05.

(F) The sale of malt beverages at retail may be permitted on premises licensed for such purposes between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, except for the hours of 4:00 a.m. Sunday through 1:00 p.m. Sunday, upon issuance of a special hours license as set forth in § 114.05.

(Ord. 211-1991, passed 6-24-91; Am. Ord. 458-2005, passed 9-26-05) Penalty, see § 114.99

§ 114.10 CONFLICTING PROVISIONS.

All ordinances, or parts thereof, in conflict with the provisions hereof are hereby repealed; provided, however this chapter shall not reduce the privileges granted by any other ordinance, license or supplemental license. (Ord. 211-1991, passed 6-24-91)

§ 114.11 REGULATING DISTANCE BETWEEN PACKAGE LIQUOR SALES.

(A) No retail by the package liquor license shall be granted or issued to any licensee for any location within 2,640 feet of any existing premises licensed for such sales.

(B) All distances referred to in this section shall be measured along the right-of-way of existing public vehicular roadways from a point on any such right-of-way line nearest the entrance of any such existing premises licensed for such sales to a point on any such right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way the measurement shall be made at right angles. In determining distances hereunder the assessor maps of Jefferson County shall be used and shall be presumed to be accurate by the Alcohol Beverage Control Administrator for the city. Applicants may, at their own expense, furnish a certified surveyed by any registered professional engineer or surveyor licensed in Jefferson County, and any such survey shall be given full consideration by the Administrator. For purposes of this section "public vehicular roadways" shall mean any "road open to general public travel and actually and substantially used for automotive travel"; unpaved rights-of-way and dead-end roadways shall not be considered in making measurements hereunder.

(C) The distance limitation prescribed by these regulations shall not affect any existing license location nor the right of the owner to transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of this section, except (1) the location of any presently existing license or renewal thereof in case of destruction of property, or loss of lease through failure of the landlord to renew such lease, and (2) the location of any presently existing license or renewal thereof which desires to expand its operations within the same shopping center or shopping area, may be transferred to a location which is not closer than one-half the distance between an existing licensed premises and the nearest similar licensed premises. (Ord. 393-1999, passed 5-17-99; Am. Ord. 418-2001, passed 6-25-01)
2005 S-3

CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR**§ 114.25 ESTABLISHMENT.**

There is hereby created the office of City Alcoholic Beverage Control Administrator pursuant to KRS 241.160. The City Alcoholic Beverage Control Administrator shall be appointed by the Mayor with approval of the Council and is removable at the pleasure of the Mayor. (Ord. 211-1991, passed 6-24-91)

§ 114.26 DUTIES AND FUNCTIONS.

The City Alcoholic Beverage Control Administrator shall possess and exercise all duties and functions as specified in KRS Chapter 241, and those other functions as may be assigned to that office by the City Council. (Ord. 211-1991, passed 6-24-91)

§ 114.27 OATH; BOND.

Before entering upon the duties of his/her office, the City Alcoholic Beverage Control Administrator shall take the oath prescribed by Section 228 of the Kentucky Constitution and shall execute a bond with good corporate surety in the penal sum of not less than \$1000, the cost of which bond shall be borne by the city. (Ord. 211-1991, passed 6-24-91)

§ 114.28 COMPENSATION.

The compensation of the City Alcoholic Beverage Control Administrator is hereby fixed at the sum of \$1 per annum. (Ord. 211-1991, passed 6-24-91)

§ 114.29 TERM OF OFFICE.

The term of the office of the City Alcoholic Beverage Control Administrator shall be the same as that of the City Council members; provided, however, such term shall be automatically extended until the Alcoholic Beverage Control Administrator is removed, or until his successor is appointed and qualifies. (Ord. 211-1991, passed 6-24-91)

§ 114.30 STATUTORY DUTIES TO BE ASSIGNED TO CITY CLERK.

(A) Pursuant to KRS 241.160, the statutory duties of City Alcoholic Beverage Control Administrator are hereby assigned to the duly appointed and qualified City Clerk of the city.

(B) The officer referred to in division (A) of this section, shall perform those duties required of City Alcoholic Beverage Administrator as specified in KRS Chapters 241 through 244 and perform such other duties as are required by law or by ordinance of the City Council. That officer is hereby authorized to issue those licenses authorized by law or ordinance.
(Ord. 211-1991, passed 6-24-91)

§ 114.99 PENALTY.

(A) Any person who, individually, or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided, shall be guilty of a misdemeanor and for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned in the county jail for not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 nor more than \$500, or be imprisoned in the county jail for not more than six months, or both. Each sale in violation of this chapter shall constitute a separate offense. Penalties provided for herein shall be in addition to the revocation or suspension of the offender's license.

(B) Any person violating any provision of § 114.05 shall be guilty of a misdemeanor, and for the first offense, be fined not less than \$100 nor more than \$200 or be imprisoned not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 nor more than \$500 or be imprisoned not more than six months, or both.
(Ord. 211-1991, passed 6-24-91)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PERSONS

131. FAMILY OFFENSES

132. OFFENSES AGAINST PROPERTY

133. OFFENSES AGAINST PUBLIC MORALS

134. GAMBLING OFFENSES

135. OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE

136. OFFENSES AGAINST PUBLIC ORDER

137. SEXUAL OFFENSES

138. INCHOATE OFFENSES

139. GENERAL PENALTY FOR TITLE XIII

CHAPTER 130: OFFENSES AGAINST PERSONS

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against persons. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
ASSAULT		
First degree	508.010	B felony
Second degree	508.020	C felony
Third degree	508.025	D felony
Fourth degree	508.030	A misdemeanor
Under emotional disturbance	508.040	B misdemeanor or D felony
CRIMINAL ABUSE		
First degree	508.100	C felony
Second degree	508.110	D felony
Third degree	508.120	A misdemeanor
CRIMINAL COERCION	509.080	A misdemeanor
CUSTODIAL INTERFERENCE	509.070	D felony
KIDNAPPING	509.040	A or B felony; capital offense
MANSLAUGHTER		
First degree	507.030	B felony
Second degree	507.040	C felony
MENACING	508.050	B misdemeanor
MURDER	507.020	Capital offense
RECKLESS HOMICIDE	507.050	D felony
TERRORISTIC THREATENING		
Third degree	508.080	A misdemeanor
UNLAWFUL IMPRISONMENT		
First degree	509.020	D felony
Second degree	509.030	A misdemeanor

Prospect - General Offenses

<i>OFFENSE</i>	<i>KRS SECTION</i>	<i>PENALTY CLASS</i>
WANTON ENDANGERMENT		
First degree	508.060	D felony
Second degree	508.070	A misdemeanor
Penalty, see Ch. 139		

CHAPTER 131: FAMILY OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common family offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
BIGAMY	530.010	D felony
CONCEALING BIRTH OF INFANT	530.030	A misdemeanor
INCEST	530.020	A, B, or C felony
INCOMPETENT PERSON, ENDANGERING WELFARE OF	530.080	A misdemeanor
MINORS		
Abandonment of	530.040	D felony
Endangering welfare of	530.060	A misdemeanor
Unlawful transaction with		
First degree	530.064	A, B, or C felony
Second degree	530.065	D felony
Third degree	530.070	A misdemeanor
NONSUPPORT	530.050	A misdemeanor
NONSUPPORT, FLAGRANT	530.050	D felony
Penalty, see Ch. 139		

CHAPTER 132: OFFENSES AGAINST PROPERTY

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against property. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
ARSON		
Defrauding insurer	513.060	D felony
First degree	513.020	A felony
Second degree	513.030	B felony
Third degree	513.040	D felony
BURGLARY		
First degree	511.020	B felony
Second degree	511.030	C felony
Third degree	511.040	D felony
Possession of burglar's tools	511.050	A misdemeanor
CRIMINAL MISCHIEF		
First degree	512.020	D felony
Second degree	512.030	A misdemeanor
Third degree	512.040	B misdemeanor
CRIMINAL TRESPASS		
First degree	511.060	A misdemeanor
Second degree	511.070	B misdemeanor
Third degree	511.080	Violation
FORGERY AND RELATED OFFENSES		
Criminal simulation	516.110	A misdemeanor
Forgery		
First degree	516.020	C felony
Second degree	516.030	D felony
Third degree	516.040	A misdemeanor
Possession of forged instrument		
First degree	516.050	C felony
Second degree	516.060	D felony
Third degree	516.070	A misdemeanor
Possession of forgery device	516.090	D felony
Using slugs		
First degree	516.120	D felony
Second degree	516.130	B misdemeanor

Prospect - General Offenses

<i>OFFENSE</i>	<i>KRS SECTION</i>	<i>PENALTY CLASS</i>
LITTERING, CRIMINAL	512.070	A misdemeanor or civil offense
NOXIOUS SUBSTANCES		
Criminal possession of	512.060	B misdemeanor
Criminal use of	512.050	B misdemeanor
POSTING ADVERTISEMENTS UNLAWFULLY	512.080	Violation
ROBBERY		
First degree	515.020	B felony
Second degree	515.030	C felony
THEFT AND RELATED OFFENSES		
Device for theft of telephone services	514.065	A misdemeanor or D felony
Obscuring identity of machine	514.120	A misdemeanor or C or D felony
Possession of stolen mail	514.150	D felony
Receiving stolen property	514.110	A misdemeanor or A, B, C, or D felony
Theft by deception	514.040	A misdemeanor or C or D felony
Theft by extortion	514.080	A misdemeanor or C or D felony
Theft by failure to make disposition	514.070	A misdemeanor or C or D felony
Theft by unlawful taking	514.030	A misdemeanor or A, B, C, or D felony
Theft of labor	514.090	A misdemeanor or C or D felony
Theft of mail matter	514.140	D felony
Theft of property	514.050	A misdemeanor or C or D felony
Theft of services	514.060	A misdemeanor or C or D felony
Unauthorized use of vehicle	514.100	A misdemeanor or D felony

Penalty, see Ch. 139

CHAPTER 133: OFFENSES AGAINST PUBLIC MORALS

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public morals. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
PORNOGRAPHY		
Advertising obscene material	531.050	B misdemeanor
Distribution		
Distribution of obscene matter	531.020	A or B misdemeanor
Distribution to minor	531.030	A misdemeanor or D felony
Using minors to distribute	531.040	A misdemeanor or D felony
Portrayal of sexual performance by minor		
Advertising material containing	531.360	A misdemeanor
Distributing matter containing	531.340	A misdemeanor or D felony
Promoting sale of matter containing	531.350	A misdemeanor; C or D felony
Using minors to distribute such matter	531.370	C or D felony
Promoting sale of obscenity	531.060	A or B misdemeanor; D felony
Sexual performance by minor		
Promotion of	531.320	A, B, or C felony
Use of minor	531.310	A, B, or C felony
PROSTITUTION OFFENSES		
Loitering for prostitution purposes	529.080	Violation or B misdemeanor
Permitting prostitution	529.070	B misdemeanor
Promoting prostitution		
First degree	529.030	A, B, or C felony
Second degree	529.040	D felony
Third degree	529.050	A misdemeanor
Prostitution	529.020	B misdemeanor

Penalty, see Ch. 139

CHAPTER 134: GAMBLING OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common gambling offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
CONSPIRACY TO PROMOTE GAMBLING	528.040	D felony
HORSE RACES, MESSENGER BETTING PROHIBITED	528.110	A misdemeanor
PARI-MUTUEL WAGERING	558.120	A misdemeanor
PERMITTING GAMBLING	528.070	B misdemeanor
POSSESSION OF GAMBLING DEVICE	528.080	A misdemeanor
POSSESSION OF GAMBLING RECORDS		
First degree	528.050	D felony
Second degree	528.060	A misdemeanor
PROMOTING GAMBLING		
First degree	528.020	D felony
Second degree	528.030	A misdemeanor

Penalty, see Ch. 139

CHAPTER 135: OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public administration and justice. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
BRIBERY AND RELATED OFFENSES		
Bribery of public servant	521.020	D felony
Receiving unlawful compensation	521.040	A misdemeanor
Soliciting unlawful compensation	521.030	B misdemeanor
ESCAPE AND RELATED OFFENSES		
Bail jumping		
First degree	520.070	D felony
Second degree	520.080	A misdemeanor
Escape		
First degree	520.020	C felony
Second degree	520.030	D felony
Third degree	520.040	B misdemeanor
Hindering prosecution or apprehension		
First degree	520.120	D felony
Second degree	520.130	A misdemeanor
Promoting contraband		
First degree	520.050	D felony
Second degree	520.060	A misdemeanor
Resisting arrest	520.090	A misdemeanor
Resisting order to stop motor vehicle	520.100	A misdemeanor
JUDICIAL ADMINISTRATION, INTERFERENCE WITH		
Bribe receiving by juror	524.070	D felony
Bribe receiving by witness	524.030	D felony
Bribing a juror	524.060	D felony
Bribing a witness	524.020	D felony
Harassing a witness	524.045	A misdemeanor
Intimidating a judicial officer	524.120	D felony
Intimidating a juror	524.080	D felony
Intimidating a witness	524.040	D felony
Jury tampering	524.090	A misdemeanor
Retaliating against a witness	524.055	D felony
Simulating legal process	524.110	B misdemeanor
Tampering with physical evidence	524.100	D felony
Tampering with a witness	524.050	A misdemeanor
Unlawful practice of law	524.130	B misdemeanor

Prospect - General Offenses

<i>OFFENSE</i>	<i>KRS SECTION</i>	<i>PENALTY CLASS</i>
PERJURY AND RELATED OFFENSES		
False swearing	523.040	B misdemeanor
Perjury		
First degree	523.020	D felony
Second degree	523.030	A misdemeanor
Unsworn falsification to authorities	523.100	B misdemeanor
PUBLIC ADMINISTRATION, OBSTRUCTION OF		
Compounding a crime	519.030	A misdemeanor
Falsely reporting an incident	519.040	A misdemeanor
Impersonating a public servant	519.050	A misdemeanor
Obstructing governmental operations	519.020	A misdemeanor
Tampering with public records	519.060	A misdemeanor
PUBLIC OFFICE, ABUSE OF		
Misuse of confidential information	522.040	D felony
Official misconduct		
First degree	522.020	A misdemeanor
Second degree	522.030	B misdemeanor

Penalty, see Ch. 139

CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER

Section

- 136.01 Discharge of firearms
- 136.02 Targeted picketing in residential areas
- 136.03 Vehicle speed on navigable waters
- 136.04 References to statutory offenses
- 136.05 Hunting on public land

- 136.99 Penalty

§ 136.03 VEHICLE SPEED ON NAVIGABLE WATERS.

In the interest of the public health, safety and welfare, it shall be unlawful for any person to operate a vehicle upon any navigable waters within the city at greater than “no wake speed.”

(Ord. 346-1997, passed 7-21-97) Penalty, see § 136.99

§ 136.01 DISCHARGE OF FIREARMS.

(A) It shall be unlawful for any person to use or discharge any weapon or firearm except in defense of person or property, including any weapon from which a projectile, metal shot, or metal pellet is or may be propelled or discharged under pressure, commonly known as air rifles, air pistols, or BB guns, within the city limits, except duly authorized peace officials in the performance of their official duties.

(B) It shall be unlawful for any parent or guardian of any child to allow the child to use, discharge, or carry the weapons listed in division (A) above, within the city limits.

(Ord. 22-1974, passed 10-28-74) Penalty, see § 136.99

§ 136.02 TARGETED PICKETING IN RESIDENTIAL AREAS.

(A) *Prohibition and definition.* It shall be unlawful to picket a single residential dwelling in the city without the consent of the dwelling's occupant (hereinafter referred to as **TARGETED RESIDENTIAL PICKETING**).

(B) *City objective.* The city has an interest in the protection of residential privacy within the city and protecting the well being, tranquility and privacy of the home which is certainly of the highest order in a free and civilized society. The city further finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in targeted residential picketing to exercise constitutionally protected freedom of speech and expression.

(Ord. 336-1997, passed 4-14-97) Penalty, see § 136.99

§ 136.04 REFERENCES TO STATUTORY OFFENSES.**EDITOR'S NOTE:**

This section contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public order. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
ABUSE OF CORPSE	525.120	A misdemeanor
CRUELTY TO ANIMALS		
First degree	525.125	D felony
Second degree	525.130	A misdemeanor
DESECRATION OF VENERATED OBJECTS	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS	525.150	B misdemeanor
EAVESDROPPING AND RELATED OFFENSES		
Divulging illegally obtained information	526.060	A misdemeanor
Eavesdropping	526.020	D felony
Installing eavesdropping device	526.030	D felony
Possessing eavesdropping device	526.040	A misdemeanor
Tampering with private communications	526.050	A misdemeanor
FAILURE TO DISPERSE	525.160	B misdemeanor
FIREARMS AND WEAPONS		
<i>(Editor's note: KRS 65.870 prohibits any city from regulating the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, or transportation of firearms, ammunition, components of firearms, components of ammunition, firearms accessories, or combination thereof.)</i>		
HARASSING COMMUNICATIONS	525.080	B misdemeanor
HARASSMENT	525.070	Violation or B misdemeanor
INCITING TO RIOT	525.040	A misdemeanor
LOITERING	525.090	Violation
OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE	525.140	B misdemeanor
PUBLIC INTOXICATION	525.100	B misdemeanor
RIOT		
First degree	525.020	D felony
Second degree	525.030	A misdemeanor
UNLAWFUL ASSEMBLY	525.050	B misdemeanor

Penalty, see § 136.99

§ 136.05 HUNTING ON PUBLIC LAND.

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

HUNTING. To pursue for food or in sport; to manage in the search for game or to pursue with intent to capture.

(B) It shall be unlawful for any person to hunt, or to carry implements, equipment or devices commonly used to hunt on any public land within the city.

(Ord. 464-2005, passed 1-9-06)

§ 136.99 PENALTY.

(A) A fine not less than \$20 nor more than \$500 shall be imposed for each violation of § 136.01. (Ord. 22-1974, passed 10-28-74)

(B) For statutory penalties for the state law offenses set forth in § 136.02, see Chapter 139.

(C) (1) Any person violating the provisions of § 136.02 shall upon conviction for a first offense forfeit not less than \$5 nor more than \$300, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned until such forfeiture and costs are paid, but not to exceed 30 days.

(2) Any person who shall be guilty of violating § 136.02 who has been previously convicted of a violation thereof within one year, shall upon conviction thereof forfeit not less than \$100 nor more than \$500 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned until such forfeiture and costs are paid, but not exceeding 90 days.

(Ord. 336-1997, passed 4-14-97)

(D) Any person violating the provisions of § 136.03 shall be fined \$100. (Ord. 346-1997, passed 7-21-97)

CHAPTER 137: SEXUAL OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common sexual offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
INDECENT EXPOSURE	510.150	B misdemeanor
RAPE		
First degree	510.040	A or B felony
Second degree	510.050	C felony
Third degree	510.060	D felony
SEXUAL ABUSE		
First degree	510.110	C or D felony
Second degree	510.120	A misdemeanor
Third degree	510.130	B misdemeanor
SEXUAL MISCONDUCT	510.140	A misdemeanor
SODOMY		
First degree	510.070	A or B felony
Second degree	510.080	C felony
Third degree	510.090	D felony
Fourth degree	510.100	A misdemeanor
Penalty, see Ch. 139		

CHAPTER 138: INCHOATE OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common inchoate offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
CRIMINAL ATTEMPT	506.010	A or B misdemeanor; B or C felony
CRIMINAL CONSPIRACY	506.040	A or B misdemeanor; B or C felony
CRIMINAL FACILITATION	506.080	A or B misdemeanor; D felony
CRIMINAL SOLICITATION	506.030	A or B misdemeanor; B or C felony
CRIMINAL SYNDICATE	506.120	B or C felony
Penalty, see Ch. 139		

CHAPTER 139: GENERAL PENALTY FOR TITLE XIII

EDITOR'S NOTE:

This chapter is included for informational purposes only. The provisions of this chapter are specifically not incorporated by reference.

Section

- 139.01 Fines for misdemeanors and violations
- 139.02 Sentence of imprisonment for misdemeanor
- 139.03 Fines for felonies
- 139.04 Sentence of imprisonment for felony

§ 139.01 FINES FOR MISDEMEANORS AND VIOLATIONS.

(A) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized a fine may be levied in addition to the imprisonment or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether or not the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury then the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(B) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any offense other than a felony may be sentenced to pay a fine in an amount not to exceed:

- (1) For a Class A misdemeanor, \$500; or
- (2) For a Class B misdemeanor, \$250; or
- (3) For a violation, \$250.

(C) This section does not apply to a corporation. (KRS 534.040)

§ 139.02 SENTENCE OF IMPRISONMENT FOR MISDEMEANOR.

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

(A) For a Class A misdemeanor, the term shall not exceed 12 months; and

(B) For a Class B misdemeanor, the term shall not exceed 90 days. (KRS 532.090)

§ 139.03 FINES FOR FELONIES.

(A) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any felony and granted a sentence of probation or conditional discharge may be sentenced to pay a fine in an amount not to exceed \$10,000 or double his gain from commission of the offense, whichever is the greater.

(B) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

- (1) The defendant's ability to pay the amount of the fine;
- (2) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;
- (3) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and

Prospect - General Offenses

(4) The amount of the defendant's gain, if any, derived from the commission of the offense.

(C) When a defendant is convicted of two or more felonies committed through a single act and is sentenced to fines pursuant to division (A) above, the aggregate amount of such fines shall not exceed \$10,000 or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(D) This section does not apply to a corporation. (KRS 534.030)

§ 139.04 SENTENCE OF IMPRISONMENT FOR FELONY.

(A) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by division (B) below, and subject to modification by the trial judge pursuant to KRS 532.070.

(B) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are:

(1) For a Class A felony, not less than 20 years nor more than 50 years, or life imprisonment;

(2) For a Class B felony, not less than 10 years nor more than 20 years;

(3) For a Class C felony, not less than 5 years nor more than 10 years; and

(4) For a Class D felony, not less than one year nor more than 5 years.

(C) For any felony specified in KRS Chapter 510, KRS 530.020, 530.064(1)(a), or 531.310, the sentence shall include an additional 5 year period of postincarceration supervision which shall be added to the maximum sentence rendered for the offense. During this period of postincarceration supervision, if a defendant violates the provisions of postincarceration supervision, the defendant may be reincarcerated for:

(1) The remaining period of his or her initial sentence, if any is remaining; and

(2) The entire period of postincarceration supervision, or if the initial sentence has been served, for the remaining period of postincarceration supervision.

(D) In addition to the penalties provided in this section, for any person subject to a period of postincarceration supervision pursuant to KRS 532.400 his or her sentence shall include an additional one year period of postincarceration supervision following release from incarceration upon expiration of sentence if the offender is not otherwise subject to another form of postincarceration supervision. During this period of postincarceration supervision, if an offender violates the provisions of supervision, the offender may be reincarcerated for the remaining period of his or her postincarceration supervision.

(E) The actual time of release within the maximum established by division (A) above, or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law. (KRS 532.060)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. COMPREHENSIVE PLAN

152. FENCES

153. METROPOLITAN SUBDIVISION REGULATIONS

154. SWIMMING POOLS

155. ZONING CODE

156. STREET DESIGN AND STANDARDS

157. SIGN REGULATIONS AND STANDARDS

APPENDIX A: ILLUSTRATED SPECIFICATIONS

158. TENNIS COURTS

159. OUTDOOR LIGHTING

160. BINDING ELEMENTS

161. LAND DEVELOPMENT CODE

CHAPTER 150: BUILDING REGULATIONS

Section

Building Permits

General Provisions

- 150.01 Adoption of Kentucky Building Code; Standards of Safety; application
- 150.02 Residential buildings and lots; restrictions
- 150.03 Structures which may not be used as residences
- 150.04 Enforcement
- 150.05 Appeals

- 150.55 Permit required
- 150.56 Procedure for obtaining permit
- 150.57 Permit fees
- 150.58 Required deposits
- 150.59 Display of permit
- 150.60 Expiration of permit; renewal permit
- 150.61 Certificate of occupancy
- 150.62 Dimensions of two structures under roof facing permanent wall
- 150.63 Adequate provisions for drainage required
- 150.64 Disposal of debris, waste, or rubbish
- 150.65 Maintaining streets in clean condition
- 150.66 Stop work order
- 150.67 Violations; investigation of violations

Townhouses and Multi-Family Dwellings

- 150.15 Definitions
- 150.16 Compliance with federal, state, county, and city codes and regulations
- 150.17 Building permits
- 150.18 Written approval of plans
- 150.19 Dwellings to be suitable to site and surroundings
- 150.20 Garages or approved covered parking and storage areas required
- 150.21 Floor area of townhouse or multi-family residential unit
- 150.22 Lawngrades, fences, dwelling unit elevations, and location of units to be approved
- 150.23 Fire walls
- 150.24 Standing or flowing sewer or water prohibited

Demolition or Destruction

- 150.75 Permit required
- 150.76 Application; issuance
- 150.77 Inspection
- 150.99 Penalty

Cross-reference:

Construction of satellite dishes within city prohibited, see § 96.01
Temporary portable storage and trash containers, see Ch. 98

Moving Buildings

- 150.35 Permit required
- 150.36 Permit application
- 150.37 Permit and application fees
- 150.38 Bond
- 150.39 Refusal to issue permit
- 150.40 Notice of route and time to be issued
- 150.41 Length of time building allowed to remain in streets
- 150.42 Public safety requirements

§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE; STANDARDS OF SAFETY.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) Each of the codes, including all penalty provisions thereof and including any amendments thereto, shall be in force throughout the city.

(C) The application of the State Building Code is extended to all single-family dwellings in the city. Penalty, see § 150.99

§ 150.02 RESIDENTIAL BUILDINGS AND LOTS; RESTRICTIONS.

(A) Floor area.

(1) On all residential subdivided lots within the city, except those platted and of record as of November 19, 1984, the first floor area of a one-story house shall be a minimum of 2,500 square feet; the first floor area of a two-or-more story house shall be a minimum of 1,600 square feet and minimum square footage of a two-or-more story house shall be 3,000 square feet; the first floor area of any other designed house shall be a minimum of 2,250 square feet and in no case shall square footage of any multi-story house on a subdivided residential lot within the city be less than 3,000 square feet.

(2) On all residential subdivided lots platted and of record as of November 19, 1984, the first floor area of a one-story house shall be a minimum of 1,850 square feet and the first floor area of a two-story house shall be a minimum of 1,100 square feet and minimum total square footage in a two-story house shall be 2,200 feet and the first floor area of a one-and-a-half story house shall be a minimum of 1,500 square feet. In no case shall total square footage of any house on such subdivided residential lots be less than 1,850 square feet.

(B) Stories; square footage requirements. The number of stories shall be counted from the front (street) elevation, beginning with the first story completely above ground from the front elevation, and all square footage requirements within this section disregard basement square footage. Square footage requirements to be heated living areas only. Open porches and attached garages are not to be included in computing square footage area.

(C) Approval of plans. The plans of residence and/or garage showing the plan, type, shape, height, material, color scheme, and location of same, and a completed application for building permit in the form prescribed by the Mayor, shall be submitted to and approved in writing by the Mayor or any other official of the city to whom the power of approval has been delegated by the Mayor.

(D) Dwellings to be suitable to site and surroundings. No residence shall be constructed on any lot that does not compare favorably in character, design, and construction with others in the city and unless the residence shall be suitable to the site and in harmony with the other homes and surroundings.

(E) Garages. All residences must provide for at least two car attached garages, unless the subdivision lot is one acre or more in size in which event detached garages are allowed. In no case shall any garage door face the street in front of the residential dwelling, nor shall any garage door face the street to the side of the residence where the residence is located on a corner lot. For this purpose a lot is a corner lot where each of two sides of the lot faces one or the other of two intersecting streets and there are no other subdivided lots between either those sides and the street it faces. Where lots are irregularly shaped and/or a residence is situated on a lot at an angle, the garage door(s) may neither face either street not be located at less than a 30 degree angle to any street. No carports are permitted and garages must be similar in design, character, and construction as residences.

(F) Lawngrades, fences, house elevations, and location of house. Lawngrades, fences, house elevations, and location of the house are to be approved in the same manner as the residence plans. (See division (C) above.)

(G) Sewer or foul water. No owner of any property in any subdivision within the city shall allow sewer water or any other foul water to stand or flow upon the surface of the property, nor flow into or onto any adjoining property.

(H) No residential lot within the city which totals two acres or less shall be subdivided.

(I) An "outbuilding" is defined in § 150.56(A)(1)(a) and (b). No outbuilding shall be allowed on any lot within a residential zoned area of the city unless the following criteria are met:

(1) Outbuildings are only permitted on lots of three acres or more. Outbuildings must be similar to the residence in design, character and construction and shall not be a prefabricated or manufactured structure;

(2) The outbuilding shall be at least 12 feet from any lot line;

(3) The outbuilding shall not be used as a garage;

(4) The square footage of any outbuilding built after the effective date hereof shall not exceed 10% of the square footage of the main building on said residential lot; provided, however, any existing outbuilding destroyed by fire or other cause may be rebuilt up to the square footage it was prior to such destruction;

(5) The outbuilding shall not unreasonably interfere with the quiet enjoyment of neighboring properties;

(6) The outbuilding shall be buffered from adjoining properties by a minimum evergreen opaqueness of 50% with a minimum six feet in height at the time of planting and shall be maintained at all times as approved; and

(7) The outbuilding shall have received a building permit issued in accordance with § 150.55 hereof.

(J) Notwithstanding the restrictions in division (I) above, a children's playhouse may be constructed on any residential lot so long as such structure contains only items suitable for children at play and is at least eight feet from any lot line.

(K) Notwithstanding the restrictions in division (I) above, a gazebo may be constructed on any residential lot for recreational purposes only as a lawn or garden decoration, to sit and enjoy the open space and beauty of the landscape in accordance with the following criteria:

(1) The gazebo shall have a maximum square footage of 144 square feet;

(2) The maximum size of columns supporting the roof of the gazebo shall be no larger than six inches across if it is a flat surface and eight inches in diameter if it is a curved surface;

(3) The gazebo shall be open on all sides with nothing between the columns supporting the roof other than rails with spindles at the bottom and/or ornate woodwork at the top;

(4) The gazebo shall be constructed of wood, wood substitute, wrought iron or wrought iron substitute;

(5) The roof of the gazebo shall consist of wood shingles or shall match the roof of the home on the lot on which the gazebo is constructed, and the roof of the gazebo shall match the shape of the gazebo;

(6) The maximum height of the gazebo, including any copula, if used, but excluding any weather vane, spindle or other type of approved decoration on top of the gazebo, shall be 15 feet measured from ground level, and the pitch of the roof of the gazebo shall rise a minimum of six inches every 12 inches (45 degrees); and

(7) A complete set of the plans and specifications for the gazebo shall be submitted pursuant to § 150.56(B).

(L) Only one outbuilding (exclusive of a single detached garage) will be permitted on any one residential lot.
(Ord. 126-1984, passed 11-12-84; Am. Ord. 278-1994, passed 4-18-94; Am. Ord. 344-1997, passed 6-16-97; Am. Ord. 446-2004, passed 9-20-04; Am. Ord. 456-2005, passed 9-26-05; Am. Ord. 472-2006, passed 9-18-06) Penalty, see § 150.99

§ 150.03 STRUCTURES WHICH MAY NOT BE USED AS RESIDENCES.

(A) No trailer, basement, tent, shack, boat, or garage or other outbuildings (disjointed) placed or erected within the city limits at any time shall be used as a residence, temporarily or permanently. This section shall be construed to include any recreation vehicle or boat of any type or sort.

(B) It shall be the duty of the city law enforcement officers upon request, or upon their own volition, to investigate any and all violations of this section and enforce it.
(Ord. 37-1975, passed 6-23-75; Am. Ord. 457-2005, passed 9-26-05) Penalty, see § 150.99

§ 150.04 ENFORCEMENT.

(A) The State Building Code shall be enforced as set forth in § 150.67.

(B) The Chief of the Volunteer Fire Department and any other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.

(C) Louisville Metro Government is charged with enforcing the provisions of state and local codes within the city.
(Am. Ord. 448-2005, passed 3-31-05)

§ 150.05 APPEALS.

Appeals from decisions made by the enforcement officer under the Kentucky Building Code shall be made to the State Board of Housing, Building, and Construction pursuant to KRS 198B.070(5).

TOWNHOUSES AND MULTI-FAMILY DWELLINGS

§ 150.15 DEFINITIONS.

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

MULTI-FAMILY RESIDENTIAL UNIT. Any room or group of rooms or other part of a building which forms a single housekeeping unit with facilities which are used for or designed for living, sleeping, cooking, and eating by one family.

§ 150.16 COMPLIANCE WITH FEDERAL, STATE, COUNTY, AND CITY CODES AND REGULATIONS.

Townhouses and other multi-family dwelling units must conform to all federal, state, county, and city building, health, and safety codes and regulations.
(Ord. 59-1976, passed 12-27-76)

§ 150.17 BUILDING PERMITS.

(A) Prior to the issuance of a building permit for a townhouse building or a multi-family development, a certain plan relating to all phases of construction and design showing elevations, plantings, and the location of improvements shall be presented to the City Council along with evidence that performance bonds or similar guarantees have or will be obtained or provided by the parties requesting said permit.

(B) No building permits will be issued by the city for any structure not in compliance with this subchapter.
(Ord. 59-1976, passed 12-27-76)

§ 150.18 WRITTEN APPROVAL OF PLANS.

The plans of each dwelling unit or garage showing the plan, type, size, shape, height, material, color scheme, and location of same, shall be submitted to and approved in writing by the City Council or to any official of the city to whom the power of approval shall be delegated in writing by the City Council before construction is begun.
(Ord. 59-1976, passed 12-27-76)

§ 150.19 DWELLINGS TO BE SUITABLE TO SITE AND SURROUNDINGS.

No townhouse or other multi-family dwelling unit shall be constructed within the city that does not compare favorably in character, design, and construction with other dwellings in the city and unless that dwelling shall be suitable to the site and in harmony with other dwellings and the surroundings in the area in which it is to be constructed.
(Ord. 59-1976, passed 12-27-76) Penalty, see § 150.99

§ 150.20 GARAGES OR APPROVED COVERED PARKING AND STORAGE AREAS REQUIRED.

Each townhouse unit and each multi-family dwelling unit must provide for a two-car attached or detached garage or other approved covered parking and storage area with no garage door or opening facing the front elevation which is located on a public thoroughfare, state, or other dedicated public right-of-way. Garages or other approved covered parking and storage areas must be similar in design, character, and construction as the dwelling units. Adequate access and parking areas must be provided in addition to garages.
(Ord. 59-1976, passed 12-27-76) Penalty, see § 150.99

§ 150.21 FLOOR AREA OF TOWNHOUSE OR MULTI-FAMILY RESIDENTIAL UNIT.

On all lots in the city, the floor area of a one-story townhouse or multi-family residential unit shall be a minimum of 1,600 square feet. The floor area of a one-and-a-half or two-story townhouse or multi-family residential unit shall be a minimum of 1,800 square feet. Open porches and attached garages are not to be included in computing area.

(Ord. 59-1976, passed 12-27-76)

§ 150.22 LAWNGRADES, FENCES, DWELLING UNIT ELEVATIONS, AND LOCATION OF UNITS TO BE APPROVED.

Lawngrades, fences, dwelling unit elevations, and the locations of those units are to be approved in the same manner as the residence plans. (See § 150.18.)

(Ord. 59-1976, passed 12-27-76)

§ 150.23 FIRE WALLS.

All individual dwelling units must be separated from adjoining dwelling units by approved fire walls.

(Ord. 59-1976, passed 12-27-76) Penalty, see § 150.99

§ 150.24 STANDING OR FLOWING SEWER OR WATER PROHIBITED.

No owner of any property in any subdivision within the city shall allow sewer water or any other foul water to stand or flow upon the surface of the property, nor flow into or onto any adjoining property.

(Ord. 59-1976, passed 12-27-76) Penalty, see § 150.99

MOVING BUILDINGS

§ 150.35 PERMIT REQUIRED.

No person, firm, or organization shall move a building within the corporate boundaries of the city without first making application and obtaining a permit therefor. The fee for said permit shall be \$20.

(Ord. 70-1978, passed 4-10-78; Am. Ord. 271-1993, passed 8-16-93)

Penalty, see § 150.99

§ 150.36 PERMIT APPLICATION.

An application shall be filed by the owner of the building to be moved and shall be filed with the City Council or its duly designated representative. It shall provide any information as may reasonably be required for an intelligent understanding of the proposed project and its effect on the surrounding properties. The information set forth in the written application and the drawings and photographs filed therewith shall contain at least the following information:

(A) The type and kind of building to be moved;

(B) The cost of the building to its current owner and its current fair market value;

(C) The overall dimensions of the length, width, and height of the building;

(D) The building's present location;

(E) The proposed new location by lot, block, subdivision, and street number;

(F) A plot plan showing the location and height above grade on the proposed new lot; and

(G) The exact time the building will be upon the streets and the contemplated route that will be taken from the present to the new location.

(Ord. 70-1978, passed 4-10-78)

§ 150.37 PERMIT AND APPLICATION FEES.

No permit shall be issued until an application fee of \$.05 per cubic foot is paid to the city; however, in no event shall a fee of less than \$100 be charged for a permit.

(Ord. 70-1978, passed 4-10-78)

§ 150.38 BOND.

The City Council, or its representative, as a condition precedent to the issuance of a permit, shall require a bond to be executed by the person desiring that permit, with corporate surety to the City Council, or its representative's satisfaction. The bond shall be made payable to the city and for an amount as the City Council or its representative shall describe. It shall indemnify the city against any damages caused by the moving of a building to streets, curbs, sidewalks, shade trees, highways, and any other property which may be affected by

the moving of a building. The surety bond shall also be conditioned upon and liable for strict compliance with the terms of the permit, as to the route to be taken and the limit of time in which to effect the move and to repair or compensate for the repair and to pay city as liquidated damages an amount not exceeding \$50 to be prescribed by the City Council or its representative, for each and every day's delay in completing the removal or in repairing any damage to property or public improvement or including all public streets and property, of all debris occasioned thereby.

(Ord. 70-1978, passed 4-10-78)

§ 150.39 REFUSAL TO ISSUE PERMIT.

If in the opinion of the City Council, or its representative, the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than 50% of its original cost to its current owner because of fire or other elements, or moving of the building will violate any of the requirements of this code or of the zoning regulations of the city, the permit shall not be issued and the building shall not be moved over the streets of the city.

(Ord. 70-1978, passed 4-10-78)

§ 150.40 NOTICE OF ROUTE AND TIME TO BE ISSUED.

Upon the issuance of a moving permit, the City Council or its representative shall cause notice to be given to the Police Department, Fire Department, telephone and power companies, and others whose property may be affected by the move. The City Council, or its representative, shall set forth in all notices the route that will be taken, time that the move is to be started and the approximate time of completion.

(Ord. 70-1978, passed 4-10-78)

§ 150.41 LENGTH OF TIME BUILDING ALLOWED TO REMAIN IN STREETS.

Any building being moved for which a permit has been granted shall not be allowed to remain in or on the streets of the city for more than 48 hours.

(Ord. 70-1978, passed 4-10-78) Penalty, see § 150.99

§ 150.42 PUBLIC SAFETY REQUIREMENTS.

(A) Lights required. Any building which occupies any portion of public property after sundown, shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

(B) Number and location of lights. There shall be a minimum of five red lights placed on each street side of the building; these red lights shall be attached to the building in a fashion as to indicate width, height, and size.

(C) Flares required. There shall be placed in addition to the red lights on the building, flares at regular intervals for a distance of 200 feet up the street on each side of the building.

(D) Flagmen required. When more than 50% of the street, measured between curbs, is occupied at night by the building, or when in the opinion of the City Council (or its representative) flagmen are necessary to divert or caution traffic, the owner or person moving the building shall employ at their expense two flagmen, one at each street intersection beyond the building; these flagmen shall remain at these intersections, diverting or cautioning traffic. Red lights shall be employed in directing traffic at night.

(Ord. 70-1978, passed 4-10-78) Penalty, see § 150.99

BUILDING PERMITS

§ 150.55 PERMIT REQUIRED.

No building or structure shall be constructed or modified externally within the city without the owner thereof first obtaining a building permit from the city. (Ord. 71-1978, passed 3-15-82; Am. Ord. 205-1990, passed 12-5-90) Penalty, see § 150.99

§ 150.56 PROCEDURE FOR OBTAINING PERMIT.

(A) Definitions.

(1) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) ***BUILDING.*** A structure having a roof supported by columns or walls and for the shelter or enclosure of persons, animals, materials, or property of any

kind and when separated by a division wall without openings, each portion of that building shall be deemed a separate **BUILDING**.

(b) **STRUCTURE**. Anything constructed or erected, other than signs the use of which requires location on the ground or its being permanently attached to something having a location on the ground; it includes, but is not limited to, swimming pools, signs, barns, and other outbuildings and poles of a height of 15 feet or more and exterior lighting fixtures.

(2) The terms **STRUCTURE** and **BUILDING** are meant to be used interchangeably throughout this subchapter and all divisions of this section using one of these terms shall also pertain to the other.

(B) The procedure for obtaining a building permit shall be as follows:

(1) (a) A full set of nonreturnable, detailed plans and specifications for the construction of any building or addition to any existing building or structure or the wrecking, demolition, or removal by any means of the same, shall be submitted to and approved by the City Council, or duly authorized representative, prior to any construction of that structure, addition, remodeling, or demolition.

(b) All plans submitted for approval shall contain a drawing or plat showing the lot plan, the location of the building on the lot, accurate dimensions of the building and lot, and any other information as may be required by the City Council. This plat shall be prepared after the lot has been staked by a competent surveyor. Although staking is permitted, it is to be understood that this action does not assure issuance of a building permit and that work is not to be so construed.

(c) The Mayor, or any person(s) appointed by the Mayor, shall consider those plans to determine whether the proposed building will adversely affect the public safety, health, convenience, comfort, aesthetics and general welfare of the residents of the city and check to see if the plans are in compliance with the restrictions applicable to all property located in the city. The following standards of review shall apply in nonresidential areas in determining whether any proposed building or structure is in compliance with this chapter:

1. Architectural.

a. Brick or stone shall be the principal material for all exterior walls. All buildings within

a development shall be of the same brick or stone. Applicant shall submit samples of brick/stone and mortar to the city for review and approval. All other materials (other than those mentioned above) used as principal materials for exterior walls shall be submitted to the city before approval.

b. Roofs on buildings in outlots and attached multi-tenant retail structures shall all be of the same material and color. The material shall either be shingle or copper color standing seam metal. An applicant shall submit samples to the city for review and approval.

c. Sloped roofs and partial roofs shall have a pitch between 8:12 and 14:12.

d. An applicant shall submit fenestration (window design) samples to the city for review and approval.

e. No exterior lay-in ceilings shall be allowed under canopies, walkways or overhangs.

f. In addition to plans and illustrations requested for Jefferson County zoning approval, the applicant shall submit a color perspective rendering showing all proposed new and renovated structures for review by the city. This rendering shall illustrate architectural, landscape and signage elements. All these elements shown shall be constructed as per the rendering, unless otherwise reviewed and accepted by the city.

2. Site planning.

a. Type, placement and size of area to be landscaped shall be indicated on the plan and rendering supplied by the applicant. The applicant shall submit landscaping plans to the city for review and approval.

b. All walks and plazas shall have a minimum of 20% unit masonry paving.

c. Lighting standards shall be between eight feet and 14 feet in height, with incandescent or metal halide lamps. The applicant will submit product literature with illustrations to the city for review and approval.

d. Entry signature area shall be constructed as per drawing submitted by the applicant with respect to size, material and style.

e. All other architectural landscape screening to match character and material used in

main entry fencing and gates. No wood may be used, except for gates necessary for access which shall have 100% opaqueness. Buffer zones shall be buffered by plantings with a minimum evergreen opaqueness of 50%, minimum six feet height at the time of planting. The applicant will submit a landscape plan, specifying plant types, for these areas to the city for review and approval.

f. All interior planting islands within parking areas shall consist of a continuous concrete curb.

g. An applicant will maintain landscaping as approved by the city at all times.

3. Application for approval by the city. All applications for approval by the city pursuant to this section, shall be filed with the City Clerk, and action on same shall be taken within 60 days after the date of filing. Upon filing of the application, the city shall determine whether the application is in conformance with the standards set forth above and shall approve same only upon said finding, and otherwise reject said application unless a variance is granted upon a determination that the variance is the minimum necessary to afford relief upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not adversely impact the intent and purposes of this section.

(2) When the detailed plans and specifications are approved by the City Council, or its duly authorized representative, or an Architectural Review Committee appointed by the Council, a preliminary certificate of conformance to city regulations shall be issued.

(3) Upon issuance of the preliminary certificate of conformance, the applicant shall deliver the certificate and a full set of plans and specifications to the County Building Inspector. The county building office will review the plans and specifications and will issue a building permit and conduct the necessary inspections based on the approval by the city and by all other county and state agency approvals as may be required.

(4) Upon issuance of the building permit by the county building office, it shall be presented to the City Council, or its duly authorized representative, and upon payment of necessary fees and the posting of a clean-up deposit the approval of the city shall be granted and recorded. The granting of city approval shall be indicated by suitable stamping of the county building permit. Then, and only then, may construction and such begin. Upon violation of this

section, the Police Chief or the duly authorized representative of the City Council shall order all excavating, construction, and such to immediately cease until that time as a permit is properly issued. Violation of this section shall also subject the violator to fine as subsequently outlined.

(Ord. 71-1978, passed 3-15-82; Am. Ord. 205-1990, passed 12-5-90; Am. Ord. 221-1991, passed 12-16-91; Am. Ord. 448-2005, passed 3-31-05)

§ 150.57 PERMIT FEES.

The fees, payable to the city, for permits shall be as follows:

(A) For any new building or structure:

	<i>When no Stop Work Order or Citation has been Issued</i>	<i>When One Stop Work Order or Citation has been Issued</i>	<i>When than One Stop Work Order or Citation has been been Against</i>
<i>more</i>			
<i>has</i>			
<i>issued</i>			
<i>the</i>			
	<i>Contractor</i>	<i>Contractor</i>	<i>Builder or Contractor</i>
			<i>or Builder</i>
Per Square Foot of Livable Area	15 cents	30 cents	50 cents
Per Square Foot of Non-Livable Space	8 cents	16 cents	26 cents

(B) For the purposes of this section, the following definitions apply:

CITATION. Any citation written by any law enforcement officer or other person authorized to issue a citation for violation of the Code of Ordinances of the city.

LIVABLE SPACE. That area in residential construction which persons would normally live and includes, but is not limited to, space such as living rooms, dining rooms, bed rooms, kitchens, great rooms, lofts, entry ways, mud rooms, laundry rooms on the same floor as other livable space, landings, enclosed porches, bath rooms, hallways, stairs leading to or from a livable space,

closets, and eating areas. In non-residential construction, including commercial construction, it shall apply to all areas of the construction.

2005 S-3

NON-LIVABLE SPACE. That area of residential construction which persons do not normally live and specifically includes pools, decks, unfinished garages, basements or attics used primarily for storage.

STOP WORK ORDER. An order issued by the city against a contractor, subcontractor, builder or developer requiring work be stopped at any location within the city. The length of time the Stop Work Order may be in effect is immaterial to the meaning of this section.

(C) For exterior additions to, or remodeling of (excluding periodic painting, maintenance, and the like) any building or wrecking of an existing structure, \$50. (Ord. 71-1978, passed 3-15-82; Am. Ord. 265-1993, passed 6-21-93; Am. Ord. 309-1995, passed 5-15-95)

§ 150.58 REQUIRED DEPOSITS.

Before any construction or removal permits are issued, a deposit shall be made to the city for the purpose of assuring that the applicant abides by all sections of this subchapter, according to the following schedule:

For each single-family detached dwelling:	\$ 500
For each single-family attached dwelling:	500
For each multiple unit structure, such as (but not limited to) townhouses, row houses, cluster homes, apartments and condominiums:	500
For each commercial structure, a single retail unit, whether attached or detached, being herein defined as one commercial structure:	10,000

All expenses incurred by the city by reason of any damages caused by an applicant's failure to abide by any section of this subchapter shall be set off against his deposits with the city. Notwithstanding the foregoing, no deposit shall be required for any resident applicant whose construction project does not exceed a total value of \$10,000. (Ord. 71-1978, passed 3-15-82; Am. Ord. 117-1984, passed 3-19-84; Am. Ord. 299-1994, passed 12-12-94)

§ 150.59 DISPLAY OF PERMIT.

The original permit, or a legible copy thereof, if and when granted, shall be displayed in a conspicuous location on the premises when construction and such begins, and shall

remain so displayed during the entire period of construction or removal thereof, whichever shall apply in each situation. (Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.60 EXPIRATION OF PERMIT; RENEWAL PERMIT.

(A) A permit shall expire and terminate at the expiration of three months from the date it is issued, unless the construction of the improvements thereby authorized has in good faith begun within that time, or if for wrecking, demolition, or removal of a structure or building, unless the work has in good faith begun within 30 days of permit date. A permit for any type of building, or addition thereto, shall terminate 12 months from the date it is issued, unless the improvement is completed within that time. A permit will continue to be valid for a reasonable time after the project has begun within the above time limits, or until the project is completed if within a reasonable time.

(B) Upon a showing of good and reasonable cause by written application filed at least ten days before the expiration date of any duly issued permit, the City Council or its duly authorized representative may in their discretion issue a renewal permit without the payment of an additional fee. This renewal permit shall not be for a period longer than the period of the original permit. If an untimely application for a renewal permit is made, it may be approved by the City Council or its duly authorized representative in their discretion. If an untimely application is approved, a fee equal to the original fee shall be collected.

(C) It shall be unlawful for any person or firm to construct, in whole or in part, any improvements and the like after the permit therefor has expired as provided herein. (Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.61 CERTIFICATE OF OCCUPANCY.

Upon the completion of a project and the satisfaction of all sections of this subchapter, a certificate of occupancy shall be issued and those funds on deposit with the city under § 150.58 shall be refunded to the holder of the building permit. No buildings shall be occupied until a certificate of occupancy has been granted by the city. (Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.62 DIMENSIONS OF TWO STRUCTURES UNDER ROOF FACING PERMANENT WALL.

Unless otherwise approved by the City Council, no two structures under roof in an area zoned for single-family residences shall be closer than 16 feet as measured from the nearest facing permanent wall or object attached to either, or both, structures. This measurement shall be taken between adjacent walls without chimneys, or between the outside chimney wall and any adjacent walls or between opposite facing chimney walls. Additionally, all walls or improvements, including but not limited to, porches and chimneys, must be at least eight feet from the side property line, except in the case of a chimney, which may be six feet from the sideline if the adjacent lot already contains a structure under roof which will not be closer than 20 feet to the chimney wall.
(Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.63 ADEQUATE PROVISIONS FOR DRAINAGE REQUIRED.

The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. The applicant shall ensure that water will not be diverted from its natural flow to the detriment of the land surrounding the building or structure to be constructed, modified, or demolished.
(Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.64 DISPOSAL OF DEBRIS, WASTE, OR RUBBISH.

The applicant is charged with the responsibility of seeing that no debris, waste, or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the city, either during, upon, or after the completion of the project.
(Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.65 MAINTAINING STREETS IN CLEAN CONDITION.

At all times, it shall be the duty of the applicant to maintain the streets in the vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction and like activities.
(Ord. 71-1978, passed 3-15-82) Penalty, see § 150.99

§ 150.66 STOP WORK ORDER.

If at any time during an applicant's project, he shall be found to be in violation of any section of this subchapter or any work on any building or structure is found to be contrary to the provisions of this subchapter or any other ordinance of the city, or in a dangerous or unsafe manner, or the applicant by reason of set-offs shall not have made the required deposits with the city, that work shall immediately be stopped. The notice that work is to cease shall be in writing, and shall be given to the owner of the property, his agent, or any person at the work site who is in a position of authority and the notice shall state the conditions under which work may be resumed.
(Ord. 71-1978, passed 3-15-82)

§ 150.67 VIOLATIONS; INVESTIGATION OF VIOLATIONS.

(A) The failure to construct, erect, maintain, wreck, demolish, or remove a structure in accordance with the terms of the approved and issued permit shall constitute a violation of this subchapter. Each day a violation continues to exist shall be deemed a separate offense.

(B) It shall be the duty of the city law enforcement officers or the Metro Louisville Department of Inspections, Permits and Licenses at the request of the Mayor to investigate any and all violations of this subchapter and enforce it.
(Ord. 71-1978, passed 3-15-82; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 150.99

DEMOLITION OR DESTRUCTION

§ 150.75 PERMIT REQUIRED.

No building, dwelling or other type of structure within the city may be torn down or demolished without having a permit issued by the Mayor or other duly authorized administrative official.
(Ord. 61-1977, passed 5-23-77) Penalty, see § 150.99

§ 150.76 APPLICATION; ISSUANCE.

(A) No such permit shall be issued which endangers the safety, health or welfare of any other building or property or any person within the city. If in the opinion of the Mayor

or other duly authorized administrative official, the demolition of any building may cause injury to persons or property, or injuries to the street or other public improvements, the permit shall not be issued and the building shall not be demolished until the applicant for the permit has demonstrated that adequate provisions have been made to avoid serious injury to persons, property and to streets and other public improvements.

(B) An application for a permit, signed by the owner or his authorized agent, shall be filed with the Mayor or other duly authorized administrative official. It shall provide such information as may be reasonably required for an intelligent understanding of the proposed work and its effect on the surrounding properties. The information set forth in the written application shall contain at least the following information:

- (1) The type and kind of building to be demolished;
- (2) The reason for such demolition;
- (3) The overall dimensions of the building;
- (4) The building's present location;
- (5) The effects on the adjacent properties which can be reasonably expected to result from the demolition of the building, and more specifically, whether or not party walls are involved and, if so, what provisions will be made to assure that adjacent properties are not adversely affected by the demolition;
- (6) The time when demolition is expected to begin and the length of time that it will take before it is completed;
- (7) The substance which will be used as fill for all areas below grade; and
- (8) How and by whom the debris from the demolition will be removed.

(C) A fee of \$100 shall be charged for issuance of such permit.

(D) The Mayor or other duly authorized administrative official, as a condition precedent to the issuance of the permit, shall require a cash deposit of not less than \$1,000 or a bond to be executed by the person(s) desiring such permit, with corporate surety. Such bond shall be made payable to

the city and for such amount as the Mayor or other duly authorized administrative official shall describe. It shall indemnify the city and the owners of property therein against damages caused by the demolition.

(E) The Mayor or other duly authorized administrative official shall determine whether there is any damage and may direct the use of the deposit or direct the surety company on a performance bond to pay for the damages.

(F) No demolition shall be commenced until the permit holder or his authorized agent shall have posted a building demolition permit, in a conspicuous place, near the front of the property, in such a position and so as to be within the view of the police from the street and such permit shall remain posted until the completion of the demolition work has been certified by the Mayor or other duly authorized administrative official.
(Ord. 61-1977, passed 5-23-77; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 150.99

§ 150.77 INSPECTION.

No demolition shall be certified as completed by the Mayor or other duly authorized administrative official until he has the site inspected and is satisfied that no damages have resulted from the demolition, that any parties suffering damages therefrom have received restitution, that the grade of the property has been made level thereby leaving no open basements, wells, pits, or the like, and that there are no situations present on the site which endanger persons or property in the area. All bonds and unused cash deposits shall be refunded upon certification by the Mayor or other duly authorized administrative official that the demolition has been completed.
(Ord. 61-1977, passed 5-23-77)

§ 150.99 PENALTY.

(A) Any person found in violation of any provision of this chapter for which another penalty is not already otherwise provided shall be fined not less than \$25 nor more than \$500 for each offense. Each day the violation exists shall constitute a separate offense. This chapter is subject to enforcement by the Code Enforcement Board of the city. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808. (Am. Ord. 370-1998, passed 5-18-98)

(B) Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties:

(1) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1000 for each offense. (KRS 198B.990(1))

(2) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(3) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than

90 days, or both, for each offense. (KRS 318.990).

(C) Any person, company, or corporation violating any of the provisions of §§ 150.75 or 150.76 shall be fined not less than \$25 nor more than \$500 for each offense. Each day on which the demolition, tearing down or other destruction of any building in the city continues without a permit shall constitute a separate offense. Sections 150.75 and 150.76 are subject to enforcement by the Code Enforcement Board. A violation of these sections shall be considered a civil offense in accordance with KRS 65.8808.

(Ord. 61-1977, passed 5-23-77; Am. Ord. 371-1998, passed 5-18-98)

CHAPTER 151: COMPREHENSIVE PLAN

Section

151.01 Adoption by reference

§ 151.01 ADOPTION BY REFERENCE.

The Comprehensive Plan entitled “Guided Growth and Redevelopment for Louisville and Jefferson County” adopted by the Louisville and Jefferson County Planning Commission is hereby affirmed, ratified, and adopted by reference. A copy of the comprehensive plan shall be maintained in the office of the City Clerk and available to the public during normal office hours.

(Ord. 122-1984, passed 9-17-84; Am. Ord. 404-2000, passed 3-20-00)

CHAPTER 152: FENCES

Section

- 152.01 Building permit required to erect fence and free-standing wall
- 152.02 Issuance of permit upon meeting standards
- 152.03 Permit fee

- 152.99 Penalty

§ 152.01 BUILDING PERMIT REQUIRED TO ERECT FENCE AND FREE-STANDING WALL.

It shall be unlawful for any person to erect a fence or free-standing wall within the city without a building permit for same to be issued by the City Clerk or City Administrator.

(Ord. 108-1983, passed 6-20-83; Am. Ord. 476-2007, passed 5-21-07) Penalty, see § 152.99

§ 152.02 ISSUANCE OF PERMIT UPON MEETING STANDARDS.

The City Clerk or City Administrator shall issue a building permit for erection of a fence or free-standing wall within the city upon due application and payment of the building permit fee and provided that the fence or free-standing wall to be erected complies with all zoning regulations and other city, county, and state laws and regulations; and further provided that the fence or free-standing wall does not constitute a public health or safety problem, and meets with the general aesthetics of the area in which it is to be erected. Fences or free-standing walls must meet the required setback lines and the following building materials guidelines: permitted building materials are wood or approved wood lookalike substitute, brick, wrought iron, or aluminum that appears like wrought iron, or stone. Chain link is prohibited. The finished side of a wooden fence shall be placed to face the adjoining properties. On residential lots of less than three acres located within subdivisions, fences or free-standing walls are restricted to the back yard of a residence and are not allowed to be constructed more than half-way toward the front of the side of the residence or its attached garage. On corner lots where the backyard of a house is also the street side yard, a fence or free-standing wall must be no closer than five feet behind the

building setback line of the street to which the street side yard abuts. Notwithstanding the foregoing, no fence or free-standing wall over four feet in height may be erected in such a manner as to be closer than 15 feet from any building setback line, and at no point may a fence or free-standing wall over four feet in height be closer than 12 feet from any neighboring dwelling. No fence or free-standing wall, whether in a residential, commercial or agricultural area of the city, may exceed six feet in height.

(Ord. 108-1983, passed 6-20-83; Am. Ord. 448-2005, passed 3-31-05; Am. Ord. 470-2006, passed 8-2-06; Am. Ord. 476-2007, passed 5-21-07)

§ 152.03 PERMIT FEE.

The permit fee, payable to the city, shall be in the amount of \$35.

(Ord. 108-1983, passed 6-20-83; Am. Ord. 266-1993, passed 6-21-93; Am. Ord. 476-2007, passed 5-21-07)

§ 152.99 PENALTY.

Any person found to be in violation of this chapter shall be subjected to a fine of not less than \$50 nor more than \$500 for each offense, plus the cost to the city for removal of that fence. Each 24-hour period during which a fence stands in violation of this chapter shall constitute a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of any provision of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

(Ord. 108-1983, passed 6-20-83; Am. Ord. 372-1998, passed 5-18-98)

CHAPTER 153: METROPOLITAN SUBDIVISION REGULATIONS

Section

153.01 Adoption by reference

§ 153.01 ADOPTION BY REFERENCE.

The Metropolitan Subdivision Regulations are based upon the Comprehensive Plan and are hereby affirmed, ratified, and adopted by reference. A copy of the regulations shall be maintained in the office of the City Clerk and available to the public during normal office hours.

(Ord. 122-1984, passed 9-17-84; Am. Ord. 162-1987, passed 11-16-87)

CHAPTER 154: SWIMMING POOLS

Section

- 154.01 Permit required
- 154.02 Application for permit
- 154.03 Permit fee
- 154.04 Refusal to issue permit
- 154.05 Fence or similar enclosure to enclose pool area
- 154.06 Adequate drainage required
- 154.07 Disposal of debris, waste, or rubbish
- 154.08 Maintaining streets in clean condition
- 154.09 Stop work order
- 154.10 Above ground swimming pools prohibited within city

- 154.99 Penalty

(D) Any effect on adjacent properties which can be reasonably expected to result from the construction of the pool;

(E) What provisions are to be made for supplying the pool with potable water and for the drainage thereof;

(F) The substance which will be used as fill and the anticipated disposition of any earth removed;

(G) The time when construction is expected to begin and the length of time that it will take before it is completed.
(Ord. 54-1976, passed 9-27-76)

§ 154.01 PERMIT REQUIRED.

No person, firm, or corporation shall construct a swimming pool within the corporate limits of the city without first making application and obtaining a permit therefor.
(Ord. 54-1976, passed 9-27-76) Penalty, see § 154.99

§ 154.02 APPLICATION FOR PERMIT.

An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Clerk. It shall provide any information as may be reasonably required by the City Clerk for an intelligent understanding of the proposed work and its affect on the surrounding properties. The information set forth in the written application shall contain at least the following information:

- (A) The kind of pool to be constructed;
- (B) The overall dimensions of the length, width, and depth of the pool;
- (C) A plat showing the pool's location on the property in relation to existing structures, easements, boundary lines, and existing or proposed fences;

§ 154.03 PERMIT FEE.

The City Clerk or other official so designated by the City Council, as a condition precedent to the issuance of the permit, shall require the payment of a \$50 permit fee.
(Ord. 54-1976, passed 9-27-76; Am. Ord. 268-1993, passed 8-16-93)

§ 154.04 REFUSAL TO ISSUE PERMIT.

If in the opinion of the City Clerk or other official so designated by the City Council the construction of any pool may cause serious injury to persons or property, the permit shall not be issued and the construction thereof shall not be begun until the applicant for the permit has demonstrated to the satisfaction of the City Clerk, or other official so designated by the City Council, that adequate provisions have been made to avoid serious injury to persons and property within the city.
(Ord. 54-1976, passed 9-27-76)

§ 154.05 FENCE OR SIMILAR ENCLOSURE TO ENCLOSE POOL AREA.

All pools or pool areas shall be enclosed by a permanent fence or similar structure surrounding the pool area. Such fences must be completely constructed as full enclosures and must be erected within thirty (30) days of completion of the

pool basin, excluding plumbing. The fence or enclosure shall extend not less than four feet above the ground, and shall not be constructed in such a manner that the facing of said fence barrier is constructed solely of horizontal members. All gates shall be self-closing and self-latching. In all other respects, fences shall comply with the requirements of Chapter 152. In addition to the foregoing, a temporary safety fence constructed of vinyl mesh or other material suited to secure the pool area shall be installed at the beginning of and during construction of the pool basin unless the pool construction area is currently secured by permanent fully enclosed fencing. With respect to both temporary safety fencing and permanent fencing surrounding the pool area, all fencing shall be fully placed and contained within the property boundaries of the land of the pool owner.

(Ord. 54-1976, passed 9-27-76; Am. Ord. 296-1994, passed 10-17-94; Am. Ord. 477-2007, passed 4-16-07; Am. Ord. 492-2008, passed 12-8-08) Penalty, see § 154.99

§ 154.06 ADEQUATE DRAINAGE REQUIRED.

The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. The applicant shall ensure that water will not be diverted from its natural flow to the detriment of the land surrounding the construction.

(Ord. 54-1976, passed 9-27-76) Penalty, see § 154.99

§ 154.07 DISPOSAL OF DEBRIS, WASTE, OR RUBBISH.

The applicant is charged with the responsibility of seeing that no debris, waste, or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the city, either during, upon, or after the completion of the project.

(Ord. 54-1976, passed 9-27-76) Penalty, see § 154.99

§ 154.08 MAINTAINING STREETS IN CLEAN CONDITION.

At all times, it shall be the duty of the applicant to maintain the streets in the vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction and like activities.

(Ord. 54-1976, passed 9-27-76)

§ 154.09 STOP WORK ORDER.

If at any time during an applicant's project, he shall be found to be in violation of any section of this chapter or any work is found to be contrary to the provisions of this chapter or any other ordinance of the city, or is being conducted, in a dangerous or unsafe manner, that work shall immediately be stopped. The notice that work is to cease shall be in writing, and shall be given to the owner of the property, his agent, or any person at the work site who is in a position of authority and the notice shall state the conditions under which work may be resumed.

(Ord. 54-1976, passed 9-27-76)

§ 154.10 ABOVE GROUND SWIMMING POOLS PROHIBITED WITHIN CITY.

(A) In the interest of the public health, safety, welfare and aesthetics, it shall be unlawful for any person to construct, install, enlarge or alter any above ground swimming pool in the city. Above ground swimming pools shall not be construed to include wading pools, which are defined as pools which have a diameter or maximum cross dimension of not more than eight feet and a maximum depth of not more than one foot.

(B) Any above ground swimming pool within the city already existing as of the effective date of this section shall be operated, maintained and screened from public view, so as not to create a nuisance, hazard, eyesore or otherwise to result in a substantial adverse effect on neighboring properties or to be in any other way detrimental to public health, safety, welfare or aesthetics. (Ord. 196-1990, passed 5-21-90; Am. Ord. 297-1994, passed 10-17-94) Penalty, see § 154.99

§ 154.99 PENALTY.

(A) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and fined no less than \$50 nor more than \$500 for each violation as stated. Each day that the violation continues shall be considered a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

(Ord. 54-1976, passed 9-27-76; Am. Ord. 373-1998, passed 5-18-98; Am. Ord. 477-2007, passed 4-16-07)

(B) Any person, firm or corporation violating any provision of § 154.10 shall be subject to a fine of \$100 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, any person, firm or corporation violating § 154.10 shall immediately take whatever corrective actions are necessary to come into

compliance with that section. Section 154.10 is subject to enforcement by the Code Enforcement Board. A violation of that section shall be considered a civil offense in accordance with KRS 65.8808.

(Ord. 196-1990, passed 5-21-90; Am. Ord. 374-1998, passed 5-18-98)

CHAPTER 155: ZONING CODE

Section

- 155.01 Adoption by reference
- 155.02 Code of conduct for city officials to follow in zoning matters

§ 155.01 ADOPTION BY REFERENCE.

The “Zoning District Regulations for All of Jefferson County, Kentucky” and the zoning maps pertaining to the land within the boundaries of the city are in conformance with the comprehensive plan and are hereby affirmed, ratified, and adopted by reference. A copy of the regulations, zoning map, and all revisions and amendments thereto shall be maintained in the office of the City Clerk and made available to the public during normal office hours. All subsequent revisions and amendments to the regulations and zoning map which are adopted by the City Council are adopted by reference.
(Ord. 122-1984, passed 9-17-84; Am. Ord. 134-1985, passed 4-18-85; Am. Ord. 135-1985, passed 4-18-85; Am. Ord. 141-1985, passed 10-21-85; Am. Ord. 146-1985, passed 1-20-86; Am. Ord. 162-1987, passed 11-16-87; Am. Ord. 167-1988, passed 6-20-88; Am. Ord. 180-1989, passed 5-15-89; Am. Ord. 192-1990, passed 3-19-90; Am. Ord. 303-1995, passed 2-20-95)

§ 155.02 CODE OF CONDUCT FOR CITY OFFICIALS TO FOLLOW IN ZONING MATTERS.

The procedure for city officials to follow in zoning matters shall be as follows:

(A) (1) Promptly upon receipt by the City Clerk of the minutes forwarded by the Planning Commission with respect to its initial recommendations or revised recommendations concerning any zoning matters, the Clerk shall make entries into a docket book to be kept by the Clerk for zoning matters only.

(2) The entries shall be made as the matter progresses and shall show:

- (a) The name of the applicant and the Planning Commission docket number.
- (b) The date the minutes were received.
- (c) The date that a copy of the Planning Commission's minutes was sent to each member of the City Council, the Mayor and the City Attorney.
- (d) A brief description of the location of the property.
- (e) All subsequent proceedings.

(B) After any action in the matter has been taken, the City Clerk shall so notify the Planning Commission, the applicant, and all attorneys of record.

(C) Personal contacts with zoning change applicants or others who may stand to gain or profit from the outcome of city action upon a proposed zoning change, or their agents or representatives, which might tend to exert pressure or influence in zoning matters potentially affecting land use in the city, whether such matter currently is a case pending before the City Council or not, upon any elected or appointed official, or any employee, of the city, shall be avoided by all such officials and employees.

(D) Nothing in this section shall preclude the Mayor or Councilmembers from making a personal inspection of the site.
(Ord. 123-1984, passed 9-17-84; Am. Ord. 295-1994, passed 10-17-94)

CHAPTER 156: STREET DESIGN AND STANDARDS

Section

- 156.01 Permit required
- 156.02 Issuance procedure
- 156.03 Stop work orders
- 156.04 Private roads

- 156.99 Penalty

depending on road location, traffic count, material standards, and so forth:

(1) The subgrade shall be compacted to a minimum of 90% standard Proctor. Rock may be required for stabilization in order to achieve 90% compaction. If so, this will not be considered as part of the total design thickness.

(2) Road widths will be not less than 24 feet except a cul-de-sac may be acceptable with an 18-foot width.

(3) A minimum compacted DGA base of eight inches will be required. It will be laid in two compacted courses of four inches each. Minimum compaction will be 90% of the standard Proctor.

(4) A two-inch asphaltic concrete binder and a one-inch asphaltic concrete surface will be required. Not less than 60% of the fine aggregate in the bituminous mixture will be natural sand.

(5) Any road failures within two years of completion will be considered the fault of the developer and necessary repairs will be at his expense.

(6) All material and construction methods must meet regulations established by the Kentucky Department of Transportation.

(D) The Mayor or other authorized administrative official shall notify the applicant of his decision either approving or refusing approval of said plan within a reasonable time.

(Ord. 20-1974, passed 10-20-74) Penalty, see § 156.99

§ 156.01 PERMIT REQUIRED.

No person, firm, or corporation shall construct any road or street, public or private, within the city without first obtaining a permit from the appropriate administrative department of Jefferson County. Such person, firm, or corporation shall secure all necessary state or county permits and all such construction shall meet all applicable state, county, and federal standards. Any new road, public or private, proposed or constructed with the city must be constructed to public roadway standards. (Ord. 20-1974, passed 10-20-74; Am. Ord. 475-2007, passed 3-19-07) Penalty, see § 156.99

§ 156.02 ISSUANCE PROCEDURE.

(A) Any person who proposes to construct any street or road in the city shall submit the plans to the Mayor or other authorized administrative official for approval. All plans submitted for approval shall contain a drawing showing the location of the road and shall include all specifications and such other information as may be required by the Mayor or other authorized administrative official.

(B) The Mayor or authorized administrative official shall determine whether the proposed road or street will adversely affect the public safety, health, convenience and general welfare of the residents of the city and check to see if the plans are in compliance with the strict regulations applicable to all property located within the city and meet all state and county standards. Such review will include, but not be limited to drainage, alignment, paving, material, and so forth without limitation.

(C) In addition to all state, county, or federal requirements, the specifications set forth below shall be considered minimum standards, but may be increased

§ 156.03 STOP WORK ORDERS.

The Mayor or other authorized administrative official is authorized to issue stop work orders and take any necessary court action to stop violations of this chapter. (Ord. 20-1974, passed 10-20-74)

§ 156.04 PRIVATE ROADS.

No private road or street within the city may be accepted as a dedicated public road of the city without first meeting all of the following requirements and standards:

(A) The width of a private road must be a minimum of 18 feet, unless a professional engineer in the employ of the city recommends in writing the acceptance of a lesser width.

(B) Any person or persons requesting that a private road in the city be accepted and dedicated as a public road must at no expense to the city, have a report prepared by a professional engineer, approved by the city, demonstrating that the private road meets construction and design specifications set forth in the Louisville Metro Land Development Code as adopted by city.

(C) No private road may be accepted and dedicated as a public road unless said private road is conveyed in fee simple to the city to provide a right-of-way of the same width as required by the Louisville Metro Land Development Code, as adopted by the city; provided, however, this requirement may be waived if a professional engineer, approved by the city, recommends in writing the

acceptance of a lesser width for such right-of-way.

(D) No private road may be accepted and dedicated as a public road unless the right-of-way mentioned in division (C) above is dedicated for public use by a major subdivision plat prepared by, and at the expense of, the person or persons requesting the private road be dedicated as a public road. Said plat shall be approved by and signed by all property owners abutting the private road proposed to be dedicated as a public road.
(Ord. 475-2007, passed 3-19-07)

§ 156.99 PENALTY.

Any person or entity found to be in violation of this chapter shall be fined not less than \$50 nor more than \$200. Each day's continued violation shall constitute a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of any provision of this chapter shall be considered a civil offense in accordance with KRS 65.8808.
(Ord. 20-1974, passed 10-20-74; Am. Ord. 375-1998, passed 5-18-98; Am. Ord. 475-2007, passed 3-19-07)

CHAPTER 157: SIGN REGULATIONS AND STANDARDS

Section

GENERAL PROVISIONS

General Provisions

- 157.01 Purpose
- 157.02 Application of chapter
- 157.03 Definitions
- 157.04 Administrative authority
- 157.05 Regulation specifications; determination of sign area and placement
- 157.06 Nonconforming signs
- 157.07 Protection of first amendments rights

Permit Procedures

- 157.20 Permit required
- 157.21 Application for permit
- 157.22 Permit fee
- 157.23 Permit review; issuance; recording
- 157.24 Complaints and revocations
- 157.25 Temporary signs requiring sign permit
- 157.26 Permanent signs requiring permit
- 157.27 Exceptions

Prohibited Signs

- 157.40 Certain signs prohibited
- 157.41 Removal of prohibited signs

Variances

- 157.55 Authority to grant variances
- 157.56 Standard of review
- 157.57 Special events

- 157.99 Penalty

Appendix A: Illustrated Specifications

§ 157.01 PURPOSE.

The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signage to facilitate an easy and pleasant communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and the community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signs which are:

- (A) Compatible with their surroundings;
- (B) Appropriate to the activity which displays the sign;
- (C) Expressive of the identity of individual activities, and the community as a whole; and
- (D) Legible in the circumstances they are seen.
(Ord. 222-1991, passed 12-16-91)

§ 157.02 APPLICATION OF CHAPTER.

These sign regulations shall apply to all exterior and window signs in the city.
(Ord. 222-1991, passed 12-16-91)

§ 157.03 DEFINITIONS.

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

ADMINISTRATOR. The designated government official whose responsibility it is to administer the provisions of this chapter. These activities may include, but are not limited to, reviewing applications for sign permits,

corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs and interpreting and enforcing the provisions of this chapter.

ANIMATION. Copy or images that flash or move or otherwise change.

AWNING. A cloth or nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

BACKLIT AWNINGS. A cloth or nonstructural covering that is permanently attached to a building which is lit by a light source intended to illuminate the awning material.

BANNER. A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric or paper.

BARE-BULB ILLUMINATION. A light source which consists of light bulbs with a (20 watt maximum wattage) for each bulb.

BILLBOARD (OFF-PREMISE SIGN). A sign which advertises products or services not sold or distributed on the property on which the sign is located.

BUILDER IDENTIFICATION SIGN. A sign denoting the name/logo of the builder.

BUILDING. A structure having a roof supported by columns or walls and for the shelter or enclosure of persons, animals, materials or property of any kind.

CANOPY. See *AWNING*.

CHANGEABLE COPY. A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the permanent face or surface of the sign.

CONTRACTOR SIGN. A temporary sign denoting a business, service or other commercial entity which is engaged in the construction, alteration, repair, demolition, or other related activity with regard to improvements to real estate, including but not limited to activities such as roofing, remodeling, landscaping, fencing, replacement windows, patio or deck construction, swimming pool construction or outbuilding construction.

DEVELOPMENT PHASE SIGNS. A sign that announces or identifies the future development of a parcel and/or parcels of land and identifies the party or parties engaged in the development, such as, development companies, architects, builders, financial institutions and the like.

DESIGN FACTOR. The surface color, size, materials, illumination or mechanical movement of a street sign.

DIRECTIONAL SIGN. A sign that provides directional assistance for the convenience of the public such as location of exits, entrances and parking lots.

FACADE. Exterior wall of a building from the roof and/or parapet to ground level. Mansard roofs are part of the facade.

FLASHING ILLUMINATION. A light source which in whole or in part, physically changes in light intensity or color or gives the appearance of such change.

FREESTANDING. The general term used for any on-premise sign which is supported from the ground and not attached to a building. (Pole, monument and billboards).

HEIGHT. The vertical distance measured from the average grade within a ten-foot radius of the adjacent right-of-way or parking lot to the highest point of the sign. (See Appendix A, § 1.)

IDENTIFICATION SIGN. A permanent ground sign which identifies an office park, industrial park, multi-family complex, retail center, shopping center or subdivision (such as a single-family residential district).

ILLUMINATION.

(1) **BACKLIGHTING.** A light source which is mounted behind opaque letters or symbols to illuminate the surface behind the letter of symbols creating a silhouette erect.

(2) **EXTERNAL.** Any light source which is not internal.

(3) **INDIRECT.** A light source which is not a part of the sign but which illuminates the sign from a distance but is not seen directly.

(4) **INTERNAL.** A light source contained or concealed within the sign itself.

MARQUEE. A structure other than a roof attached to, supported by and protecting from a building as in a theater entrance.

MONUMENT SIGN. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal width of the sign face. (See Appendix A, § 2).

MOVEMENT. Physical movement or revolution up or down, around or sideways.

NONCONFORMING SIGN. A sign that met all legal requirements when constructed but that is not in compliance with this chapter.

PORTABLE SIGN. Any sign, whether lighted or not, designed to be transported and not intended by design to be permanently affixed to a place or structure.

PROJECTING SIGN. A sign attached to or projecting from the wall of a building and not in the same plane as the wall.

REAL ESTATE SIGN. Any sign which conveys the message that real property is available for sale, lease or rent.

REAL ESTATE DEVELOPMENT SIGN. A real estate sign denoting availability of all real property in a particular area.

ROOF SIGN. A sign which is displayed above the eaves.

SIDEWALK SIGN. A sign designed to be self-supporting in the general shape of an A or V when viewed from the side and when the message area consists of a chalkboard or other erasable board on which the message is directly written.

SIGN. Any structure or object and its support system which uses graphic symbols or alphanumeric characters to convey or display information.

SIGN AREA. The square foot area of a sign which is determined by multiplying the height and width of the sign. The width is the horizontal length of the sign from its greatest protrusion on its left to its greatest protrusion on the right, including supports. For the purpose of measuring the sign

area, the height is the vertical length of the sign from its greatest protrusion on the top to its greatest protrusion on the bottom, but not including the base of a monument sign or other ground supports. (See Appendix A, §§ 3 and 4.)

SIGN AREA FOR ROOF AND WALL SIGNS. The percentage of signable area of a building or structure which may be used for roof and wall graphics.

TEMPORARY DIRECTIONAL REAL ESTATE SIGN. A real estate sign which is directional in nature, denoting a specific property is available for inspection.

TEMPORARY WINDOW SIGN. A window sign displayed for a limited period of time.

WALL SIGN. A sign applied, painted on or attached to a wall of a building in the same plane as the wall.

WIDTH. The horizontal length of a sign from its greatest protrusion on its left to the greatest protrusion on the right, including supports. (See Appendix A, § 3.)

WINDOW SIGN. A graphic applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent. (Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92; Am. Ord. 511-2011, passed 4-18-11)

§ 157.04 ADMINISTRATIVE AUTHORITY.

The City shall have the responsibility and full authority to administer and enforce all provisions of this chapter, other than those provisions specifically assigned by the city to a Design Review Board and/or the City Council. (Ord. 222-1991, passed 12-16-91)

§ 157.05 REGULATION SPECIFICATIONS; DETERMINATION OF SIGN AREA AND PLACEMENT.

(A) The regulations in this section specify the numbers, types, sizes and heights, and locations of signs which are permitted within the city and which require a permit. Any sign regulations approved by the City Council may supersede all or part of this section.

(B) Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of

the sign (one side only for back-to-back signs) shall be included. Where both sides of a back-to-back (parallel) sign contain lettering or other allowable display, only one side shall be used to compute the allowable size of the sign. Where a sign consists of a two or more faces which are not back-to-back (parallel), each sign shall be calculated separately. (See Appendix A, § 3.)

(C) Placement. All signs shall have zero setback from the property line; however, no sign shall be placed closer than ten feet from the curb and/or street edge. (Ord. 222-1991, passed 12-16-91)

§ 157.06 NONCONFORMING SIGNS.

(A) Any sign that met all legal requirements when constructed but that is not in compliance with this chapter.

(B) Removal. Nonconforming signs must be removed if:

(1) Fifty percent of the sign has been damaged or destroyed. At that point, the sign must be erected in conformance with these regulations. If the damage or destruction is less than 50% the sign may be restored, but shall not be enlarged in any manner.

(2) The sign has not been used for a period of six months or longer.

(3) The sign is relocated on the same or different premises.

(4) There are any modifications to the sign or its message other than routine maintenance.

(C) Removal process. The Administrator may remove or order the removal of any sign which falls into divisions (B)(1)–(4) of this section; provided, however, that the Administrator shall give seven days notice of his intent to remove that sign to the owner of the sign and to the owner of the property upon which the sign is constructed. The Administrator may, following that notice, remove the sign at the city's expense and bill the owner for all costs, such costs constituting a lien on the property of the sign's owner until the owner reimburses the city for such expense. (Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92) Penalty, see § 157.99

§ 157.07 PROTECTION OF FIRST AMENDMENTS RIGHTS.

Any sign, display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this chapter. (Ord. 222-1991, passed 12-16-91)

PERMIT PROCEDURES

§ 157.20 PERMIT REQUIRED.

No sign or sign structure, except as provided in §§ 157.05, 157.06, 157.07, 157.25, 157.26, 157.27 and 157.40 shall be erected, displayed, altered, relocated or replaced until a sign permit has been issued. For the purpose of this chapter, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain. (Ord. 222-1991, passed 12-16-91) Penalty, see § 157.99

§ 157.21 APPLICATION FOR PERMIT.

Applications for sign permits shall be submitted on a form provided by the Administrator, and shall be accompanied by the requisite review fee, and shall contain or have attached at a minimum the following information in either written or graphic form:

(A) Application date.

(B) Name, address and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.

(C) Address of the property where the sign or sign structure will be erected.

(D) Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.

(E) Location of the sign on the property.

(F) Type of sign (for example, monument, wall) and general description of structural design and construction materials.

(G) Drawings of the proposed sign which shall contain specifications indicating color samples, height, perimeter and area dimensions, means of support, method of illumination if any and any other significant aspect of the proposed sign.

(H) Any other information requested by the Administrator in order to carry out the purpose and intent of these regulations.
(Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92)

§ 157.22 PERMIT FEE.

The permit fee required by this chapter shall be \$20.
(Ord. 222-1991, passed 12-16-91; Am. Ord. 272-1993, passed 8-16-93)

§ 157.23 PERMIT REVIEW; ISSUANCE; RECORDING.

The Administrator shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this chapter. All permit applications will be approved or denied within ten working days or 30 calendar days for those applicants requesting or requiring a variance. (Ord. 222-1991, passed 12-16-91)

§ 157.24 COMPLAINTS AND REVOCATIONS.

The Administrator shall investigate any complaints of violations of the provisions of this chapter or if there is any misrepresentation of any material facts in either the application or plans. (Ord. 222-1991, passed 12-16-91)

§ 157.25 TEMPORARY SIGNS REQUIRING SIGN PERMIT.

(A) Construction/development phase signs; commercial and residential.

- (1) Number. Two signs per development, not to exceed one per street entrance.
- (2) Maximum size and height: 32 square feet. Maximum of two sides per sign and eight feet in height.
- (3) Permit requirements: Yearly permit required.
- (4) Duration. The following criteria specifies when temporary construction phase signs shall be removed.

- (a) Multi-Tenant Commercial Developments. Removal is required when the development has reached 80%.
- (b) Single Tenant Commercial Developments. Removal is required at the issuance of a certificate of occupancy.
- (c) Single-Family subdivisions. Removal is required when 80% of the lots are sold.
- (d) Multi-Family Residential Developments. Removal is required when the development has reached 80% occupancy.

(B) Phase identification sign.

- (1) Number. One sign within the development.
- (2) Maximum size and height: 16 square feet and eight feet in height.
- (3) Permit requirements. Yearly permit required.
- (4) Duration. The following criteria specifies when temporary construction phase signs shall be removed.
 - (a) Multi-Tenant Commercial Developments. Removal is required when the development has reached 80% occupancy.
 - (b) Single-Tenant Commercial Development. Removal is required at the issuance of a certificate of occupancy.
 - (c) Single-Family subdivisions. Removal is required when 80% of the lots are sold.
 - (d) Multi-Family Residential Developments. Removal is required when the development has reached 80% occupancy. (Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92) Penalty, see § 157.99

§ 157.26 PERMANENT SIGNS REQUIRING PERMIT.

Permits are required for allowed signs and signs must conform with the following criteria.

(A) Residential districts.

- (1) Single-family subdivision identification signs.
 - (a) Number. One per main entrance not to exceed two signs per subdivision.
 - (b) Type: Monument or signature gates.
 - (c) Size and height.
 - 1. Monument: 40 square feet in area and six feet in height.
 - 2. Signature gate. Graphics not to exceed 40 square feet in area and the wall, gate or pier

shall not exceed eight feet in height at the highest point of the wall, gate or pier of the main structure. The lighting fixture or ornamentation shall not exceed three feet in height above the highest point of the main structure, with the total height not to exceed 11 feet. (See Appendix A, § 6.)

(d) Lighting: Indirect illumination.

(2) Multi-Family Districts.

(a) Multi-family complex identification signs. Signs that identify name and/or address of an apartment, townhouse, condominiums or other multi-family residential complex, located at any street or private drive entrance to the complex shall be erected as follows:

1. Number. One sign per main entrance, not to exceed two per complex.
2. Type: Monument or signature gate.
3. Size and height:
 - a. Monument: 40 square feet in area and six feet in height.
 - b. Signature gate. Graphics not to exceed 40 square feet in area and the wall, gate or pier shall not exceed eight feet in height at the highest point of the wall, gate or pier of the main structure. The lighting fixture or ornamentation shall not exceed three feet in height above the highest point of the main structure, with the total height not to exceed 11 feet. (See Appendix A, § 6.)
4. Lighting: Indirect illumination.

(B) *Commercial and Office Districts.*

(1) Single commercial establishment.

- (a) Number. One per street frontage not to exceed two signs.
- (b) Type: Monument and/or wall/marquee.
- (c) Size and height.
 1. Monument: 40 square feet in area and ten feet in height.
 2. Wall/marquee. The sign area cannot exceed 50% of the length of the facade or a maximum area or a maximum area of 100 square feet, and

(d) Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(2) Retail/shopping center. Centers with five or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:

(a) Center identification sign.

1. Number. One sign per street entrance not to exceed two signs per development.
2. Type: Monument.
3. Size and height. Minimum area of 20 square feet; maximum area of 60 square feet in area and a maximum height of ten feet.
4. Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

2005 S-3

(b) Individual business identification signs. Any individual business may erect the following permanent identification signs, according to the following criteria:

1. Number. One of each of the types listed; maximum four.
2. Type: Wall/marquee, rear sign, covered sidewalk overhead sign and/or window signs.
3. Size and height.
 - a. Wall/marquee. The sign area cannot exceed 50% of the length of the facade or a maximum area of 100 square feet, and three feet in height; except, however, should the sign consist of "channel letters" and the facade exceed ten feet in height, the sign area may be a maximum of 200 square feet and six feet in height.
 - b. Rear sign: Four square feet in area.
 - c. Covered sidewalk overhead sign: Eight square feet in area.

d. Window signs; temporary and permanent. The maximum square footage area allowed for temporary and permanent window signs is based on the following floor space criteria:

i. Floor space of 3,000 square feet or less: Combined temporary and permanent window signs may not exceed 25% of the total window area but not to exceed a maximum area of 60 square feet.

ii. Floor space over 3,000 square feet: Combined temporary and permanent window signs may not exceed 25% of the window area but not to exceed a maximum area of 120 square feet.

4. Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(c) Sidewalk sandwich signs.

1. Number: One per individual business.

2. Size and height: The height cannot exceed four feet when standing and 2½ feet in overall width.

3. Placement. The sign must be within 12 feet of the front entrance of the business establishment.

(3) Zoning lot with one office building.

(a) Number: One.

(b) Type: Monument.

(c) Size and height: 40 square feet in area and ten feet in height.

(d) Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(e) One wall marquee door sign at each individual exterior business entrance not to exceed 12 square feet nor three feet in height.

(4) Office complex. A complex with two or more office buildings planned as an integrated development shall be authorized to erect signs based on the following criteria:

(a) Complex identification sign.

1. Number: One per street frontage, not to exceed two signs per complex.

2. Type: monument.

3. Size and height: Minimum of 20 square feet in area, not to exceed 40 square feet in area, and six feet in height.

4. Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(b) Individual building sign. Each individual building within the complex may erect:

1. Number: One.

2. Type: Monument.

3. Size and height: A maximum of 20 square feet in area and four feet in height.

4. Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when that lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

(c) Individual business establishment. Window signs except those required by law are not permitted. Each individual establishment within an office building may erect:

1. Number: One.

2. Type: Wall/marquee sign.

3. Size and height: One square foot for each two linear feet of building frontage with the maximum sign area not to exceed 32 square feet. The highest point of the sign may not be more than 15 feet above grade.

Prospect - Land Usage

4. Lighting. Backlighting, and indirect lighting is recommended. Internal lighting is allowed when the lighting illuminates sign graphics (lettering and logos) only and the remainder of the sign is opaque (transmitting no light).

5. Placement: All parts of the sign must be below the roofline.

6. Notwithstanding any other provision of this section, each individual business is permitted one neon sign no larger than 4.5 square feet. The sign must consist of only four letters spelling the word "OPEN". Such sign may only be illuminated during the hours the establishment is, in fact, open for business. (Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92; Am. Ord. 420-2001, passed 1-14-02; Am. Ord. 448-2005, passed 3-31-05) Penalty, see § 157.99

§ 157.27 EXCEPTIONS.

(A) Real estate signs residential/multi-family.

(1) Number: One per lot.

(2) Maximum size and height: Six square feet and six feet in height.

(3) Duration: Signs must be removed within five days of closing.

(B) Open house pointer sign.

(1) Generally. No pointer signs may be erected in public areas or rights-of-way. Pointer signs may be erected at the entrance to cul-de-sac streets.

(2) Number: One per property for sale.

(3) Maximum size and height: One square foot in size and three feet in height.

(4) Duration: Pointer signs may be erected on the day of the open house, not to exceed two consecutive days or two days per week.

(C) Builder identification sign.

(1) Number: One per property.

(2) Size and height: Six square feet and six feet high.

(3) Duration: The sign must be removed within five days after the closing.

(D) Commercial real estate or lease signs.

(1) Number:

(a) Retail/shopping centers and office complexes: One per street entrance to the development.

(b) Zoning lot with one commercial establishment: One per vacancy.

(2) Maximum size and height: Freestanding signs may not exceed sixteen square feet and eight feet in height. Window signs may not exceed 25% of the signable window area.

(3) Duration: Signs erected for multi-tenant developments along street frontage for the purpose of indicating the availability of property for sale or lease must be removed when the development has reached 80% occupancy. All other categories of commercial property real estate or lease signs must be removed within five days of the closing or lease of the property.

(E) An official sign or notice issued by any court, public agency or office.

(F) Traffic directional, warning or information sign authorized by a public agency.

(G) "No Trespassing", "No Hunting", "No Fishing", "No Loitering" and the like signs, garage or yard sales type signs not placed in public areas or rights of ways and erected only on the actual day of sale.

(1) Size: One square foot in area.

(H) Political signs.

(1) Number: One per property.

(2) Maximum size: 16 square feet in area.

(3) Duration: Shall not be posted more than 30 days prior to the election to which the sign relates and shall be removed within five days after the election to which the sign pertains.

(I) Contractor signs in the front of either residential or commercial parcels.

(1) Number: One per property at any given time and not more than three different contractor's signs per property in any 12 month period.

(2) Maximum size and height: Six square feet and four feet in height.

(3) Duration: May be placed during the conduct of the contracted activity for up to a maximum of thirty (30) days, per contractor in any 12 month period. (Ord. 222-1991, passed 12-16-91; Am. Ord. 313-1995, passed 7-17-95; Am. Ord. 511-2011, passed 4-18-11) Penalty, see § 157.99

PROHIBITED SIGNS

§ 157.40 CERTAIN SIGNS PROHIBITED.

The following signs are expressly prohibited unless specifically stated otherwise in this chapter:

(A) *Animated or moving signs.* Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers and searchlights.

(B) *Flashing signs.* Any signs that include lights designed to attract attention or any flashing lights designed to attract attention, not including time and temperature signs.

(C) *Glaring signs.* Signs with light sources or reflectivity of such brightness that constitutes a hazard or nuisance as determined by the Administrator.

(D) *Inflatable signs and objects.* Including, but not limited to balloons.

(E) *Off-premise signs, including billboards.* Any sign which is not located on the premises that it identifies or advertises.

(F) *Portable signs.* Any sign that is not permanently affixed to a building, structure or the ground. This shall not apply to authorized temporary signs.

(G) *Posters and handbills.* Any sign affixed to trees or other natural vegetation, rocks or utility poles.

(H) *Roof signs.* Any signs which are erected or painted on a roof or which extend in height above the roofline of the building on which the sign is erected.

(I) *Backlit awnings.* A cloth or nonstructural covering that is permanently attached to a building which is lit by a light source intended to illuminate the awning material.

(J) *Vehicle for sale signs.* For sale signs in windows of automobiles or other vehicles parked for more than three hours on or beside the public right-of-way in nonresidential area of the city, except in the vehicle owner's driveway.

(K) *Signs with changeable copy.* Any signs which have changeable copy as defined herein. (Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92; Am. Ord. 383-1998, passed 11-16-98) Penalty, see § 157.99

§ 157.41 REMOVAL OF PROHIBITED SIGNS.

(A) *Illegal signs.* The Administrator may remove or order the removal of any sign constructed after the enactment of this chapter which is not in conformance with the provisions of this chapter. Twenty-four hour notice shall be given to the sign and/or land owner prior to removal of permanent signs, but no notice shall be given prior to removal of temporary signs.

(B) *Immediate peril.* If the Administrator shall find any sign which is in immediate peril to persons or property, the sign shall be removed. If the Administrator cannot locate the sign owner or lessor for immediate removal of the sign, the Administrator shall remove or order the removal of the sign at the expense of the sign owner or lessor. (Ord. 222-1991, passed 12-16-91; Am. Ord. 448-2005, passed 3-31-05)

VARIANCES

§ 157.55 AUTHORITY TO GRANT VARIANCES.

The City Council may grant variances to allow for variations to the criteria specified in this chapter. (Ord. 222-1991, passed 12-16-91)

§ 157.56 STANDARD OF REVIEW.

The City Council may consider applications for variances only in situations where the applicant has been denied a sign permit by the Administrator. The City Council may grant a variance if it finds that the following physical conditions exist.

(A) The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and

(B) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area. (Ord. 222-1991, passed 12-16-91; Am. Ord. 232-1992, passed 9-21-92)

§ 157.57 SPECIAL EVENTS.

The Administrator, at his discretion, may grant a

variance for a temporary sign which will exist for a period not to exceed 14 days.

(Ord. 232-1992, passed 9-21-92)

§ 157.99 PENALTY.

Any person or entity who violates any provision of this chapter for which another penalty is not otherwise provided shall be guilty of a misdemeanor and fined not less than \$25, nor more than \$500 for each offense. Each day the offense exists shall constitute a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

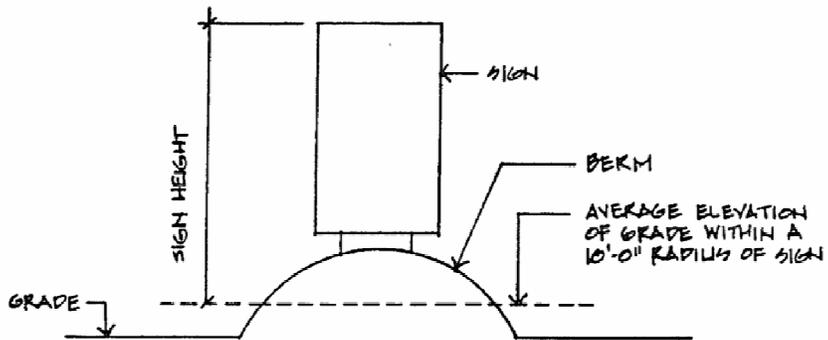
(Ord. 222-1991, passed 12-16-91; Am. Ord. 376-1998, passed 5-18-98)

APPENDIX A: ILLUSTRATED SPECIFICATIONS

Section

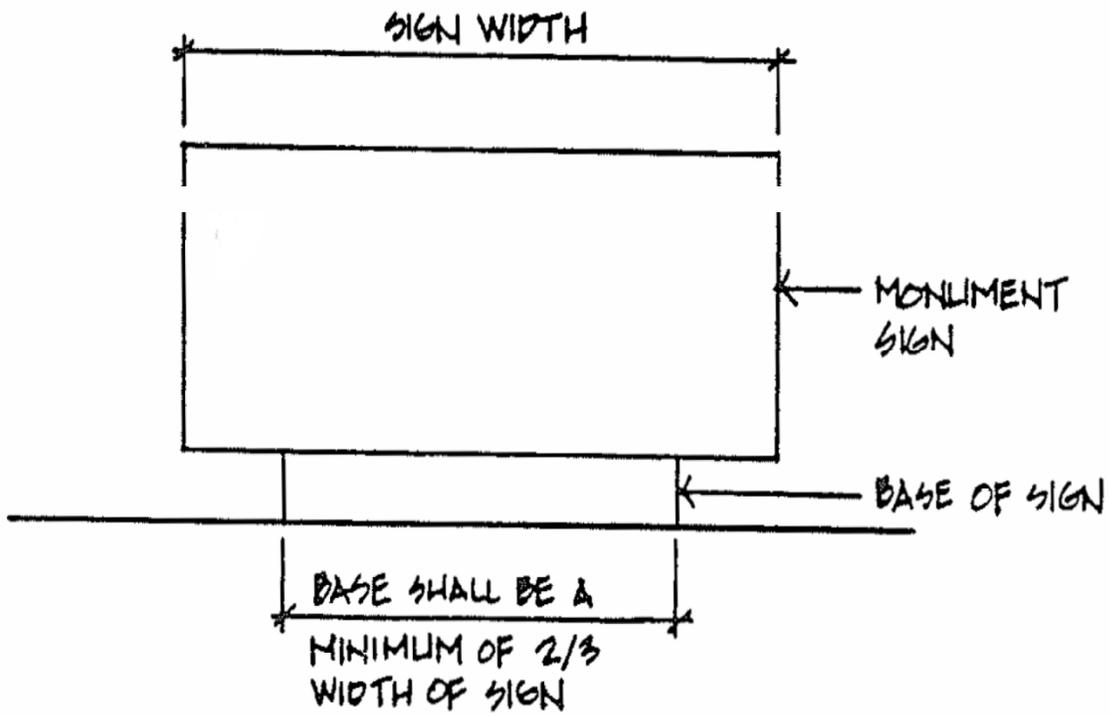
1. Height
2. Monument sign
3. Sign area
4. Irregular sign area
5. Sign with nonparallel faces
6. Signature gate

§ 1. HEIGHT.

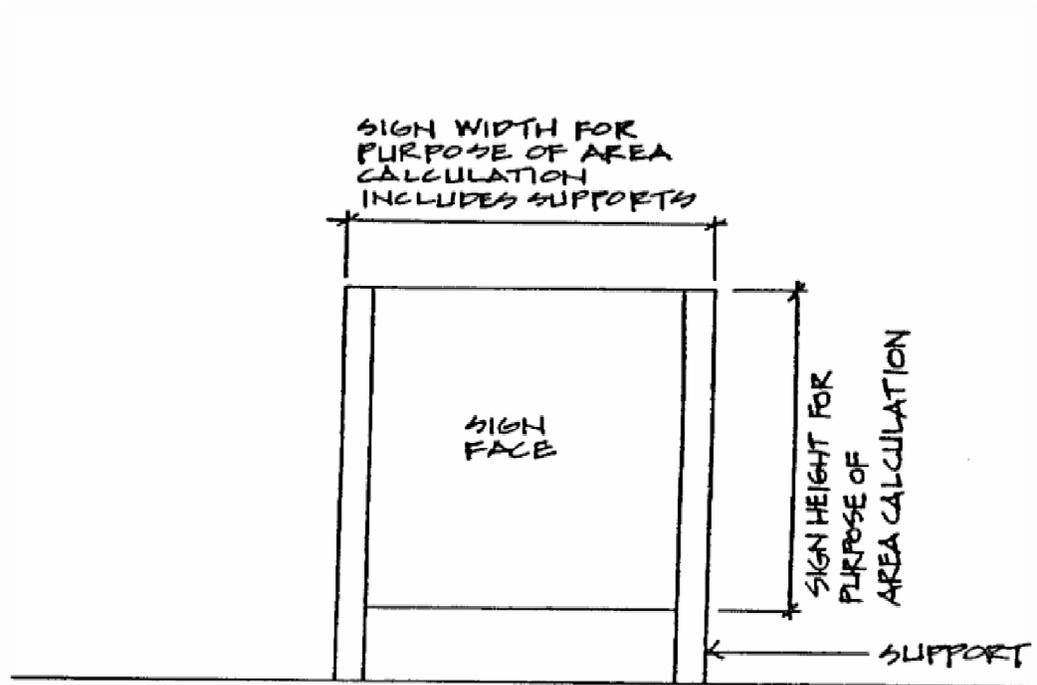


(Ord. 222-1991, passed 12-16-91)

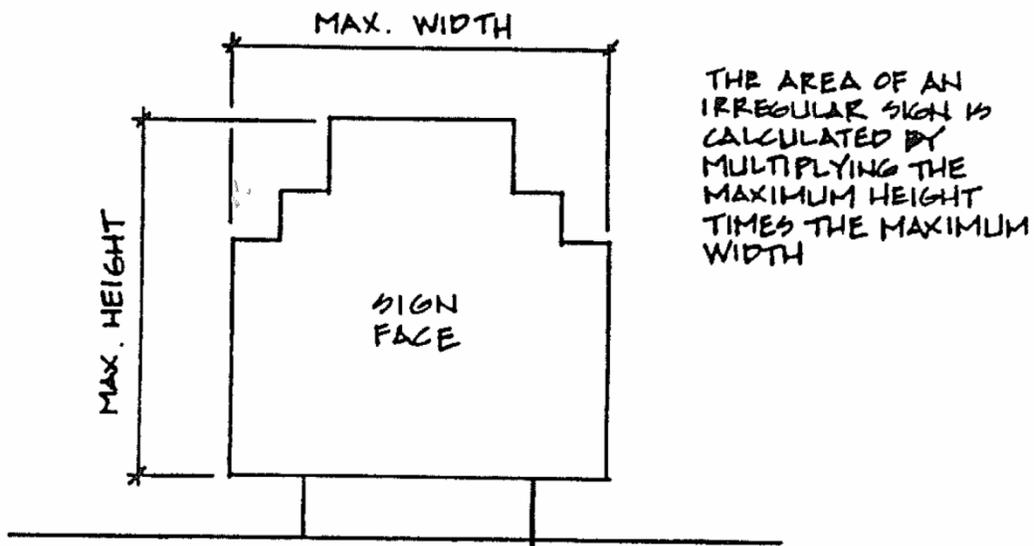
§ 2. MONUMENT SIGN.



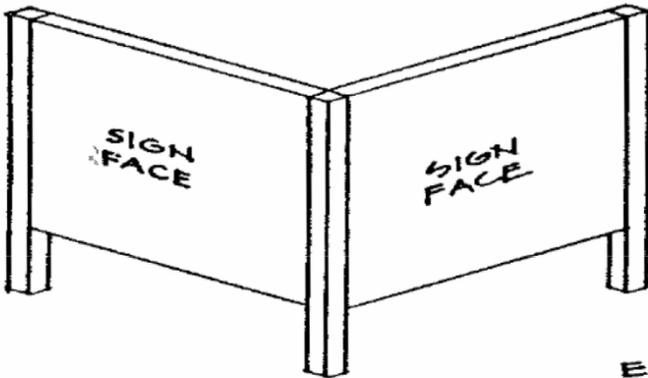
§ 3. SIGN AREA.



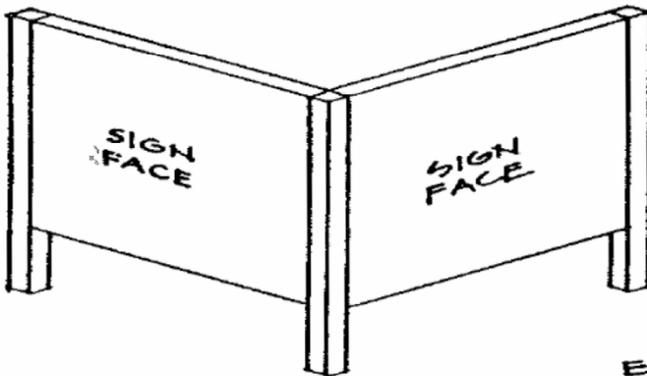
§ 4. IRREGULAR SIGN AREA.



§ 5. SIGN WITH NONPARALLEL FACES.

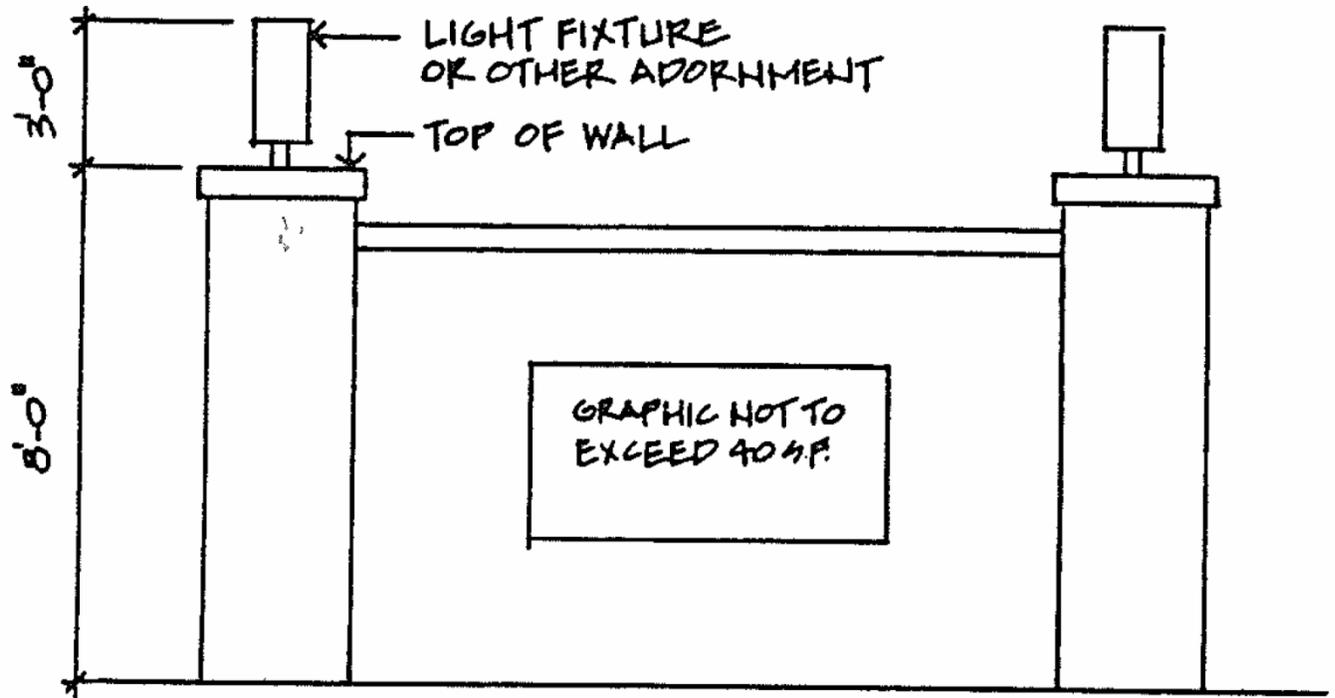


EXAMPLE OF A SIGN WHERE THE FACES ARE NOT PARALLEL, I.E. NOT BACK-TO-BACK. IN SUCH CASES, SIGN AREA INCLUDES THE SUM TOTAL OF BOTH FACES.



EXAMPLE OF A SIGN WHERE THE FACES ARE NOT PARALLEL, I.E. NOT BACK-TO-BACK. IN SUCH CASES, SIGN AREA INCLUDES THE SUM TOTAL OF BOTH FACES.

§ 6. SIGNATURE GATE.



CHAPTER 158: TENNIS COURTS

Section

158.01 Regulating construction and maintenance

§ 158.01 REGULATING CONSTRUCTION AND MAINTENANCE.

(A) In the interest of the public health, safety, welfare and aesthetics, it shall be unlawful for any person to construct a tennis court except in the back yard of his premises and said tennis court shall be located no less than 50 feet from any adjacent property line.

(B) Tennis courts may be enclosed by a fence provided that any such fence is no greater than 10 feet in height. Any such fence shall be of green vinyl-coated chain link composition and shall be concealed by green windscreen.

(C) Plantings shall be installed around all sides of the court itself so as to limit the visibility of the court and any fence.

(D) Any artificial lighting of tennis courts shall be unlawful.

(Ord. 330-1996, passed 11-18-96)

CHAPTER 159: OUTDOOR LIGHTING

Section

- 159.01 Definitions
- 159.02 Class I Lighting (general and recreational lighting)
- 159.03 Class II Lighting (walkways and security)
- 159.04 Class III Lighting (decorative)
- 159.05 Class IV Lighting (off-street parking lots)
- 159.06 Light trespass
- 159.07 Time of operation
- 159.08 Permit required
- 159.09 Installation
- 159.10 Temporary lighting
- 159.11 Prohibitions
- 159.12 Modifications, waiver or variation

- 159.99 Penalty

§ 159.01 DEFINITIONS.

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

APPROVED OUTDOOR LIGHTING FIXTURE. Lighting fixtures or luminaries approved by the Mayor as conforming to this chapter.

CLASS I LIGHTING. All outdoor lighting used for outdoor retail or restaurant activities, automotive dealers (display areas only), assembly or repair areas, outdoor advertising displays and other signs, recreational facilities and similar applications.

CLASS II LIGHTING. All outdoor lighting used for illumination for walkways, equipment yards, and outdoor security.

CLASS III LIGHTING. All outdoor lighting used for decorative effects. Examples of Class III lighting include illumination of landscaping, flags, fountains, statues, and building facades.

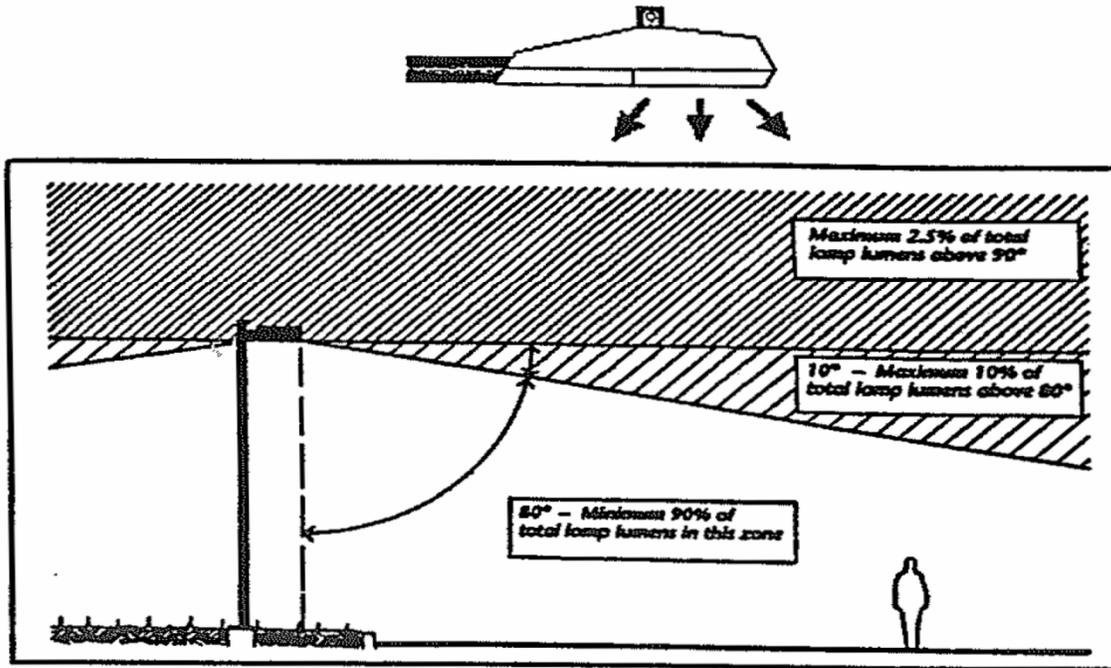
CLASS IV LIGHTING. Lighting for off-street parking lots.

DIRECT GLARE. Glare resulting from the arc tube being visible in the field of view.

FOOTCANDLE. The unit of illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

FULL CUTOFF. Outdoor light fixtures shielded or constructed so the light rays emitted by the fixture are projected below a horizontal plane passing through the lowest point on the fixture from which light is emitted. Such fixtures must have a flat lens; drop or sag lens type fixtures shall not be allowed. (See attached illustration.)

**ILLUSTRATIONS:
FULL-CUT OFF FIXTURES**



GRADE. The average of the native ground level or the finished ground level measured at the center of all walls of the building or the adjoining parking area, whichever is closer. The height of beams and the mounding of dirt on which a light pole is placed shall be counted in the overall height of the pole.

LIGHT POLLUTION. Any artificial light that is emitted into the atmosphere either directly or indirectly by reflection that impacts enjoyment of the night sky.

LIGHT TRESPASS. Any artificial light that causes unwanted light on adjacent properties.

LUMINARIES. A complete lighting unit consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply. For the purposes of this chapter, luminaries shall not mean holiday decorations in which lights may be enclosed in paper bags or other similar containers.

OUTDOOR LIGHT FIXTURE. An outdoor artificial illuminating device, installed or portable, used for buildings and structures, recreational facilities, parking lots, landscape lighting, outdoor advertising displays and other signs for advertising or other uses, street lighting, walkway lighting, product display area lighting and building overhead and open canopies.

PARKING AREA. An area, other than a street that is designed primarily for parking of vehicles.

RECREATIONAL FACILITIES. Parks, public, municipal or private facilities and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to: fields for softball, baseball, football, soccer, golf courses, driving ranges and other "Field Sports," and courts for tennis, basketball, and other "Court Sports".

UNIFORMITY RATIO describes the average level of illumination in relation to the lowest level of illumination for a given area. Example: A 4:1 ratio for the given area should be no less than four times less than the average level of illumination.

(Ord. 399-1999, passed 7-19-99)

§ 159.02 CLASS I LIGHTING (GENERAL AND RECREATIONAL LIGHTING).

(A) All luminaries shall be full-cutoff optic fixtures.

(B) All pole and lamp casings shall be a dark color (i.e., brown or black).

(C) Lighted outdoor advertising displays or signage shall use top-mounted fixtures. All internally-lit outdoor advertising signs shall use dark backgrounds with translucent lettering or symbols. Lights that flash, pulse, rotate, move or simulate motions are not permitted. Advertising spot lights are not permitted.

(D) Auto filling gas stations shall use recessed ceiling fixtures on the island canopies. The average maintained light level under the canopies shall be no more than 15 footcandles.

(E) Lighting intensities for recreational facilities shall comply with the recommended lighting practices for such activities as determined by the Illuminating Engineers Society of North America.

(F) Lighting intensities for all other Class I lighting (i.e. automotive dealers, outdoor restaurants) shall be so designed to produce an average maintained light level ranging from one-half footcandles to four footcandles, with each land use using the minimum amount necessary.

(G) All Class I Lighting shall be mounted not to exceed 25 feet in height above grade.

(H) All projects shall document lighting source, type and intensity for approval by the Mayor.

(I) All Class I Lighting shall conform to §§ 159.06, 159.07 and 159.08.
(Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.03 CLASS II LIGHTING (WALKWAYS AND SECURITY).

(A) All luminaries shall be full-cutoff optic fixtures.

(B) All pole and lamp casings shall be a dark color (i.e., brown or black).

(C) Walkway lighting intensities shall maintain an average of no more than one footcandle, except as provided for in parking lots (Class IV Lighting) and entrances to buildings.

(D) For residential land uses, motion-activated security lighting shall be used instead of all-night lighting. For commercial land uses, motion-activated security lighting shall be used, unless otherwise determined ineffective. Motion-activated security lighting shall use devices that provide illumination for 15 minutes or less.

(E) All luminaries used primarily for walkway lighting shall be mounted no higher than 15 feet above grade.

(F) All Class II Lighting shall conform to §§ 159.06, 159.07 and 159.08.
(Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.04 CLASS III LIGHTING (DECORATIVE).

(A) All Class III lighting must be selected, installed and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

(B) Incandescent uplight shall not exceed 150 watts per lamp and high intensity discharge shall not exceed 70 watts per lamp.

(C) Nothing in this chapter shall be construed to restrict holiday lighting.

(D) All Class III lighting shall conform to §§ 159.06 and 159.07.
(Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.05 CLASS IV LIGHTING (OFF-STREET PARKING LOTS).

(A) All luminaries shall be full-cutoff optic fixtures.

(B) Either incandescent or metal-halide (i.e., white color) sources shall be used for parking areas, unless otherwise approved by the Mayor.

(C) All pole and lamp casings shall be a dark color (i.e., brown or black).

(D) The lighting system for open parking areas shall be so designed to produce an average maintained light level on the entire facility's parking surface in a range from two-tenths (0.2) footcandle to three (3.0) footcandles. The average-to-minimum uniformity ratio shall not exceed four to one (4:1).

(E) A maximum of four maintained foot-candles is permitted within 50 feet of the customer-only entrances to commercial buildings which adjoin parking areas, during operating hours. The 50-foot area shall be excluded from the average calculated maintained light level for projects with adjoining parking areas of 250 or more parking stalls. If the adjoining parking area has less than 250 parking stalls, the 50-foot area shall be included in the average calculated maintained light level.

(F) All Class IV Lighting shall conform to §§ 159.06 and 159.07.

(G) All Class IV Lighting shall be mounted at the same height. The height shall be determined by adhering to the design requirements in divisions (A) through (E) of this section, but is not to exceed 25 feet above grade. (Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.06 LIGHT TRESPASS.

(A) Spill light on adjacent residential or unlighted properties shall be minimized by providing materials, methods, and designs so that no more than an average maintained three-tenths (0.3) footcandle is measured on a horizontal plane at grade at the property line, and no more than one footcandle average maintained when adjacent to all other uses.

(B) Wall mounted luminaries shall not be mounted higher above the ground than their distance to the property line unless they are mounted so as to direct the light away from the adjacent property, (i.e., on a wall on the property line but directed inward). Maximum mounting height for wall mounted luminaries shall be 15 feet.

(C) Direct glare shall be minimized by compliance with the following requirements:

(1) The light system shall be designed to minimize the impact on sky glow and glare to adjacent properties.

(2) Where the adjacent property is residential and the luminary is a decorative style (Class III), the lot line side of the luminary is to be blocked out to eliminate spill and glare.

(3) The direct glare from the luminary shall not be visible from three feet above grade at the property line with the exception of sports field lighting as herein provided for in division (G) of this section.

(4) Lighting for field sports shall have a maximum of 1.5 footcandles initial maximum vertical illuminance at six feet above grade at the property line. Direct glare shall not be visible beyond 100 feet from the playing field boundary. (Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.07 TIME OF OPERATION.

(A) All Class I (General and Recreational) lighting shall be off between 10:00 p.m. and sunrise, except as follows:

(1) Outdoor retail, commercial, assembly, repair and industrial areas may be lighted when such areas are actually in use.

(2) Outdoor recreational facilities may remain lighted past 11:00 p.m. in order to complete recreational activities that are in progress and under illumination at 11:00 p.m. No outdoor recreational activities shall begin after 10:30 p.m.

(B) All Class II (walkways and security) lighting may remain on all night

(C) All Class III (decorative) lighting shall be off between 10:00 p.m. and sunrise except for businesses during their business hours.

(D) All Class IV (parking lot) lighting shall be turned off at 10:00 p.m. or when the use of the parking area ceases. (Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.08 PERMIT REQUIRED.

(A) Any activity within the city limits which involves the installation of outdoor lighting devices shall require an outdoor lighting permit issued by the Mayor.

(B) The city application for any outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain, but not be limited to, two complete sets of the following:

(1) The location of the site where the outdoor light fixtures will be installed.

(2) Plans indicating the location, mounting height, and type of all fixtures, both existing and proposed, on the premises.

(3) Point-by-point lighting level printouts with calculation areas delineated when the services of a professional electrical engineer are required or when required by the Mayor.

(4) A description of the outdoor light fixtures including, but not limited to, manufacturer's catalog cuts, type of luminary, photometric report with candela distribution, drawings, and shielding information.

(5) Certification that the angle of total light cutoff is no more than 90 degrees.

(C) The above required plans and descriptions shall be sufficiently complete to enable the Mayor to readily determine whether compliance with the requirements of this chapter will be met. If such plans and descriptions cannot enable this determination by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination.

(D) Submittal must contain the name of the company that prepared the drawings and the name, title and telephone number of the person that performed the design work, and shall be sealed by a licensed Professional Engineer.

(E) All parking lot projects requiring a licensed electrical engineer shall be submitted with an engineered lighting plan showing point-by-point lighting levels for the entire lot with a maximum of 10' x 10' spacing of calculation points. A light loss factor of .72 for metal halide shall be used.

(F) The Mayor shall review the application within 30 days and determine if it complies with this chapter and shall either issue the permit or reject the application with reasons for the decision.

(G) All rejected applications may be resubmitted and shall include a written description of all changes and comments keyed and attached to the plan check comments, sealed by a licensed Professional Engineer if required. (Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.09 INSTALLATION.

The owner or contractor of record shall install the approved outdoor lighting fixtures in conformance to the listing, manufacturer's specifications, and all applicable local building and electrical codes. An electrical permit and inspection by the Mayor is required. (Ord. 399-1999, passed 7-19-99)

§ 159.10 TEMPORARY LIGHTING.

The Mayor may grant a permit for temporary lighting upon finding that:

(A) The purpose for which the lighting is proposed is not intended to extend beyond 15 days.

(B) The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible.

(C) The proposed lighting will comply with the general intent of this chapter.

(D) The permit will be in the public interest. (Ord. 399-1999, passed 7-19-99)

§ 159.11 PROHIBITIONS.

(A) Low pressure sodium lamps and high pressure sodium lamps (i.e., orange color) for use as outdoor lighting is prohibited.

(B) Operation of spot lights, moving or otherwise, for advertising purposes is prohibited, except as provided for in the City of Prospect Sign Ordinance for the Illumination of Monument Signs.

(C) The use of search lights except by civil authorities for public safety is prohibited.

(D) Wall-mounted refractor type area lights with a lens above a horizontal plane passing through the bottom of the luminary are prohibited.

(E) Fixtures with drop or sag lens lighting are prohibited.

(F) For communications tower lighting, the nighttime use of white lighting or white strobe lighting is prohibited. (Nighttime white strobe lighting is not required by the FAA.)

(Ord. 399-1999, passed 7-19-99) Penalty, see § 159.99

§ 159.12 MODIFICATIONS, WAIVER OR VARIATION.

(A) Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public interest, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree, the City Council may modify, waive or vary the standards set forth in this chapter. Further, the Council may impose conditions on such a modification, waiver or variation which it deems appropriate to further the purposes of these outdoor lighting regulations.

(B) Prior to considering a request to modify, waive or vary, a written notice shall be provided to the owner or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the City Council will consider the request, which shall be at least 30 days after the receipt of the notice.

(C) No existing outdoor lighting fixture which was lawfully installed prior to the enactment of this chapter shall be required to be removed or modified, except as follows:

(1) Lighting found by the Mayor to create public hazard can be ordered removed or re-aimed at any time.

(2) No modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this chapter.

(3) In the event that an outdoor lighting fixture is abandoned, or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this chapter.

2000 S-2

(4) Any light not in compliance with this chapter 15 years hence shall be immediately brought into compliance.

(Ord. 399-1999, passed 7-19-99)

§ 159.99 PENALTY.

When a violation of this chapter is determined, immediate correction or abatement of the violation must occur. Otherwise, a fine not less than \$25, nor more than \$100 per violation shall be imposed. Each day in non-compliance shall constitute a separate offense.

(Ord. 399-1999, passed 7-19-99)

CHAPTER 160: BINDING ELEMENTS

Section

- 160.01 Definitions
- 160.02 Enforcement of binding elements
- 160.03 Authority of the city and/or the Planning Commission
- 160.04 Form citations and issuance
- 160.05 Hearings before the city and/or Planning Commission
- 160.06 Appeal of city and/or Planning Commission orders
- 160.07 Payment of fines
- 160.08 Civil action by the city and/or fiscal court

- 160.99 Penalties

§ 160.02 ENFORCEMENT OF BINDING ELEMENTS.

The violation of any binding element, as defined herein, shall constitute a civil offense which may subject the violator to a civil fine and/or other remedial orders of the city and/or the Planning Commission in accordance with procedures set forth in this chapter.
(Ord. 430-2003, passed 9-9-02)

§ 160.03 AUTHORITY OF THE CITY AND/OR THE PLANNING COMMISSION.

(A) (1) The city and/or the Planning Commission may issue remedial orders and impose civil fines as a method of enforcing a binding element when a violation of that binding element has occurred.

(2) If the violation of a binding element would also constitute an offense under any provision of the Kentucky Revised Statutes, including specifically, and without limitation, any provision of the Kentucky Penal Code and any moving motor vehicle offense, such a violation of a binding element shall not be a civil offense under this chapter but a criminal offense which may be prosecuted in the court of appropriate jurisdiction.

(B) In the exercise of its authority under this chapter, the city and/or the Planning Commission shall have the power to:

(1) Adopt rules and regulations to govern its operation and conduct of its hearing that are consistent with requirements of this chapter;

(2) Conduct hearings to determine whether there has been a violation of a binding element;

(3) Subpoena alleged violators, witnesses and evidence to its hearings and all such subpoenas issued by the city and/or the Planning Commission may be served by any Law Enforcement Officer or Land Use Enforcement Officer;

§ 160.01 DEFINITIONS.

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

BINDING ELEMENT. A binding requirement, provision, restriction, or condition imposed by the city, or a promise or agreement made by an applicant in writing, in connection with the approval of a land use development plan or subdivision plan.

PLANNING COMMISSION. The Louisville and Jefferson County Planning Commission.

LAND USE ENFORCEMENT OFFICER. A zoning enforcement officer employed by the Planning Commission.

LAND USE ORDINANCE. An official action of the city which is a regulation of a general and permanent nature relating to the use and development of land within the city. It is enforceable as a local law and includes any provision of the City of Prospect Code of Ordinances which embodies all or part of an ordinance.
(Ord. 430-2002, passed 9-9-02)

(4) Take testimony under oath and the Mayor of the city and/or the Chairman of the Planning Commission may administer such oaths to witnesses prior to their testimony before the city and/or the Planning Commission on any matter;

(5) Make findings and issue orders that are necessary to remedy any violation of a binding element;

(6) Impose civil fines as authorized in this chapter on any person found to have violated any binding element that the city and/or the Planning Commission is authorized to enforce.
(Ord. 430-2002, passed 9-9-02)

§ 160.04 FORM CITATIONS AND ISSUANCE.

(A) Enforcement proceedings for the violation of a binding element shall be initiated by the issuance of a citation by a Law Enforcement Officer or a Land Use Enforcement Officer.

(B) When a Law Enforcement Officer or a Land Use Enforcement Officer, based upon personal observation or investigation, has reasonable cause to believe that a violation of a binding element has occurred, the officer may issue a warning notice and citation to the offender. Prior to issuing a citation, however, the officer shall issue a warning notice giving the offender ten days, Saturdays, Sundays and holidays excluded, in which to remedy the violation. If the person to whom the notice is given fails or refuses to remedy the violation within the specified time, the Law Enforcement Officer or Land Use Enforcement Officer may issue a citation. However, if the violation is a threat to the public safety, the Law Enforcement Officer or Land Use Enforcement Officer immediately shall issue a citation without a prior warning notice.

(C) The citation issued by the Law Enforcement Officer or Land Use Enforcement Officer shall be in a form prescribed by the City, the Planning Commission and/or the Commonwealth of Kentucky, and shall contain, in addition to any other information required by the City of Prospect and/or the Planning Commission:

(1) The date and time of issuance;

(2) The name and address of the person to whom the citation is issued.

(3) The date and time the violation of the binding element was committed;

(4) The facts constituting the violation of the binding element;

(5) A specific description of the binding element violated;

(6) The name of the Law Enforcement Officer or Land Use Enforcement Officer;

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

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

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

(D) All citations issued shall be hand-delivered to the alleged violator. After issuing a citation to an alleged violator, the Law Enforcement Officer or Land Use Enforcement Officer shall notify the city and the Planning Commission by delivering the citation to the Chief of Police of the city and/or the administrative official designated by the Planning Commission.

(E) When a citation is issued, the person to whom the citation is issued shall respond to the citation within 14 days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the city or the Planning Commission to contest the citation. If the person fails to respond to the citation within 14 days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the city and/or the Planning Commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

(Ord. 430-2002, passed 9-9-02)

§ 160.05 HEARINGS BEFORE THE CITY AND/OR THE PLANNING COMMISSION.

(A) When a hearing before the city and/or the Planning Commission has been requested, the city and/or the Planning Commission, through its clerical and administrative staff, shall schedule a hearing. The hearing shall be conducted within 30 days. All Continuances must receive the approval of the city and/or the Planning Commission. Not less than seven days before the date set for the hearing, the city and/or the Planning Commission shall notify the person who requested the hearing 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. Any person requesting a hearing before the city and/or the Planning Commission who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the city and/or the Planning Commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

(B) Each case before the city and/or the Planning Commission shall be presented by an attorney who shall be counsel to the city and/or the Planning Commission.

(C) All testimony before the city and/or the Planning Commission shall be under oath and shall be recorded. The city and/or the Planning Commission shall take testimony from the Law Enforcement Officer and/or Land Use Enforcement Officer, the alleged offender, and any witnesses to the alleged violation offered by the Law Enforcement Officer and/or Land Use Enforcement Officer or the alleged offender. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(D) After the hearing, the city and/or the Planning Commission shall determine, based on the evidence presented, whether a violation was committed. When the city and/or the Planning Commission determines that no violation was committed, an order dismissing the citation shall be entered. When the city and/or the Planning Commission determines that violation has been committed, it shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized

by this chapter, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both, as authorized herein.

(E) Every final order of the city and/or the Planning Commission shall be reduced to writing, which shall include the date the order was issued, and a copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the Planning Commission 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. 430-2002, passed 9-9-02)

§ 160.06 APPEAL OF CITY AND/OR PLANNING COMMISSION ORDERS.

Any final order issued by the Planning Commission with respect to a citation for the violation of a binding element may be appealed in conformity with KRS 100.413. (Ord. 430-2002, passed 9-9-02)

§ 160.07 PAYMENT OF FINES.

The person or entity found to have committed a violation of a binding element shall be responsible for the amount of all fines assessed for the violation. The city and/or the Planning Commission may file a civil action in its name against the person or entity and shall have the remedies provided in KRS 100.415. (Ord. 430-2002, passed 9-9-02)

§ 160.08 CIVIL ACTION BY THE CITY AND/OR FISCAL COURT.

Nothing contained in this chapter shall prohibit the city and/or the fiscal court from taking immediate action in the court of appropriate jurisdiction to remedy a violation of a binding element when there is reason to believe that the existence of the binding element violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the binding element violation will be irreparable or irreversible.

(Ord. 430-2002, passed 9-9-02)

§ 160.99 PENALTIES.

Any person who violates a binding element shall be subject to a fine of not less than \$500 nor more than \$4,000 and shall comply with such remedial orders as may be issued by the city and/or the Planning Commission. Each day during which the binding element violation exists after the period granted by § 160.04(B) to remedy the violation shall be deemed a separate offense.

(Ord. 430-2002, passed 9-9-02)

CHAPTER 161: LAND DEVELOPMENT CODE

Section

- 161.01 Adoption of Land Development Code
- 161.02 Amendments

stated on the permit and/or as may be provided by law applicable at the time of permit issuance. Building permits, site disturbance permits and other permits requested after the effective date hereof shall be issued only if the proposed construction or site disturbance conforms with the provisions of the Land Development Code as adopted by the City of Prospect.

§ 161.01 ADOPTION OF LAND DEVELOPMENT CODE.

The Land Development Code as adopted by the Louisville Metro Council is hereby adopted and incorporated by reference as if fully set forth herein, including, without limitation, the table of contents, chapter headings, parts and sections with the amendments, modifications and exceptions to wit described in § 161.02. (Ord. 465-2005, passed 1-9-06)

§ 161.02 AMENDMENTS.

The following amendments, modifications, additions and exceptions are hereby made to the Land Development Code, as adopted by § 161.01.

1.1.8 Transition Standards

A. **Development Plans.** Section 1.1.8 A. is changed to read as follows:

The provisions of the Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) applicable to properties within the City of Prospect pending before the Planning Commission upon which final action has not been taken or recommendation to the City of Prospect has not been made as of the effective date hereof.

B. **Permits.** Section 1.1.8 B. is changed to read as follows:

Building permits, site disturbance permits and other permits issued prior to the effective date hereof shall continue to be valid for the period

1.2.2 Substituted Definitions. The following definitions applicable in the City of Prospect are substituted for the definitions of such terms in Section 1.2.2 of the Land Development Code:

Factory Built Housing – Definition deleted.

Home Occupation – An occupation, trade, business or profession conducted within a dwelling by an individual or group of individuals who are residents of the dwelling. No advertising or any other display will indicate from the exterior that the dwelling is being used for any purpose other than that of a dwelling. No retail sales may occur on the premises. No more than five percent (5%) of the floor area of the dwelling, including the basement area and attached garage area, or 200 square feet, whichever is less, may be used for the Home Occupation. No mechanical equipment may be used for the Home Occupation except such equipment that is permissible for purely domestic purposes. There shall be no visible evidence of the conduct of a Home Occupation as viewed from the public right-of-way and adjacent properties.

Structure – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, signs, antenna and cellular antenna towers. No structure within the City of Prospect shall exceed 100 feet in height, as measured from ground level to the highest part of a structure.

1.2.3 Additional Definitions. The following definitions applicable in the City of Prospect are included as additional definitions for the Land Development Code as adopted by the City of Prospect:

Retail Nursery – A nursery that is a retail supplier of garden plants as well as related products and includes the retail handling of any article, substance or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

- W-3 Waterfront District
- WRO Waterfront Development Review Overlay District

2.1.1 Zoning Districts

A. The following zoning district classifications set forth in Section 2.1.1 of the Land Development Code are not adopted by the City of Prospect:

- District U-N Urban Neighborhood District
- R-R Residential Rural District
- District R-6 Residential Multi-Family
- District R-7 Residential Multi-Family
- District R-8A Residential Multi-Family
- OTF Office/Tourist Facility District
- C-R Commercial Residential District
- C-3 Commercial District
- C-M Commercial Manufacturing
- EZ-1 Enterprise Zone District
- M-1 Industrial District
- M-2 Industrial District
- M-3 Industrial District
- PRO Planned Research/Office Center District
- PEC Planned Employment Center District
- W-1 Waterfront District
- W-2 Waterfront District

2.2.2 R-E Residential Estate District

A. **Permitted Uses.** The following uses permitted by Section 2.2.2 A. of the Land Development Code in the R-E Residential Estate District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses
- Community Residences
- Convents and Monasteries
- Family Care Home (mini-home)

2.2.3 R-1 Residential Single Family District

A. **Permitted Uses.** The following uses permitted by Section 2.2.3 A. of the Land Development Code in the R-1 Residential Single Family District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses
- Community Residences
- Family Care Home (mini-home)
- Residential Care Facilities

D. Maximum Density and FAR.

- 2. Maximum Density
 - b. The Maximum Density shall be 1.0 dwellings per acre in the City of Prospect.

2.2.9 R-5A Residential Multi-Family District

A. **Permitted Uses.** The following use permitted by Section 2.2.9 A. of the Land Development Code in the R-5A Residential Multi-Family District is not adopted by the City of Prospect:

- Assisted Living Residence

2.2.10 R-5B Residential Two-Family District

A. **Permitted Uses.** The following uses permitted by Section 2.2.10 A. of the Land Development Code in the R-5B Residential Two-Family District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses
- Carriage Houses
- Residential Care Facilities

2.3.1 OR Office/Residential District

A. **Permitted Uses.** The following uses permitted by Section 2.3.1 A. of the Land Development Code in the OR Office/Residential District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses
- Residential Care Facilities

2.3.2 OR-1 Office/Residential District

A. **Permitted Uses.** The following uses permitted by Section 2.3.2 A. of the Land Development Code in the OR-1 Office/Residential District are not adopted by the City of Prospect:

- Assisted Living Residence
- Boarding, Lodging Houses
- Community Residences
- Convents and Monasteries
- Family Care Home (mini-home)

2.3.3 OR-2 Office/Residential District

A. **Permitted Uses.** The following uses permitted by Section 2.3.3 A. of the Land Development Code in the OR-2 Office/Residential District are not adopted by the City of Prospect:

- Assisted Living Residence
- Boarding, Lodging Houses
- Community Residences
- Family Care Home (mini-home)

2.3.4 OR-3 Office/Residential District

A. **Permitted Uses.** The following uses permitted by Section 2.3.4 A. of the Land Development Code in the OR-3 Office/Residential District are not adopted by the City of Prospect:

- Apartment Hotels
- Assisted Living Residence
- Boarding, Lodging Houses
- Community Residences
- Family Care Home (mini-home)
- Fraternities, Sororities, Clubs and Lodges

2.4.1 C-N Neighborhood Commercial District

A. **Permitted Uses.** The following uses permitted by Section 2.4.1 A. of the Land Development Code in the C-N Neighborhood Commercial District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses
- Community Residences
- Residential Care Facilities

2.4.3 C-1 Commercial District

A. **Permitted Uses.** The following uses permitted by Section 2.4.3 A. of the Land Development Code in the C-1 Commercial District are not adopted by the City of Prospect:

- Accessory Buildings or Uses
- Agricultural Uses

Automobile Rental Agencies	Furniture, Storage
Boarding and Lodging Houses	Indoor Paintball Ranges
Bowling Alleys	Monument Sales
Community Residences	Plasma, Blood Collection Centers, for profit
Extended Stay Lodges	Refrigerated Lockers
Hotels and Motels	Skating Rinks
Ice Storage Houses	Tattoo, Body Art and Piercing Parlors
Pawn Shops	Tourist Homes
Tents, Air Structures and Other Temporary Structures Intended for Occupancy by Commercial Activities	Truck Sales
	Used Car Sales Areas

2.4.4 C-2 Commercial District

A. **Permitted Uses.** The following uses permitted by Section 2.4.4 A. of the Land Development Code in the C-2 Commercial District are not adopted by the City of Prospect:

- Auction Sales, Items Transported to Site of Auction
- Automobile Rental Agencies
- Automobile Repair Garages
- Automobile Sales Agencies
- Billiard Parlors, Game Room and Similar Entertainment Uses
- Bingo Halls and Parlors
- Boat Sales and Related Storage
- Dance Halls
- Exposition Building or Center
- Flea Market
- Fraternities, Sororities, Clubs and Lodges

The following permitted use is modified by the City of Prospect as follows:

Retail or Wholesale Stores or Businesses not involving any kind of Manufacture, Processing or Treatment of Products

2.7.1 Planned Village Development District. The following uses permitted by Section 2.7.1 of the Land Development Code and set forth in Table 2.7.1 are not adopted by the City of Prospect:

- Agricultural Uses
- Bed and Breakfast Inn
- Community Residence
- Convents and Monasteries
- Family Day Care Home
- Family Care Home (mini-home)
- Hotel
- Outdoor Advertising Sign

2.7.2 Planned Transit Development (PTD)

District. Section 2.7.2 of the Land Development Code providing for a Planned Transit Development (PTD) District is not adopted by the City of Prospect.

2.7.4 Traditional Neighborhood Zoning District.

Section 2.7.4 of the Land Development Code providing for a Traditional Neighborhood Zoning District is not adopted by the City of Prospect.

4.1.2 Factory Built Housing. Section 4.1.2 of the Land Development Code is not adopted by the City of Prospect. Factory Built Housing may not be placed on any lot within the City of Prospect.

4.1.3 Lighting. Section 4.1.3 of the Land Development Code is not adopted by the City of Prospect. Chapter 159 of the Code of Ordinances of the City of Prospect regulates outdoor lighting in the City of Prospect.

4.2.1 Conditional Uses. The following uses permitted subject to a Conditional Use Permit by Section 4.2.1 of the Land Development Code are not adopted by the City of Prospect:

- 4.2.3 Accessory Apartments
- 4.2.4 Airports, Heliports and Other Aviation Uses
- 4.2.5 All-Terrain Vehicle (ATV) Courses
- 4.2.6 Amusement Parks, Circuses and Carnival Grounds
- 4.2.7 Animal Race Tracks
- 4.2.8 Athletic Facilities
- 4.2.9 Bed and Breakfast Inns
- 4.2.10 Boarding Houses
- 4.2.11 Camping Areas and Residential Vehicle Parks, Public and Private
- 4.2.12 Cemeteries, Mausoleums and Crematories
- 4.2.13 Commercial Animal Feeding Yards
- 4.2.14 Commercial Communication Towers
- 4.2.15 Commercial Greenhouses

- 4.2.16 Commercial Kennels
- 4.2.17 Commercial Lakes
- 4.2.18 Day Care Facilities
- 4.2.20 Drive-In Theatres
- 4.2.21 Earth Excavation, Filling and Refuse Disposal Operations, Major
- 4.2.22 Earth Excavation/Fill, Minor
- 4.2.23 Electric Power or Steam Generating Plants
- 4.2.24 Extraction and Development of Oil, Gas and Other Hydrocarbon Substances
- 4.2.25 Funeral Homes
- 4.2.26 Golf Driving Ranges, Miniature Golf Courses and Privately Owned Golf Courses Operated for a Commercial Purpose
- 4.2.27 Home Occupations
- 4.2.28 Hospitals, Clinics and Other Medical Facilities
- 4.2.29 Institutions
- 4.2.30 Mobile Homes and Manufactured Housing Sales, Display or Storage
- 4.2.31 Marinas and Boat Rental Facilities
- 4.2.32 Marinas and Boat Rental Facilities, Commercial
- 4.2.33 Mini-Warehouses
- 4.2.34 Mobile Home Parks
- 4.2.35 Multi-Family Dwellings
- 4.2.36 Nursing Homes and Homes for the Infirm or Aged
- 4.2.37 Off-Street Parking Areas
- 4.2.38 Outdoor Paint Ball Ranges
- 4.2.39 Potential Hazardous or Nuisance Uses

4.2.41 Private Proprietary Clubs

4.2.42 Ranges for Shotgun, Rifle, Pistol, Air Rifle, Air Pistol or Other Firearms

4.2.43 Riding Academies and Stables

4.2.44 Scrap Metal Processing Facilities and Junkyards

4.2.45 Sewage Disposal Plants

4.2.46 Solid Waste Management Facilities

4.2.47 Sports Arenas

4.2.48 Storage Yards and Contractor's Yard

4.2.49 Underground Space

4.2.50 Zoos

4.4.2 Antenna Towers for Cellular Communications Services or Personal Communications Services

B. **Design, Standards.** The second sentence of Section 4.4.2 B. of the Land Development Code is changed to read as follows:

Waivers of the following standards may be requested by the applicant and granted by the Planning Commission in accordance with the provisions of Chapter 11 Part 8; provided, however, no waiver of the 100 foot maximum height of a cellular antenna tower or alternative cellular antenna tower structure may be granted except with the approval of the City Council of the City of Prospect.

4. The first sentence of Section 4.4.2 B.4. of the Land Development Code is changed to read as follows:

A cellular tower or alternative cellular antenna tower structure may be constructed to a maximum height of 100 feet regardless of the maximum allowed height for the district in which it is located.

4.4.3 Fences, Walls and Signature Entrances

A. **Fences and Walls.** Section 4.4.3 A. of the Land Development Code is not adopted by the City of Prospect. Chapter 152 of the Code of Ordinances of the City of Prospect regulates fences in the City of Prospect.

4.4.4 Garage Sales. Section 4.4.4 E. of the Land Development Code is changed to read as follows:

All signs used to advertise or direct traffic to a garage sale must be in compliance with Chapter 157 of the Code of Ordinances of the City of Prospect.

4.4.5 Home Occupations

B. Employees.

1. Section 4.4.5 B.1. of the Land Development Code is changed to read as follows:

Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit.

D. **Number of Customers, Clients and Pupils Permitted.** The first sentence of Section 4.4.5 D. of the Land Development Code is changed to read as follows:

No more than two customers, clients or pupils shall be permitted on the site at any one time.

G. Permitted Locations and Maximum Size/Area

1. Section 4.4.5 G.1. of the Land Development Code is changed to read as follows:

The operation of home occupation shall be limited to the dwelling unit (including the basement and attached garage).

2.a. Sections 4.4.5 G.2.a. and b. of the Land Development Code are changed to read as follows:

A home occupation shall occupy no more than five percent (5%) of the floor area of the dwelling unit or 200 square feet, whichever is less.

3. Section 4.4.5 G.3. of the Land Development Code is changed to read as follows:

All activities associated with a home occupation are prohibited from occurring outside of the dwelling unit.

H. Hours of Operation

2. Section 4.4.5 H.2. of the Land Development Code is not adopted by the City of Prospect.

J. Prohibited Home Occupations. Delete the parenthetical reference after Daycare Facilities in the list of Prohibited Home Occupations in Section 4.4.5 J. of the Land Development Code. Daycare Facilities are not permitted as a home occupation in the City of Prospect.

4.4.10 Swimming Pools. Section 4.4.10 of the Land Development Code is not adopted by the City of Prospect. Chapter 154 of the Code of Ordinances of the City of Prospect regulates swimming pools within the City of Prospect.

Chapter 4, Part 5 Alternative Development Incentives. Chapter 4, Part 5 of the Land Development Code is not adopted by the City of Prospect.

Appendix 4F Conditional Use Table. Appendix 4F of the Land Development Code is amended to reflect the changes in Permitted Uses and Conditional Uses in the City of Prospect as set forth in this Ordinance.

5.2.6 Village Form District - Center

D. Description of Village Centers. Section 5.2.6 D. of the Land Development Code is amended to read as follows:

- 1. Village Center - This development pattern is intended for mixed-uses within villages. The maximum single building square footage within designated Village Neighborhood Serving centers shall be 70,000 square feet.
- 2. Pre-Existing Structures: - Non-residential structures constructed prior to January 9, 2006, the date of the adoption of the Village Center Form District in Prospect, and exceeding 70,000 square feet in area on the first floor may have the square footage of the footprint

existing on January 9, 2006 expanded up to a maximum of an additional thirty-seven percent (37%) of said existing footprint upon recommendation of the Planning Commission and approval of the City Council; provided, however, such expansion shall be allowed solely to existing construction footprints constructed prior to the effective date of the Village Center Form District as set forth in the Prospect Land Development Code. The project shall be subject to the Category 3 procedures. In addition to a Comprehensive Plan and Prospect Land Development Code review of any project to increase the size of a non-residential structure which meets the criteria set forth herein, the Planning Commission review of the project and the approval of the project by the City Council shall focus on the following criteria:

- a. The resultant mass and scale of the building shall be compatible with the surrounding development pattern.
- b. Parking and circulation patterns, connectivity to and/or between adjacent commercial properties, officially adopted plans or existing adopted recommendations for connectivity to and/or between adjacent commercial properties shall not be substantially altered or adversely impacted.
- c. The resultant building after the addition shall be in keeping with the intent of the Village Form District and shall be compatible with the overall design of the existing development.

5.4.2 Suburban Form Districts D.

Accessory Structures. Section 5.4.2 D. of the Land Development Code is not adopted by the City of Prospect. Chapter 150 of the Code of Ordinances of the City of Prospect covers accessory structures.

6.2.6 Requirements for Specific Types of Streets and Alleys

B. Fee In Lieu Option. Section 6.2.6 B. of the Land Development Code is not adopted by the City of Prospect.

Chapter 8 Sign Regulations. Chapter 8 of the Land Development Code is not adopted by the City of Prospect. Chapter 157 of the Code of Ordinances of the City of Prospect regulates signs in the City of Prospect.

11.4.7 Plan Certain Development.

A. **Designation of Binding Elements.** The last sentence of Section 11.4.7 A. of the Land Development Code is changed to read as follows:

Binding elements approved as any part of any development plan shall be applicable to all development plans subsequently prepared for a subject property, and shall be binding upon the future use and development of such property unless specifically waived by the City Council of the City of Prospect upon recommendation by the Planning Commission.

E. **Amendments to Binding Elements and Revised District Development Plans**

1. **Review Procedure.** The first sentence of Section 11.4.7 E.1. of the Land Development Code is changed to read as follows:

Amendment to any binding element of an approved development plan, including any development plan expiration date, shall require approval by the City Council of the City of Prospect upon recommendation by the Planning Commission.

11.6.2 Category I Review Procedure. The first sentence of Section 11.6.2 of the Land Development Code is changed to read as follows:

Prior to issuance of building permits, the Mayor of the City of Prospect or his/her designee and the local building official shall assure that the plan is in compliance with the applicable provisions of this Code and all binding elements and conditions of approval.

11.8.5 Findings Necessary for Granting of Waiver or Modification. The introductory language of Section 11.8.5 of the Land Development Code is changed to read as follows:

The Planning Commission may recommend to the City of Prospect waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee. Section 11.8.7 of the Land Development Code is changed to read as follows:

The Planning Commission may delegate the authority to consider and make recommendations on modifications or waivers to its Land Development & Transportation Committee or such other Committee of the Commission duly created under the By-Laws of the Commission. Such Committee shall make a recommendation regarding the appropriateness of any waivers or modifications to the City Council of the City of Prospect.

(Ord. 465-2005, passed 1-9-06; Am. Ord. 516-2011, passed 1-11-12; Am. Ord. 524-2012, passed 12-10-12)

INDEX

INDEX

- ABANDONMENT OF ANIMALS, 90.05
 - Destruction by peace officer, 90.06
 - Notice to owner, 90.06
 - Veterinarian's custody, 90.06
- ABANDONMENT OF MINORS, Ch. 131
- ABANDONMENT OF VEHICLES
 - Definitions, 95.01
 - Leaving on public ways, 95.03
 - Parking, storage, 95.02
 - Penalty, 95.99
 - Removal by city, 95.04
- ABUSE OF CORPSE, Ch. 136
- ABUSE OF PUBLIC OFFICE (See PUBLIC OFFICE, ABUSE OF)
- ACCIDENTS (See TRAFFIC CODE)
- ACCOUNTING RECORDS, 33.02
- AD VALOREM TAXATION (See TAXATION)
- ADMINISTRATIVE OFFICER (See CHIEF ADMINISTRATIVE OFFICER)
- ADVERTISING
 - Material containing portrayal of sexual performance by minor, Ch. 133
 - Obscene material, Ch. 133
 - Posting unlawfully, Ch. 132
- AGREEMENTS, T.S.O. III
- AIR GUNS
 - Discharging in city limits, 136.01
- ALCOHOLIC BEVERAGES
 - Alcoholic Beverage Control Administrator
 - Bond, 114.27
 - Compensation, 114.28

ALCOHOLIC BEVERAGES (Cont'd)

- Duties and functions, 114.26
 - Statutory duties assigned to City Clerk, 114.30
- Establishment, 114.25
- Oath, 114.27
- Term of office, 114.29
- Licensing
 - Businesses to correspond to state law, 114.07
 - Conflicting provisions, 114.10
 - Distance between package liquor sales, 114.11
 - Expiration date, 114.08
 - Proration, 114.08
 - Hours of sale, 114.09
 - License required, 114.02
 - Fees, 114.03
 - When payment due, 114.04
 - Package liquor sales, 114.11
 - Regulating distance between, 114.04
 - Privilege, 114.01
 - Special hours license, 114.05
 - Sunday drink license, 114.06
- Penalty, 114.99

ALLEYS (See TRAFFIC CODE)

ANIMAL WASTE

- Collection and sanitary disposal of, 51.03

ANIMALS (See also DOGS)

- Abandonment of, 90.05
 - Destruction by peace officer, 90.06
 - Notice to owner, 90.06
 - Veterinarian's custody, 90.06
- Application of traffic code to, 70.02 (C)
- Cruelty to
 - First degree, Ch. 136
 - Second degree, 90.03, Ch. 136
- Deer, feeding or artificial attraction of, 90.09
- Definitions, 90.01
- Dyed or colored fowl, sale or possession of, 90.04
- Keeping of, 92.03 (K)
- Livestock, 90.07
- Noise, 90.08
- Penalty, 90.99
- Running at large, 90.02 (A)
 - Liability for damages caused by, 90.02 (B)
- Waste
 - Collection and sanitary disposal of, 51.03

ANNEXATION ORDINANCES, T.S.O. I

APPOINTED OFFICERS (See NONELECTED OFFICERS)

APPOINTIVE OFFICES

- Establishment by ordinance, 31.35
- Oath, bond requirements, 31.01

ARRESTS

- Resisting, Ch. 135
- Traffic code, 70.03, 70.04

ARSON

- Defrauding insurer, Ch. 132
- First degree, Ch. 132
- Second degree, Ch. 132
- Third degree, Ch. 132

ASSAULT, Ch. 130

AUDIT OF CITY FUNDS, 33.04

AUDITOR

- City contract with, 33.04

AUTHORIZED AGENT, 10.05

BAIL JUMPING

- First degree, Ch. 135
- Second degree, Ch. 135

BARRIERS (See TRAFFIC CODE)

BICYCLES (See TRAFFIC CODE)

BIGAMY, Ch. 131

BINDING ELEMENTS

- Appeal of the city and/or Planning Commission Orders, 160.06
- Authority of the city and/or the Planning Commission, 160.03
- Civil action by the city and/or fiscal court, 160.08
- Definitions, 160.01
- Enforcement of binding elements, 160.02
- Form citations and issuance, 160.04
- Hearings before the city and/or the Planning Commission, 160.05
- Payment of fines, 160.07
- Penalties, 160.99

BIRTH OF INFANT

- Concealment of, Ch. 131

BLASTING PERMIT, 93.20

- Bond requirement, 93.20
- Penalty, 93.99

Prospect - Index

BOND ISSUANCE ORDINANCES, T.S.O. II

BOND REQUIREMENTS, CITY OFFICIALS, 31.01 (See Also Specific City Official)

BONDS, T.S.O. II

BRIBERY, Ch. 135

BUDGET ORDINANCE, 33.03

BUILDING CODE, Ch. 150

Adoption of State Building Code by reference, 150.01

Appeals, 150.05

Enforcement, 150.04

Penalty, 150.99

BUILDING REGULATIONS (See also MOVING BUILDINGS; TOWNHOUSES AND MULTI-FAMILY DWELLINGS; DEMOLITION OR DESTRUCTION OF BUILDINGS)

Adequate drainage required, 150.63

Debris, waste, or rubbish, disposal of, 150.64

Dimensions of two structures under roof facing permanent wall, 150.62

Penalty, 150.99

Permits

Certificate of occupancy, 150.61

Deposits, 150.58

Display of, 150.59

Expiration of, 150.60

Fees, 50.57

Fences, 152.01

Free-standing wall, 152.01

Procedure for obtaining, 150.56

Renewal permit, 150.60

Required, 150.55

Residential buildings and lots, 150.02

Restrictions, 150.02

Stop work order, 150.66

Streets to be maintained in clean condition, 150.65

Structures which may not be used as residences, 150.03

Violations, investigation of, 150.67

BURGLARY

First degree, Ch. 132

Possession of burglar's tools, Ch. 132

Second degree, Ch. 132

Third degree, Ch. 132

BUSINESS REGULATIONS (See LICENSES or specific type of business)

CHIEF ADMINISTRATIVE OFFICER, 31.37

CHILDREN (See MINORS)

CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR, 114.25 - 114.30

CITY ATTORNEY, 31.38

CITY CLERK, 31.36

CITY COUNCIL (See COUNCIL)

CITY FUNDS

- Audit of, 33.04
- Disbursement of, 33.05 (B)
- Management of, 32.03(C)
- Official depositories for, 33.05 (A)
- Treatment of deposited funds relating to permits, 33.06

CODE ENFORCEMENT BOARD

- Appeals; final judgment, 39.12
- Appointment of members; appointment of alternate members; terms of office; removal from office; oath; compensation, 39.04
- Conflict of interest, 39.06
- Creation and membership, 39.02
- Definitions, 39.01
- Enforcement proceedings, 39.09
- Hearing; final order, 39.10
- Jurisdiction, 39.07
- Legal counsel, 39.11
- Lien; fines; charges; fees, 39.14
- Ordinance fine, 39.13
- Organization of Board; meetings; quorum; open meetings; voting; minutes, 39.05
- Powers, 39.03
- Powers of the Code Enforcement Board, 39.08

CODE OF ETHICS

- Appeals, 38.08
- Definitions, 38.01
- Ethics Commission, 38.06
- Financial disclosure, 38.03
- Nepotism, 38.04
- Penalties, 38.07
- Political activities, 38.05
- Standards of conduct, 38.02

CODE OF ORDINANCES (See also ORDINANCES)

- Adoption of by reference, 32.40
- Amendments to, 10.14 (A)
 - Language of, 10.14 (B)
- Computation of time, 10.04
- Conflicting provisions, 10.15
- Construction of section references, 10.10
- Definitions, 10.02 (See also DEFINITIONS)
- Errors and omissions, 10.17
- Liberal construction, 10.03 (C)
- Maintenance of ordinances in, 32.42

CODE OF ORDINANCES (Cont' d)

- Majority acting for all, 10.05
- Penalty, 10.99 (See also PENALTIES)
- Periodic review of required, 32.45
- Reference to public officer, 10.16
- Rules of construction, 10.03
- Severability, 10.07
- Signatures to writings, 10.06 (A)
- Technical terms, 10.03 (E)
- Titles, 10.01
- Writings in English, 10.06 (B)

COMBUSTIBLE MATERIALS

- Storage, 93.21
- Penalty, 93.99

COMPENSATION

- Appointed officers, 31.02(B)
- City employees, 31.02(C)
- Elected officers, 31.02(A)
- Mayor, 31.21(E)
- Purchasing power of dollar, rates equated with, 31.02(A)(1)

COMPOSITE INDEX

- Maintenance of ordinances in, 32.42
- Periodic review of required, 32.45

COMPOUNDING A CRIME, Ch. 135

COMPREHENSIVE PLAN, ADOPTION OF, 151.01

COMPUTATION OF TIME, 10.04

CONCEALING BIRTH OF INFANT, Ch. 131

CONFIDENTIAL INFORMATION, MISUSE OF, Ch. 135

CONFLICTING PROVISIONS, 10.15

CONSPIRACY TO PROMOTE GAMBLING, Ch. 134

CONTRACTS OF CITY

- Audit of city funds, 33.04
- Specific contract ordinances, T.S.O. III

CONVEYANCES, ACCEPTANCE OF, T.S.O. VI

COUNCIL

- Appointive offices established by ordinance of, 32.03(B)
- Bond, 31.01
- Budget ordinance, 33.03
- Election to, 32.01(A)

COUNCIL (Cont' d)

- Functions, 32.03(A)
- Immunities and protections, 32.48
- Investigation of city government activities, 32.03(D)
 - Notice to Mayor, 32.03(D)
- Legislative authority of city vested in, 32.03(A)
- Legislative body of city, 30.02(A)
- Management of city resources, 32.03(C)
- Mayor participation and vote in proceedings of, 32.20(B)
- Meetings
 - Mayor to preside at, 32.20(A)
 - Regular, 32.21(A)
 - Signing of minutes of, 32.21(D)
 - Special, 32.21(B), (C)

COUNCIL (Cont'd)

- Members, 30.02(B)
- Municipal orders, adoption of, 32.46
- Oath, 31.01
- Qualifications, 32.01(B)
- Quorum, 32.22
- Residence requirement, 32.01(B)
- Term of office, 32.01(A)
- Vacancies
 - Failure to fill, 32.02(B)
 - Filling of, 32.02(A)
- Zoning matters, conduct required, 155.02

COUNCILMEMBERS (See COUNCIL)

- Participation in, 36.02

COUNTY EMPLOYEES RETIREMENT SYSTEM

- Participation in, 36.01

CRIMINAL ABUSE

- First degree, Ch. 130
- Second degree, Ch. 130
- Third degree, Ch. 130

CRIMINAL ATTEMPT, Ch. 138

CRIMINAL COERCION, Ch. 130

CRIMINAL CONSPIRACY, Ch. 138

CRIMINAL FACILITATION, Ch. 138

CRIMINAL LITTERING, Ch. 132

CRIMINAL MISCHIEF

- First degree, Ch. 132
- Second degree, Ch. 132
- Third degree, Ch. 132

CRIMINAL SIMULATION, Ch. 132

CRIMINAL SOLICITATION, Ch. 138

CRIMINAL SYNDICATE, Ch. 138

CROSSWALKS (See TRAFFIC CODE)

CRUELTY TO ANIMALS

- First degree, Ch. 136
- Second degree, 90.03, Ch. 136

- CUSTODIAL INTERFERENCE, Ch. 130
- DANGEROUS BUILDINGS ADJOINING STREETS, 92.03 (A)
- DANGEROUS TREES OR STACKS ADJOINING STREETS, 92.03 (B)
- DECEPTION, THEFT BY, Ch. 132
- DEEDS, ACCEPTANCE OF, T.S.O. VI
- DEER
Feeding or artificial attraction of deer, 90.09
- DEFINITIONS
Abandoned vehicles, 95.01
Animals, 90.01
Building Code, 150.15
Dog, 90.15
Financial administration, 33.01
Fireworks, 93.01
General, 10.02
Improvements, 33.10
Nuisances, 92.01
Pawnbrokers, 112.01
Peddlers, 111.01
Sewers, 50.01
Signs, 157.03
Traffic code, 70.01, 71.40
- DEFRAUDING
Insurer, Ch. 132
- DEMOLITION OR DESTRUCTION OF BUILDINGS
Inspections, 150.77
Penalty, 150.99
Permit required, 150.75, 150.76
- DEPOSITED FUNDS
Deposits relating to permits, treatment of, 33.06
- DESECRATION OF VENERATED OBJECTS, Ch. 136
- DEVICE FOR THEFT OF TELEPHONE SERVICE, Ch. 132
- DILAPIDATED BUILDINGS (See BUILDING CODE)
- DISORDERLY CONDUCT, Ch. 136
- DISRUPTING MEETINGS OR PROCESSIONS, Ch. 136
- DIVULGING ILLEGALLY OBTAINED INFORMATION, Ch. 136

DOGS (See also ANIMALS)

- Definition, 90.15
- Impounding, 90.18
- License, 90.16
- Penalty, 90.99
- Running at large, 90.17
- Vaccination requirement, 90.16

DRAINAGE EASEMENTS

- Maintenance of, 91.18

DWELLINGS UNFIT FOR HUMAN HABITATION (See BUILDING CODE)

EAVESDROPPING, Ch. 136

ELECTED OFFICERS

- Abolition of office, 31.20(D) - (F)
- Bond, 31.01

ELECTED OFFICERS (Cont'd)

- Compensation, 31.02
- Continuance without change, 31.20(G)
- Councilmembers, 32.01
- Creation prohibited, 31.20(G)
- Election procedure, 31.20
- Mayor, 31.21 (See also MAYOR)
- Oath, 31.01
- Removal for misconduct, inability, or willful neglect, 31.03

ELECTION PROCEDURE, 31.20

ELECTRICAL CODE (See BUILDING CODE)

EMERGENCY VEHICLES (See TRAFFIC CODE)

EMPLOYEE POLICIES

- County Employees Retirement System, 136.01

ENDANGERING WELFARE

- Of incompetent persons, Ch. 131
- Of minors, Ch. 131

ERRORS AND OMISSIONS, 10.17

ESCAPE, Ch. 135

- Bail jumping, Ch. 135
- First degree, Ch. 135
- Hindering prosecution or apprehension, Ch. 135
- Promoting contraband, Ch. 135
- Resisting arrest, Ch. 135
- Resisting order to stop motor vehicle, Ch. 135
- Second degree, Ch. 135
- Third degree, Ch. 135

EXCAVATIONS (See STREETS AND SIDEWALKS)

EXECUTIVE ORDERS, 31.21(D)(5)

EXPLOSIVES

- As nuisance, 92.03(G)
- Blasting permit, 93.20
 - Bond requirement, 93.20

EXTORTION, THEFT BY, Ch. 132

FAILURE TO DISPERSE, Ch. 136

FAILURE TO MAKE DISPOSITION, THEFT BY, Ch. 132

FALSE SWEARING, Ch. 135

FALSELY REPORTING AN INCIDENT, Ch. 135

FAMILY OFFENSES, Ch. 131 (See also OFFENSES)

FEES

- Alcoholic beverages, 114.03
- Building permits, 150.57
- Disposition of, 31.02(D)
- Excavation permits, 91.02
- Fence permits, 152.03
- Moving buildings, 150.36
- Peddlers, 111.02 (B)
- Sewer usage, 50.20 - 50.24
- Signs, 157.22
- Swimming pool permits, 154.03

FENCES

- Building permit required, 152.01
 - Fee, 152.03
 - Issuance of, 152.02
- Penalty, 152.99
- Swimming pools, 154.05

FINANCIAL ADMINISTRATION

- Accounting records, 33.02
- Audit of city funds, 33.04
- Budget ordinance, 33.03
- Definitions, 33.01
- Financial reports, 33.02
- Official depositories of city funds, 33.05
 - Deposit to, 33.05 (A)
 - Disbursement from, 33.05 (B)
- Treatment of deposited funds relating to permits, 33.06

FINANCIAL REPORTS, 33.02

FIRE DEPARTMENT (See VOLUNTEER FIRE DEPARTMENT)

FIRE HOSE, DRIVING OVER, 71.26 (B)

FIREARMS

- Discharging within city, 136.01

FIREWORKS

- Bond or liability insurance requirement, 93.04
- Consumer fireworks; restrictions on sale, 93.03
- Definitions; legality of items, 93.01
- Destruction of fireworks, 93.06
- Exempted sales and uses, 93.05
- Penalty, 93.99
- Sale or use prohibited; exception for public display, 93.02

FLAMMABLE MATERIALS

- Storage, 93.21
 - Penalty, 93.99

FOODSTUFFS

- Peddlers handling, 111.03 (D)

FORESTATION BOARD (See TREES AND FORESTATION)

FORGERY

- Criminal simulation, Ch. 132
- First degree, Ch. 132
- Possession of forged instrument, Ch. 132
- Possession of forgery device, Ch. 132
- Second degree, Ch. 132
- Third degree, Ch. 132
- Using slugs, Ch. 132

FORM OF GOVERNMENT

- Mayor-Council Plan, 30.01

FRANCHISE ORDINANCES, T.S.O. IV

FREE-STANDING WALL

- Building permit required, 152.01

GAMBLING

- Conspiracy to promote, Ch. 134
- Horse race messenger betting, Ch. 134
- Pari-mutuel wagering, Ch. 134
- Permitting, Ch. 134
- Possession of gambling device, Ch. 134
- Possession of gambling records, Ch. 134
- Promoting, Ch. 134

GAMBLING DEVICE, POSSESSION OF, Ch. 134

GAMBLING RECORDS, POSSESSION OF (See POSSESSION OF GAMBLING RECORDS)

GARBAGE AND REFUSE (See also TEMPORARY PORTABLE STORAGE AND TRASH CONTAINERS)

- Animal waste, 51.03
- Penalty, 51.99
- Recyclable materials
 - Containers, 51.02
 - Property of city, 51.02
- Removal from garbage or containers, 51.01

GOVERNING OFFICERS OF CITY, 30.02

HARASSING COMMUNICATIONS, Ch. 136

HARASSMENT, Ch. 136

HEAVY EQUIPMENT, OPERATION OF, 92.03 (M)

HINDERING PROSECUTION OR APPREHENSION

- First degree, Ch. 135
- Second degree, Ch. 135

HISTORICAL AND STATUTORY REFERENCES, 10.18

HORSE RACE MESSENGER BETTING, Ch. 134

HUNTING ON PUBLIC LAND, 136.05

IMPERSONATING A PUBLIC SERVANT, Ch. 135

IMPOUNDING OF DOGS (See DOGS)

IMPOUNDING OF VEHICLES (See TRAFFIC CODE)

IMPROVEMENTS

- Additional property, inclusion of, 33.18
- Apportionment of cost, 33.11 (C), 33.12
- Change in financing method or period, 33.18
- Comprehensive report requirement, 33.13
- Contest by property owners, 33.16
- Definitions, 33.10
- Financing of, 33.11
- Lien for outstanding assessment, 33.17 (B)
- Notice to property owners, 33.15
- Ordinance for, 33.15
- Public hearing requirement, 33.14
 - Notice, 33.14
- Special assessment for, 33.11 (B)
- When city may proceed with, 33.16 (B), 33.17

INCEST, Ch. 131

INCHOATE OFFENSES, Ch. 138 (See also OFFENSES)

INCITING TO RIOT, Ch. 136

INCOMPETENT PERSON, ENDANGERING WELFARE OF, Ch. 131

INDECENT EXPOSURE, Ch. 137

INSTALLING EAVESDROPPING DEVICE, Ch. 136

INSURANCE COMPANIES, TAXATION OF

- License fee required, 113.01
 - Companies selling life insurance, 113.02
 - Companies selling other than life insurance, 113.03
 - Due date, 113.04
 - Overpayment of insurance company license fee, 113.06
 - Penalty for late payment, 113.04
 - Written breakdown of collections, 113.05

INTIMIDATING JUDICIAL OFFICER, Ch. 135

INTIMIDATING JUROR, CH. 135

INTIMIDATING WITNESS, Ch. 135

INVESTIGATION OF CITY GOVERNMENT ACTIVITIES, 32.03(D)

- Notice to Mayor, 32.03(D)

ITINERANT MERCHANTS (See PEDDLERS)

JUDICIAL ADMINISTRATION, INTERFERENCE WITH

- Bribe received by juror, Ch. 135
- Bribe received by witness, Ch. 135
- Bribing a juror, Ch. 135
- Bribing a witness, Ch. 135
- Intimidating judicial officer, Ch. 135
- Intimidating witness, Ch. 135
- Jury tampering, Ch. 135
- Simulating legal process, Ch. 135
- Tampering with witness, Ch. 135
- Unlawful practice of law, Ch. 135

JUNKED VEHICLES (See ABANDONMENT OF VEHICLES)

JUNK, STORAGE OF, 92.03 (1)

JUROR

- Bribe receiving by, Ch. 135
- Bribing, Ch. 135
- Intimidating, Ch. 135
- Tampering with, Ch. 135

JUVENILES (See MINORS)

KIDNAPPING, Ch. 130

LABOR, THEFT OF, Ch. 132

LAND DEVELOPMENT CODE

- Adoption of Land Development Code, 161.01
- Amendments, 161.02

LICENSES

- Alcoholic beverages, 114.02
- Appeal procedure, 110.08
- Applications for
 - False statements prohibited, 110.02 (D)
 - Fee deposit with, 110.02 (C)
 - Return of, 110.03
 - Original, 110.02 (A)
 - Renewal, 110.02 (B)
- Business license fee, 110.10
- Display of certificate of, 110.06
- Dogs, 90.16
- Duration, 110.04
- Exemptions, 110.09
- Expiration date, 110.04
- Full amount of fee required, 110.04
- Issuance, 110.03
- Nonassignability and nontransferability, 110.05
- Peddlers, 111.02
- Penalty, 110.99

LICENSES (Cont'd)

- Requirement to engage in certain trades, businesses, or professions, 110.01
- Review, 110.08
- Revocation procedure, 110.07 (A), (B)
- Standards for issuance, 110.03
- Suspension, 92.06, 110.07(C)

LIENS

- Improvement assessments outstanding, 33.17 (B)

LIGHTING (See OUTDOOR LIGHTING)

LITTERING

- Criminal, Ch. 132
- Hauling loose material, 94.03
- Penalty, 94.99
- Private property, 94.05
- Sweeping litter into gutters, 94.04
- Throwing from vehicle, 94.01
- Tracking foreign matter on streets, 94.02

LOITERING, Ch. 136

- For purposes of prostitution, Ch. 133

LOUDSPEAKERS CAUSING NUISANCE, 92.03(F)

MAIL

- Possession of stolen, Ch. 132
- Theft of, Ch. 132

MANSLAUGHTER

- First degree, Ch. 130
- Second degree, Ch. 130

MAYOR

- Administrative procedures, promulgation of, 31.21(D)(4)
- Appointment of public employees, 31.21(D)(7)
- Bond, 31.01
- Budget ordinance, 33.03
- Compensation, 31.21(E)
- Council meetings to be presided at, 32.20
- Delegation of powers and duties by executive order, 31.21(D)(5)
- Disability, procedure upon, 31.21(D)(8)
- Duties, 31.21(D)
- Election, 30.21(A)
- Executive authority of city vested in, 31.21(D)(1) - (3)
- Executive orders of, 31.21(D)(5)

MAYOR (Cont'd)

- Governing officer of city, 30.02(A)
- Oath, 31.01
- Obligations of city executed by, 31.21(D)(6)
- Ordinances approved or disapproved by, 32.39
- Participation and vote in council proceedings, 32.20
- Powers, 31.21(D)
- Qualifications, 31.21(B)
- Removal of public employees, 31.21(D)(7)
- Report requirement, 31.21(D)(3)
- Rescission of action taken in absence of, 31.21(D)(8)
- Residence requirement, 31.21(B)
- Right to review investigative statements, 32.03(D)
- Term of office, 31.21(A)
- Vacancy
 - Declaration of, 31.21(D)(8)
 - Failure to fill, 31.21(C)
 - Filling of, 31.21(C)
- Zoning matters, conduct required, 155.02

MAYOR-COUNCIL PLAN

- Form of government, 30.01

MEETINGS OF COUNCIL, 32.21

MENACING, Ch. 130

METROPOLITAN SUBDIVISION REGULATIONS, 153.01

MINORS

- Abandonment of, Ch. 131
- Distribution of pornography to, Ch. 133
 - Use of minors for, Ch. 133
- Endangering welfare of, Ch. 131
- Portrayal of sexual performance by, Ch. 133
 - Using minors to distribute matter containing, Ch. 133
- Sexual performance by, Ch. 133
- Unlawful transactions with
 - First degree, Ch. 131
 - Second degree, Ch. 131

MISUSE OF CONFIDENTIAL INFORMATION, Ch. 135

MOTORCYCLES (See TRAFFIC CODE)

MOVING BUILDINGS (See also BUILDING REGULATIONS)

- Length of time building allowed to remain in streets, 150.41
- Notice of route and time to be issued, 150.40
- Penalty, 150.99
- Permit
 - Application 150.36
 - Bond, 150.38
 - Fees, 150.37
 - Refusal to issue, 150.39
 - Required, 150.35
- Public safety requirements, 150.42

MULTI-FAMILY DWELLINGS (See TOWNHOUSES AND MULTI-FAMILY DWELLINGS)

MUNICIPAL ORDERS

- Adoption, 32.46(A)
- In lieu of ordinances, 32.46(B)
- Proved by Clerk, 32.47

MURDER, Ch. 130

NAVIGABLE WATERS, VEHICLE SPEED ON, 136.03

NOISE

- Animals, 90.08
- Loudspeakers, 92.03(F)
- Motor vehicles, 92.03(E)

NONELECTED OFFICERS

- Appointment, 31.35(B)
- Bond, 31.01
- Compensation, 31.02(A)(1)
- Creation, 31.35
- Oath, 31.01
- Removal, 31.35(C)

NONSUPPORT, Ch. 131

- Flagrant, Ch. 131

NOTICES

- Improvements, 33.15
- Investigation of city government activities, 32.03(D)
- Public hearing on improvements, 33.14

NOXIOUS ODORS OR SMOKE, 92.03 (D)

NOXIOUS SUBSTANCES

- Criminal possession of, Ch. 132
- Criminal use of, Ch. 132

NUISANCES

- Abandoned vehicles (See ABANDONMENT OF VEHICLES)
- Abatement procedure, 92.04
- Accumulation of rubbish, 92.03 (C)
- Animals, keeping of, 92.03 (K)
- Common law, 92.02
- Conditions declared to be, 92.03 (See also subtopics hereunder)
- Created by others, 92.05
- Dangerous buildings adjoining streets, 92.03 (A)
- Dangerous trees or stacks adjoining streets, 92.03 (B)
- Definitions, 92.01
- Heavy equipment, operation of, 92.03 (M)
- Junked vehicles (See ABANDONMENT OF VEHICLES)
- Loudspeakers, 92.03(F)
- Motor vehicle causing, 71.27
- Motor vehicle noise, 92.03(E)
- Noxious odors or smoke, 92.03(D)
- Open wells, 92.03 (I)
- Penalty, 92.99
- Statutory, 92.02
- Storage of explosives, 92.03 (G)
- Storage of junk, scrap metal, 92.03 (1)
- Suspension of license, 92.06
- Trees and shrubbery obstructing streets and sidewalks, 92.03 (J)
- Weeds, 92.03 (H)

OATH, CITY OFFICIALS, 31.01

- City Administrator, 31.37(C)
- City Attorney, 31.38(C)
- City Clerk, 31.36(C)
- Police Department, 35.07

OBLIGATIONS OF CITY

- Mayor to execute, 31.21(D)(6)

OBSCENE MATERIAL (See PORNOGRAPHY)

OBSCURING IDENTITY OF MACHINE, Ch. 132

OBSTRUCTING GOVERNMENTAL OPERATIONS, Ch. 135

OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE, Ch. 136

OBSTRUCTION OF PUBLIC ADMINISTRATION (See PUBLIC ADMINISTRATION,
OBSTRUCTION OF)

OFFENSES (See also specific topics)

- Abuse of corpse, Ch. 136
- Against persons, Ch. 130
- Against property, Ch. 132
- Against public administration and justice, Ch. 135
- Against public morals, Ch. 133
- Against public order, Ch. 136
- Arson, Ch. 132
- Assault, (See ASSAULT)
- Bigamy, Ch. 131
- Bribery, Ch. 135
- Burglary, Ch. 132
- Concealing birth of infant, Ch. 131
- Criminal attempt, Ch. 138
- Criminal coercion, Ch. 130
- Criminal conspiracy, Ch. 138
- Criminal facilitation, Ch. 138
- Criminal littering, Ch. 132
- Criminal mischief, Ch. 132
- Criminal solicitation, Ch. 138
- Criminal syndicate, Ch. 138
- Criminal trespass, Ch. 132
- Cruelty to animals, Ch. 136
- Custodial interference, Ch. 130
- Desecration of venerated objects, Ch. 136
- Discharging firearms in city, 136.01
- Disorderly conduct, Ch. 136
- Disrupting meetings or processions, Ch. 136
- Eavesdropping, Ch. 136
- Escape, Ch. 135
- Failure to disperse, Ch. 136
- Family, Ch. 131
- Fines, 139.01
- Felonies, 139.03
- Firearms, Ch. 136
- Forgery, Ch. 132
- Gambling (See GAMBLING)
- Harassing communications, Ch. 136
- Harassment, Ch. 136
- Hunting on public land, 136.05
- Imprisonment, 139.01
 - Sentence of
 - Felonies, 139.04
 - Misdemeanors, 139.02
- Incest, Ch. 131
- Inchoate, Ch. 138
- Inciting to riot, Ch. 136
- Incompetent person, endangering welfare of, Ch. 131
- Indecent exposure, Ch. 137

OFFENSES (Cont'd)

- Judicial administration, interference with, Ch. 135
- Kidnapping, Ch. 130
- Loitering, Ch. 136
- Manslaughter, Ch. 130
- Menacing, Ch. 130
- Minors (See MINORS)
- Nonsupport, Ch. 131
 - Flagrant, Ch. 131
- Noxious substances, Ch. 132
- Obstructing highway or public passage, Ch. 136
- Perjury, Ch. 135
- Pornography, Ch. 133
- Posting advertisements unlawfully, Ch. 132
- Prostitution, Ch. 133
- Public administration, obstruction of (See PUBLIC ADMINISTRATION, OBSTRUCTION OF)
- Public intoxication, Ch. 136
- Public office, abuse of (See PUBLIC OFFICE, ABUSE OF)
- Rape, Ch. 137
- Reckless homicide, Ch. 130
- Riot, Ch. 136
- Robbery, Ch. 132
- Sexual, Ch. 137
- Sexual abuse, Ch. 137
- Sexual misconduct, Ch. 137
- Sodomy, Ch. 137
- Terroristic threatening, Ch. 130
- Theft and related offenses, Ch. 132 (See also THEFT)
- Unlawful assembly, Ch. 136
- Unlawful imprisonment, Ch. 130
- Wanton endangerment, Ch. 130
- Weapons, Ch. 136

OFFICIAL DEPOSITORIES, 33.05 (A)

- Deposits of city funds in, 33.05 (B)
- Disbursement of city funds, 33.05 (B)

OFFICIAL MISCONDUCT

- First degree, Ch. 135
- Second degree, Ch. 135

OPEN WELLS, 92.03 (I)

ORDERS (See MUNICIPAL ORDERS)

ORDINANCES (See also CODE OF ORDINANCES)

- Additional requirements for adoption, 32.44
- Adoption of standard codes by reference, 32.40
- Amendment to, form of, 10.14, 32.37
- Appointive offices established by, 31.35
- Budget, 33.03
- Enacting clause, 32.36
- Improvements, 33.15
- Indexing, 32.42
- Introduction, 32.36
- Maintenance, 32.42
- Mayoral approval or disapproval, 32.39
- Municipal orders in lieu of, 32.46
- One subject embraced by, 32.35
- Passage of, 32.35 et seq.
- Passage over veto, 32.39
- Periodic review, 32.45
- Proved by Clerk, 32.47
- Publication requirements, 32.43
- Reading requirement, 32.38(A)
 - Emergency, suspension in, 32.38(B)
- Received in evidence, 32.47
- Records of, 32.41
- Repealed, 10.11
- Retroactivity, 10.03 (D)
- Revivor, 10.08
- Rights and liabilities accruing before repeal of, 10.09
- Saved, 10.13
- Title, 32.35
- Unaffected, 10.12

OUTDOOR LIGHTING

- Class I Lighting (general and recreational lighting), 159.02
- Class II Lighting (walkways and security), 159.03
- Class III Lighting (decorative), 159.04
- Class IV Lighting (off-street parking lots), 159.05
- Definitions, 159.01
- Installation, 159.09
- Light trespass, 159.06
- Modifications, waiver or variation, 159.12
- Temporary lighting, 159.10
- Time of operation, 159.07
- Penalty, 159.99
- Permit required, 159.08
- Prohibitions, 159.11

PARADES (See TRAFFIC CODE)

PARI-MUTUEL WAGERING, Ch. 134

PARKING (See TRAFFIC CODE)

PAWNBROKERS

- Bond, 112.02
- Daily reports, 112.03(B)
- Definitions, 112.01
- Enforcement, 112.08
- Hours of operation, 112.07
- Maximum permissible interest, 112.05
- Minors, 112.07
- Penalty, 112.99
- Receipts
 - For each article, 112.04
 - For payment of loan, 112.06
- Register to be kept, 112.03(A)
- Sale of article, 112.04
 - Maximum resale price, 112.05

PEDDLERS

- Definitions, 111.01
- Door-to-door sales, 111.09
- Foodstuffs, 111.03 (D)
- License requirement, 111.02 (A)
 - Appeal rights and procedure, 111.07
 - Application requirements and procedure, 111.03
 - Disapproval of application, grounds for, 111.04 (B)
 - Exhibition of, 111.08
 - Expiration date, 111.02 (D)
 - Fee, 111.02 (B)
 - Investigation of applicant, 111.04 (A)
 - Nontransferability, 111.02 (C)
 - Revocation after notice and hearing, 111.05
 - Grounds for, 111.06
 - Waiver of license, 111.02(E)
- Penalty, 111.99
- Sales from vehicles, 111.09

PENALTIES

- Abandoned vehicles, 95.99
- Alcoholic beverages, 114.99
- Animals, 90.99
- Building Code, 150.99
- Dogs, 90.99
- Fences, 152.99
- Fire prevention violations, 93.99
- Fireworks, 93.99
- Free-standing walls, 152.99

PENALTIES (Cont'd)

- Garbage; recyclable materials, 51.99
- General, 10.99
- Littering, 94.99
- Nuisances, 92.99
- Pawnbrokers, 112.99
- Peddlers, 111.99
- Plumbing Code, 150.99
- Road and bridge projects, 91.99
- Satellite dishes, 96.99
- Sewers, 50.99
- Signs, 157.99
- Standards of Safety, 150.99
- Streets and sidewalks, 91.99
- Swimming pools, 154.03
- Temporary portable storage and trash containers, 98.99
- Trees and forestation, 97.99

PERJURY, Ch. 135

- False swearing, Ch. 135
- First degree, Ch. 135
- Second degree, Ch. 135
- Unsworn falsification to authorities, Ch. 135

PERMITS

- Blasting, 93.20
- Building, 150.55
- Deposited funds relating to permits, treatment of, 33.06
- Drainage, 91.15
- Excavations, 91.01
- Fences, 152.01
- Fireworks displays, 93.02
- Free-standing walls, 152.01
- Moving buildings, 150.35
- Parades, 71.41
- Signs, 157.20
- Swimming pools, 154.01

PERMITTING GAMBLING, Ch. 134

PERMITTING PROSTITUTION, Ch. 133

PERSONNEL POLICIES (See EMPLOYEE POLICIES)

PLUMBING CODE

- Adoption of State Plumbing Code by reference, 150.01
- Penalty, 150.99

POLICE DEPARTMENT

- Appointments, 35.05
- Chief of Police, 35.02
- Compensation, 35.04

POLICE DEPARTMENT (Cont'd)

- Compliance with regulations, 35.08
- Establishment of, 35.02
- Holding other positions, 35.09
- Lights on vehicles, 35.10
- Oath, 35.07
- Qualifications, 35.03
- Removal, 35.05

PORNOGRAPHY

- Advertising obscene material, Ch. 133
- Distribution of obscene matter, Ch. 133
 - Using minors for, Ch. 133
- Distribution to minor, Ch. 133
- Portrayal of sexual performance by minor, Ch. 133
- Promoting sale of obscenity, Ch. 133
- Sexual performance by minor, Ch. 133

PORTRAYAL OF SEXUAL PERFORMANCE BY MINOR

- Advertising material containing, Ch. 133
- Distributing matter containing, Ch. 133
- Promoting sale of matter containing, Ch. 133
- Using minors to distribute such matter, Ch. 133

POSSESSING EAVESDROPPING DEVICE, Ch. 136

POSSESSION OF BURGLAR'S TOOLS, Ch. 132

POSSESSION OF FORGED INSTRUMENT

- First degree, Ch. 132
- Second degree, Ch. 132
- Third degree, Ch. 132

POSSESSION OF FORGERY DEVICE, Ch. 132

POSSESSION OF GAMBLING DEVICE, Ch. 134

POSSESSION OF GAMBLING RECORDS

- First degree, Ch. 134
- Second degree, Ch. 134

POSSESSION OF STOLEN MAIL, Ch. 132

POSTING ADVERTISEMENTS UNLAWFULLY, Ch. 132

PROMOTING CONTRABAND

- First degree, Ch. 135
- Second degree, Ch. 135

PROMOTING GAMBLING

- First degree, Ch. 134
- Second degree, Ch. 134

PROMOTING PROSTITUTION

- First degree, Ch. 133
- Second degree, Ch. 133
- Third degree, Ch. 133

PROPERTY

- Offenses against, Ch. 132
- Theft of, Ch. 132

PROSTITUTION, Ch. 133

- Loitering for purposes of, Ch. 133
- Permitting, Ch. 133
- Promoting, Ch. 133

PUBLIC ADMINISTRATION, OBSTRUCTION OF

- Compounding a crime, Ch. 135
- Falsely reporting an incident, Ch. 135
- Impersonating a public servant, Ch. 135
- Obstructing governmental operations, Ch. 135
- Tampering with public records, Ch. 135

PUBLIC EMPLOYEES

- Appointment by Mayor, 31.21(D)(7)
- Compensation, 31.02
- Removal by Mayor, 31.21(D)(7)

PUBLIC INTOXICATION, Ch. 136

PUBLIC OFFICE, ABUSE OF

- Misuse of confidential information, Ch. 135
- Official misconduct
 - First degree, Ch. 135
 - Second degree, Ch. 135

PUBLIC OFFICERS

- Bond, 31.01
- Code references to, 10.16
- Compensation, 31.02
- Elected, 31.20 et seq. (See also ELECTED OFFICERS)
- Nonelected, 31.35 et seq. (See also NONELECTED OFFICERS)
- Oath, 31.01

PUBLIC RECORDS

- Access to records relating to particular individual, 34.11
- Concealing or destroying records prohibited, 34.10
- Definitions, 34.01
- Fees for copies, 34.13
- Format of copies, 34.12
- Initial request with immediate inspection, 34.05
- Misstatement of purpose prohibited, 34.14
- Notification of the Attorney General, 34.17
- Online access to public records in electronic form, 34.15
- Public records not immediately available, 34.07
- Public records protected from disclosure, 34.16
- Referral to proper custodian, 34.06
- Refusal of unreasonable requests, 34.08
- Tampering with, Ch. 135
- Time limitation; denial of inspection, 34.09

PUBLICATION REQUIREMENTS

- Ordinances, 32.43
 - Suspension of requirement in emergency, 32.38

RAPE

- First degree, Ch. 137
- Second degree, Ch. 137
- Third degree, Ch. 137

READING REQUIREMENTS, 32.38**REASONABLE TIME, 10.04(D)****RECEIVING STOLEN PROPERTY, Ch. 132****RECEIVING UNLAWFUL COMPENSATION, Ch. 135****RECKLESS HOMICIDE, Ch. 130****RECORDS**

- Ordinances, 32.41

RECREATIONAL VEHICLES, PARKING OF, 72.13**RECYCLABLE MATERIALS**

- Containers, 51.02
 - Property of city, 51.02
- Penalty, 51.99
- Removal from garbage or containers, 51.01

REFERENCES TO STATUTORY OFFENSES, 136.04**REMOVAL FROM OFFICE**

- Elected officers, 31.03(A)
- Nonelected officers, 31.03(B)

REPORTS

Financial, 33.02
Mayor, 31.10 (C)

RESIDENCE REQUIREMENT

Councilmembers, 32.01(B)
Mayor, 31.21(B)

RESISTING ARREST, Ch. 135

RESISTING ORDER TO STOP MOTOR VEHICLE, Ch. 135

RETROACTIVITY OF ORDINANCES, 10.03 (D)

REVIVOR, 10.08

RIOT

First degree, Ch. 136
Inciting to, Ch. 136
Second degree, Ch. 136

ROBBERY

First degree, Ch. 132
Second degree, Ch. 132

RUBBISH

Accumulation of, 92.03 (C)

RULES OF CONSTRUCTION

Code of ordinances, 10.03

SATELLITE DISHES

Penalty, 96.99
Prohibited within city, 96.01
Screening of preexisting dishes, 96.02

SCRAP METAL, STORAGE OF, 92.03 (1)

Junked vehicles (See ABANDONMENT OF VEHICLES)

SERVICES, THEFT OF, Ch. 132

SEVERABILITY CLAUSE

Code of ordinances, 10.07

SEWERS

Administration and enforcement
Corrective action, 50.57
Damage to city property, user liable, 50.59
Emergency termination of service, 50.58
False documents, 50.60
Federal regulations, application of, 50.56

SEWERS (Cont'd)

- Administration and enforcement (Cont'd)
 - Mayor responsible for, 50.55
 - Misrepresentation, 50.60
 - Notification of violation, 50.57
 - State regulations, application of, 50.56
 - Time limit, 50.57
 - Violations, 50.61
- Application for service, 50.02
- Definitions, 50.01
- Discharge
 - Accidental, 50.41
 - Points of, 50.40
 - Restrictions on, 50.35
 - Unpolluted water, 50.39
- Garbage grinders, 50.37
- Grease, oil, and sand traps, 50.38
- Inspections, 50.04
- Installation standards, 50.03
- Penalty, 50.99
- Privies and the like
 - Definitions, 50.75
 - Standards, 50.76
- Public access to information, 50.05
- Radioactive waste, disposal of, 50.36
- Rates and charges
 - Connection fees, 50.222
 - Installation costs, 50.21
 - Installation of monitoring facility, 50.20
 - Service fee, 50.23
 - Unusual handling and treatment surcharge, 50.24
 - Appeal procedure, 50.24
- Sewage treatment facilities, 50.77
- Storm sewer grates required, 50.07
- User to inform employees, 50.06

SEXUAL OFFENSES, Ch. 137 (See also OFFENSES)

SIDEWALKS (See STREETS AND SIDEWALKS)

SIGNS

- Administrative authority, 157.04
- Application of chapter, 157.02
- Definitions, 157.03
- First amendment rights, protection of, 157.07
- Illustrated specifications, Appendix A
- Nonconforming signs, 157.06
- Penalty, 157.99
- Permit procedures
 - Application, 157.21
 - Complaints and revocations, 157.24
 - Exceptions, 157.27
 - Issuance, 157.23

SIGNS (Cont'd)

- Permit procedures (Cont'd)
 - Permanent signs requiring permit, 157.26
 - Permit required, 157.20
 - Fee, 157.22
 - Recordation, 157.23
 - Review, 157.23
 - Temporary signs requiring sign permit, 157.25
- Prohibited signs, 157.40
 - Removal, 157.41
- Purpose, 157.01
- Sign area and placement, 157.05
- Specifications, 157.05
- Variances
 - Authority to grant, 157.55
 - Special events, 157.57
 - Standard of review, 157.56

SIGNATURES TO WRITINGS, 10.06 (A)

SIMULATING LEGAL PROCESS, Ch. 135

SNOW EMERGENCY (See TRAFFIC CODE)

SODOMY, Ch. 137

SOLICITING UNLAWFUL COMPENSATION, Ch. 135

SOLICITORS (See PEDDLERS)

SPECIAL ASSESSMENTS

- Improvements, 33.11 (B)

SPEED LIMITS (See TRAFFIC CODE)

STANDARD CODES AND CODIFICATIONS

- Authority to adopt by reference, 32.40

STANDARDS OF SAFETY

- Adoption of state standards by reference, 150.01
- Penalty, 150.99

STATUTORY AND HISTORICAL REFERENCES, 10.18

STATUTORY OFFENSES

- References, 136.04

STREET CLOSINGS, T.S.O. VII

STREET DESIGN AND STANDARDS

- Penalty, 156.99
- Permit required, 156.01, 156.02
- Private roads, 156.04
- Stop work orders, 156.03

STREETS AND SIDEWALKS

- Dangerous buildings adjoining, 92.03 (A)
- Dangerous trees or stacks adjoining, 92.03 (B)
- Drainage
 - Lot grade changes, permit requirement, 91.15
 - Maintenance of drainage easements and public rights of way across residential property, 91.18
 - Notification of violation, 91.17
 - Swales, culverts, ditches, and grades, property owners to maintain, 91.16
- Excavations and construction
 - Bond requirement, 91.03
 - Certification of completed projects, 91.04
 - Permit requirement, 91.01
 - Application, 91.02
 - Fee, 91.02
 - Permit denial, 91.05
- Obstructions
 - Mud and gravel, 91.40
 - Trees and shrubbery, 92.03(J)
- Penalty, 91.99

SUBDIVISIONS

- Adoption of Metropolitan Subdivision Regulations, 153.01

SUMMARY

- Publication of ordinances, 32.43
- Reading of ordinances, 32.38

SWIMMING POOLS

- Above ground swimming pools
 - Preexisting pools, 154.10(B)
 - Prohibited within city, 154.10(A)
- Debris, waste, or rubbish at site, disposal of, 154.07
- Drainage, 154.06
- Fences, 154.05
- Penalty, 154.99
- Permit required, 154.01
 - Application, 154.02
 - Fee, 154.03
 - Refusal to issue, 154.04
- Stop work order, 154.09
- Streets to be maintained in clean condition, 154.08

TAMPERING WITH JURY, Ch. 135**TAMPERING WITH PHYSICAL EVIDENCE, Ch. 135**

TAMPERING WITH PRIVATE COMMUNICATIONS, Ch. 136

TAMPERING WITH PUBLIC RECORDS, Ch. 135 (See also PUBLIC RECORDS)

TAMPERING WITH WITNESS, Ch. 135

TARGETED PICKETING IN RESIDENTIAL AREAS, 136.02

TAXATION

Billing, 37.02

County assessment system, 37.01

Disposition of funds, 37.05

Due date, 37.02

Delinquency, 37.03

Franchise tax on financial institutions, 37.06

Motor vehicles, 37.04

TAX LEVIES

Maintenance of ordinances, 32.42

TECHNICAL TERMS, 10.03 (E)

TEMPORARY PORTABLE STORAGE AND TRASH CONTAINERS

Access for enforcement, 98.12

Advertising and signage, 98.11

Allowance of and time frames for storage containers on property, 98.05

Allowance of and time frames for temporary buildings or structures on property, 98.07

Allowance of and time frames for trash containers on property, 98.06

Allowance of and time frames for trucks, trailers and vehicles used to contain trash or store materials on property, 98.08

Definitions, 98.02

Exceptions in emergencies, 98.09

Exclusions, 98.03

Fines and penalties, 98.99

Permit fees, 98.10

Permits and conditions, 98.04

Purpose, 98.01

TENNIS COURTS

Regulating construction and maintenance, 158.01

TERRORISTIC THREATENING, Ch. 130

THEFT, Ch. 132

TIME

Computation of, 10.04

TOWNHOUSES AND MULTI-FAMILY DWELLINGS

Building permits, 150.17

Compliance with federal, state, county, and city codes and regulations, 150.16

Definitions, 150.15

TOWNHOUSES AND MULTI-FAMILY DWELLINGS (Cont'd)

- Elevations, 150.22
- Fire walls, 150.23
- Fences, 150.22
- Floor area, 150.21
- Garages, 150.20
- Lawngrade, 150.22
- Location of units, 150.22
- Standing or flowing sewer or water, 150.24
- Suitable sites and surroundings, 150.19
- Written approval of plans, 150.18

TRAFFIC CODE

- Abandoned vehicles (See ABANDONMENT OF VEHICLES)

Accidents

- Duty of operator, 71.15
- Investigation of, 70.03
- Report required, 71.16

- All-night parking, 72.06

- Alley, driving in and out of, 71.04 (B)

- Animals, application of code, 70.02 (C)

- Arrests, 70.03, 70.04

- Backing vehicles, 71.03

- Barriers or signs, erected by departments or utilities,
70.17, 70.19

Bicycles

- Application of code, 70.02 (C)
- Number of persons riding, 73.01 (C)
- Operation of, 73.01 (A)
- Riding in public park, 73.01 (B)

- Clinging to vehicles, 73.04

- Coasting on play streets, 73.03

- Commercial advertising on traffic signs prohibited, 70.19

- Compliance with code required, 70.02 (B)

- Crosswalks, entering unlawfully, 71.01 (B)

- Definitions governing traffic code, 70.01, 71.40

- Departments, erection of barrier or sign by, 70.17, 70.19

- Directing traffic, unlawful for citizen, 70.04

- Double parking, 72.01 (B)

- Emergency, disregard of traffic-control devices, 70.21

Emergency vehicles

- Duty of operator on approach of, 71.26(B)
- Following, 71.26(C)
- Right-of-way of, 71.26(A)

- Enforcement of, 70.03, 70.04

- Fire hose, driving over, 71.26 (D)

- Handicapped persons parking, 72.12

- Illegally parked vehicle, 72.09

TRAFFIC CODE (Cont'd)

- Impounding of motor vehicles
 - Authority to impound, 72.20
 - Redemption, 72.20
 - Required notice to owner, 72.21
 - Sale of vehicles, 72.22
- Injury to street by vehicles prohibited, 71.25(B)
- Interference with parades, 71.50 (A)
- Interference with traffic-control devices prohibited, 70.18
- Intersections
 - Designation of critical areas, 71.01 (C)
 - Entering unlawfully, 71.01 (C)
 - Reverse turn prohibited in, 71.02
- Motorcycles
 - Operating in play lot, 73.02 (C)
 - Operating in public park, 73.02 (B)
 - Passenger to ride on attached seat, 73.02 (A)
- Nuisances, 71.27
- Obedience to traffic-control devices required, 70.17
- Obstruction of traffic by vehicles prohibited, 71.01
- Obstructional parking, 72.01 (A)
- Parades
 - Alternative permit, 71.46
 - Application for permit, 71.42
 - Contents of permit, 71.48
 - Definitions, 71.40
 - Driving through parades, 71.50 (B)
 - Duties of permittee, 71.49
 - Interference with parades, 71.50 (A)
 - Parking on parade route, 72.07
 - Permit requirement, 71.41
 - Rejection of permit
 - Appeal procedure, 71.45
 - Notice, 71.44
 - Revocation of permit, 71.51
 - Standards for issuance of permit, 71.42
- Parking
 - Curb requirements, 72.02 (A)-(C)
 - Diagonal parking, 72.02 (D)
 - Display for sale or display of advertising, prohibition of, 72.11
 - Double parking, 72.01 (B)
 - Excessive number of hours of parking, 72.06
 - Towing authorized, 72.06
 - Handicapped persons, 72.12
 - Illegally parked vehicle, 72.09
 - Lines, parking outside of, 72.02 (E)
 - Obstructional parking, 72.01 (A)

TRAFFIC CODE (Cont'd)

Parking (Cont'd)

- Off-street facilities, 72.08
- Parade route, parking on, 72.07
- Parks, 72.10
- Paved areas, parking off of, 72.14
- Penalty, 72.99
- Prohibited on certain streets, 72.04
- Recreational vehicles, parking of, 72.13
- Restricted parking areas, 72.03
- Street cleaning restrictions, 72.05
- Penalty, 70.99, 71.99
- Police Department, powers and duties of, 70.03
- Police order, compliance with, 70.02 (A)
- Reckless driving, 71.25(A)
- Reverse turns prohibited, 71.02
- Sale of impounded vehicles, 72.22
- Scope of, 70.02
- Sidewalks, driving on, 71.04
- Signal legend, 70.15
 - Unauthorized signals prohibited, 70.19
- Signs and signals, erection of, 70.16
- Skating on play streets, 73.03
- Smoke emission, 71.27
- Snow emergency
 - Announcement of, 72.35
 - Routes, designation of, 72.37
 - Termination of emergency, 72.36
- Speed limits, 71.05
- Street cleaning parking restrictions, 72.05
- Temporary traffic regulations, 70.05
- Traffic-control devices
 - Defacing prohibited, 70.18
 - Emergency, disregard of devices, 70.21
 - Establishment and maintenance of, 70.16
 - Interference with prohibited, 70.18
 - Obedience to required, 70.17
 - Required to be legible, in proper position, 70.20
 - Signal legends, 70.15
 - Unauthorized signals prohibited, 70.19
 - Uniformity required, 70.16
- Unauthorized signals or markings, 70.19
- Utilities, erection of barrier or sign by, 70.17, 70.19
- Weight limits
 - Bond, 74.02
 - Limits, 74.01
 - Penalty, 74.99

TRAFFIC-CONTROL DEVICES (See TRAFFIC CODE)

TREES AND FORESTATION

- Arborist permit, bond, insurance and agreed standards, 97.20
- Compensation, 97.04
- Creating of Forestation Board, 97.02
- Dangerous, adjoining streets, 92.03 (C)
- Definitions, 97.01
- Distance from curb and sidewalk, 97.09
- Duties and responsibilities of the Forestation Board/City Tree Plan, 97.05
- Interference with Forestation Board, 97.19
- Native and non-native tree species permitted or prohibited, 97.07
- Nominations for designation of protected or historic trees, 97.17
- Obstructing streets and sidewalks, 92.03 (M)
- Operation of Forestation Board, 97.06
- Penalty, 97.99
- Planting distance from street corners and hydrants, 97.10
- Planting distance from utilities, 97.11
- Pruning, corner clearance, street lamp and traffic control obstruction, 97.15
- Pruning, removal or excavation relating to protected or historic trees, 97.18
- Public tree care, 97.12
- Remedial action by property owner regarding dead, diseased or infected trees, 97.13
- Removal or damage to public trees, 97.16
- Review by City Council, 97.21
- Spacing of street trees, 97.08
- Term of office of Forestation Board, 97.03
- Topping, disfiguring and damaging of trees, 97.14

UNAUTHORIZED USE OF VEHICLE, Ch. 132

- UNFIT DWELLINGS (See also BUILDING CODE)
 - As nuisance, 92.03(A)

UNLAWFUL ASSEMBLY, Ch. 136

- UNLAWFUL IMPRISONMENT
 - First degree, Ch. 130
 - Second degree, Ch. 130

UNLAWFUL PRACTICE OF LAW, Ch. 135

UNLAWFUL TAKING, THEFT BY, Ch. 132

- UNLAWFUL TRANSACTION WITH MINOR
 - First degree, Ch. 131
 - Second degree, Ch. 131

UNSWORN FALSIFICATION TO AUTHORITIES, Ch. 135

- USING SLUGS
 - First degree, Ch. 132
 - Second degree, Ch. 132

VACANCIES

- Councilmembers, 32.02
- Mayor, 31.21(C), 31.21(D)(8)

VEHICLE SPEED ON NAVIGABLE WATERS, 136.03

VEHICLES (See also TRAFFIC CODE)

- Abandoned or junked (See ABANDONMENT OF VEHICLES)
- Littering from, 94.01
- Taxation, 37.04
- Unauthorized use of, Ch. 132
- Weight limits, Ch. 74

VOLUNTEER FIRE DEPARTMENT

- Establishment, 35.25

WANTON ENDANGERMENT

- First degree, Ch. 130
- Second degree, Ch. 130

WEAPONS, Ch. 136

WEEDS, 92.03 (H)

WEIGHT LIMITS FOR VEHICLES, Ch. 74

WITNESS

- Bribe receiving by, Ch. 135
- Bribing, Ch. 135
- Intimidating, Ch. 135
- Tampering with, Ch. 135

WRITINGS IN ENGLISH, 10.06 (B)

ZONING CODE

- Adoption by reference, 155.01
- Code of conduct required for city officials in zoning matters, 155.02

ZONING MAP CHANGES, T.S.O. V

PARALLEL REFERENCES

**References to Kentucky Revised Statutes
References to Ordinances**

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
Section 43, Ky. Const.	32.48
Section 228, Ky. Const.	31.01(A), 114.27
Section 246, Ky. Const.	31.02(A)
6.050	32.48
6.955 - 6.975	33.04(A), (C)
Ch. 13A	93.02
Ch. 13B	93.06
Ch. 18A	113.03
18A.225(2)	113.03
18A.228	113.03
42.450 - 42.495	33.04(A)(2)
Ch. 61	32.21
61.870	34.01
61.870 - 61.884	34.17
61.872(4)	34.06
61.872(5)	34.07
61.872(6)	34.08
61.874(1) - (3)	34.12
61.874(3),(4)	34.13
61.874(5)	34.14
61.874(6)	34.15
61.878	34.01, 34.16
61.878(1)	34.16
61.880	34.09
61.884	34.11
62.060	31.01(B)
65.120	72.01
65.870	136.04
65.8801 - 65.8839	39.02
65.8808	50.99, 51.99, 72.99, 90.99, 91.16, 91.40, 91.99, 92.99, 93.99, 94.99, 95.99, 110.10, 110.99, 111.99, 150.99, 150.99, 152.99, 154.99, 154.99, 156.99, 157.99
65.8815(5)	39.05
69.850	31.38
78.510(21)	36.01
Ch. 83A	31.20(A)
83A.010(5)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.030(1)	30.02(B)

Prospect - Parallel References

<i>KRS Section</i>	<i>Code Section</i>
83A.040(1),(2),(6)	31.21
83A.040(2)(c)	31.21(C)(1)
83A.040(2)(d)	31.21(C)(5)
83A.040(3)	31.21(C)(2)
83A.040(4)	32.01
83A.040(5)	32.02
83A.040(6)	31.21, 32.02
83A.040(7)	31.21(C)(3), 32.02(A)(1)
83A.040(8)	31.21(C)(4), 32.02(A)(2)
83A.040(9)	31.03
83A.050	31.20
83A.060(1)	32.35
83A.060(2)	32.36
83A.060(3)	32.37
83A.060(4),(7)	32.38
83A.060(5)	32.40
83A.060(6)	32.22
83A.060(8)	32.41, 32.42
83A.060(9)	32.43
83A.060(10)	32.44
83A.060(11)	32.45
83A.060(12),(13)	32.46
83A.060(14)	32.47
83A.060(15)	32.48
83A.065	10.99
83A.070	31.02
83A.075	31.02, 31.21
83A.080	31.37, 31.38
83A.080(1)	31.35
83A.080(2)	31.03, 31.35
83A.080(3)	31.20
83A.080(4)	31.20
83A.085	31.36
83A.090	31.37
83A.130(1)	30.01
83A.130(2)	30.02(A)
83A.130(3)	31.21(1) - (3)
83A.130(4)	31.21(D)(4)
83A.130(5)	32.20
83A.130(6)	32.39
83A.130(7)	31.21(D)(5)
83A.130(8)	31.21(D)(6)
83A.130(9)	31.21(D)(7)
83A.130(10)	31.21(D)(8)
83A.130(11)	32.03(A), 32.21
83A.130(12)	32.03(B), (C)
83A.130(13)	32.03(D)
83A.175	32.02

<i>KRS Section</i>	<i>Code Section</i>
91A.010	33.01
91A.010(8)	10.02
91A.020	33.02
91A.030	33.03
91A.040	33.04
91A.050	33.04
91A.060	33.0591A.20033.11(A)
91A.210	33.10
91A.220	33.11
91A.230	33.12
91A.240	33.13
91A.250	33.14
91A.260	33.15
91A.270	33.16
91A.280	33.17
91A.290	33.18
92.310	110.04
95.710	35.03
100.413	160.06
100.415	160.07
Ch. 107	33.11
Ch. 116 - 121	31.20(A)
131.010(6)	37.06, 113.04
132.285	37.01
134.800	37.04
134.810	37.04
Ch. 136	37.06
Ch. 154	34.16
189.020	71.27
189.285	73.02
189.287	73.01
189.290	71.25
189.330(8)	71.02
189.338	70.15
189.390(5)	71.05
189.394	71.05(A)
189.450(5), (6)	72.03
189.580	71.15
189.725	72.08
189.920(3)	35.10
189.930	71.26
189.990(1)	72.99
189.993(8)	71.99(B)
198B.070(5)	150.05
198B.990(1)	150.99(B)(1)
226.010	112.01
226.020	112.02
226.030	112.07

Prospect - Parallel References

<i>KRS Section</i>	<i>Code Section</i>
226.040	112.03(A)
226.050	112.04
226.060	112.08
226.080	112.05
226.090	112.06
226.100	112.08
226.990(1)	112.99(A)
226.990(3)	112.99(B)
227.700 - 227.750	93.01, 93.06
227.700	93.01(A)
227.702	93.01(B), 93.02
227.704	93.01(C)
227.706	93.01(D)
227.708	93.01(E)
227.710	93.02
227.715	93.02, 93.03
227.715(7) - (9)	93.03
227.720	93.04
227.730	93.05
227.750	93.06
227.990(1)	150.99(B)(2)
227.990(4)	93.99(A)
Ch. 241	114.26
Ch. 241 - Ch. 244	114.30(B)
241.160	114.25, 114.30(A)
Ch. 243	114.06(A), 114.07
244.290	114.06(B)
257.100	90.06
257.100(4)	90.01
258.015	90.16
258.135	90.16
258.235	90.06(A)
Ch. 281	72.21
286.3-135	37.06
318.990	150.99(B)(3)
376.275(1), (2)	72.21
376.275(3)	72.22
381.770	92.04
Ch. 386	10.02
Ch. 386A	10.02
411.500 - 411.570	Ch. 92
Ch. 424	32.43(A), 33.04, 33.15
424.220	33.04
436.600	90.04, 90.99(C)
Ch. 446	114.07
446.010	114.07
446.010(1)	10.02
446.010(2)	10.02, 90.01

<i>KRS Section</i>	<i>Code Section</i>
446.010(6)	10.02
446.010(8)	10.02
446.010(9)	10.02
446.010(10)	10.02
446.010(11)	10.02
446.010(13)	10.02
446.010(14)	10.02
446.010(15)	10.02
446.010(16)	10.02
446.010(18)	10.02
446.010(19)	10.02
446.010(24)	10.02
446.010(26)	10.02
446.010(27)	10.02
446.010(28)	10.02
446.010(30)	10.02
446.010(31)	10.02
446.010(33)	10.02
446.010(36)	10.02
446.010(37)	10.02
446.010(38)	10.02
446.010(43)	10.02
446.010(46)	10.02
446.010(47)	10.02
446.010(49)	10.02
446.010(55)	10.02
446.020(1)	10.03(A)
446.020(2)	10.03(B)
446.030	10.04
446.050	10.05
446.060	10.06
446.080(1)	10.03(C)
446.080(3)	10.03(D)
446.080(4)	10.03(E)
446.090	10.07
446.100	10.08
446.110	10.09
446.140	10.01
506.010	Ch. 138
506.030	Ch. 138
506.040	Ch. 138
506.080	Ch. 138
506.120	Ch. 138
507.020	Ch. 130
507.030	Ch. 130
507.040	Ch. 130
507.050	Ch. 130
508.010	Ch. 130

Prospect - Parallel References

<i>KRS Section</i>	<i>Code Section</i>
508.020	Ch. 130
508.025	Ch. 130
508.030	Ch. 130
508.040	Ch. 130
508.050	Ch. 130
508.060	Ch. 130
508.070	Ch. 130
508.080	Ch. 130
508.100	Ch. 130
508.110	Ch. 130
508.120	Ch. 130
509.020	Ch. 130
509.030	Ch. 130
509.040	Ch. 130
509.070	Ch. 130
509.080	Ch. 130
Ch. 510	139.04
510.040	Ch. 137
510.050	Ch. 137
510.060	Ch. 137
510.070	Ch. 137
510.080	Ch. 137
510.090	Ch. 137
510.100	Ch. 137
510.110	Ch. 137
510.120	Ch. 137
510.130	Ch. 137
510.140	Ch. 137
510.150	Ch. 137
511.020	Ch. 132
511.030	Ch. 132
511.040	Ch. 132
511.050	Ch. 132
511.060	Ch. 132
511.070	Ch. 132
511.080	Ch. 132
512.020	Ch. 132
512.030	Ch. 132
512.040	Ch. 132
512.050	Ch. 132
512.060	Ch. 132
512.070	Ch. 132
512.080	Ch. 132
513.020	Ch. 132
513.030	Ch. 132
513.040	Ch. 132
513.060	Ch. 132
514.030	Ch. 132

<i>KRS Section</i>	<i>Code Section</i>
514.040	Ch. 132
514.050	Ch. 132
514.060	Ch. 132
514.065	Ch. 132
514.070	Ch. 132
514.080	Ch. 132
514.090	Ch. 132
514.100	Ch. 132
514.110	Ch. 132
514.120	Ch. 132
514.140	Ch. 132
514.150	Ch. 132
515.020	Ch. 132
515.030	Ch. 132
516.020	Ch. 132
516.030	Ch. 132
516.040	Ch. 132
516.050	Ch. 132
516.060	Ch. 132
516.070	Ch. 132
516.090	Ch. 132
516.110	Ch. 132
516.120	Ch. 132
516.130	Ch. 132
519.020	Ch. 135
519.030	Ch. 135
519.040	Ch. 135
519.050	Ch. 135
519.060	Ch. 135
520.020	Ch. 135
520.030	Ch. 135
520.040	Ch. 135
520.050	Ch. 135
520.060	Ch. 135
520.070	Ch. 135
520.080	Ch. 135
520.090	Ch. 135
520.100	Ch. 135
520.120	Ch. 135
520.130	Ch. 135
521.020	Ch. 135
521.030	Ch. 135
521.040	Ch. 135
522.020	Ch. 135
522.030	Ch. 135
522.040	Ch. 135
523.020	Ch. 135
523.030	Ch. 135

Prospect - Parallel References

<i>KRS Section</i>	<i>Code Section</i>
523.040	Ch. 135
523.100	Ch. 135
524.020	Ch. 135
524.030	Ch. 135
524.040	Ch. 135
524.045	Ch. 135
524.050	Ch. 135
524.060	Ch. 135
524.070	Ch. 135
524.080	Ch. 135
524.090	Ch. 135
524.100	Ch. 135
524.110	Ch. 135
524.120	Ch. 135
524.130	Ch. 135
525.020	136.04
525.030	136.04
525.040	136.04
525.050	136.04
525.060	136.04
525.070	136.04
525.080	136.04
525.090	136.04
525.100	136.04
525.110	136.04
525.120	136.04
525.125	90.03, 136.04
525.130	90.03, 90.99(B), 136.04
525.140	136.04
525.150	136.04
525.160	136.04
526.020	136.04
526.030	136.04
526.040	136.04
526.050	136.04
526.060	136.04
528.020	Ch. 134
528.030	Ch. 134
528.040	Ch. 134
528.050	Ch. 134
528.060	Ch. 134
528.070	Ch. 134
528.080	Ch. 134
528.110	Ch. 134
528.120	Ch. 134
529.020	Ch. 133
529.030	Ch. 133
529.040	Ch. 133

<i>KRS Section</i>	<i>Code Section</i>
529.050	Ch. 133
529.070	Ch. 133
529.080	Ch. 133
530.010	Ch. 131
530.020	Ch. 131, 139.04
530.030	Ch. 131
530.040	Ch. 131
530.050	Ch. 131
530.060	Ch. 131
530.064	Ch. 131
530.064(1)(a)	139.04
530.065	Ch. 131
530.070	Ch. 131
530.080	Ch. 131
531.020	Ch. 133
531.030	Ch. 133
531.040	Ch. 133
531.050	Ch. 133
531.060	Ch. 133
531.310	Ch. 133, 139.04
531.320	Ch. 133
531.340	Ch. 133
531.350	Ch. 133
531.360	Ch. 133
531.370	Ch. 133
532.060	139.04
532.070	139.04
532.090	139.02
532.400	139.04
534.030	139.03
534.040	10.99, 139.01

REFERENCES TO ORDINANCES

<i>Ord. No. Date Passed</i>	<i>Code Section</i>	
8-1974	5-28-74	T.S.O. I
9-1974	5-28-74	T.S.O. I
13-1974	6-24-74	92.03(E), (F)
20-1974	10-20-74	Ch. 156
22-1974	10-28-74	136.01, 136.99
27-1975	4-23-75	90.06, 90.08, 90.16
29-1975	3-24-75	111.09
30-1975	3-24-75	Ch. 157
31-1975	4-28-75	90.07
37-1975	6-23-75	150.03
38-1975	6-23-75	91.40
39-1975	6-23-75	72.13, 72.99(B)
40-1975	8-25-75	74.01, 74.99
54-1976	9-27-76	154.01 - 154.09, 154.99
56-1976	- -76	50.75 - 50.77, 50.99
57-1976	11-22-76	91.15 - 91.17, 92.03(M)
59-1976	12-27-76	150.15 - 150.24
60-1977	4-25-77	92.03(H)
61-1977	5-23-77	150.75 - 150.77, 150.99
65-1978	4-10-78	74.02, 74.99
69-1978	4-10-78	91.01 - 91.05
70-1978	4-10-78	150.35 - 150.42
71-1978	3-15-82	150.55 - 150.67
78-1980	1-14-80	T.S.O. II
80-1980	5-27-80	32.21(A)
83-1981	2-16-81	T.S.O. IV
84-1981	4-6-81	T.S.O. IV
89-1981	6-23-82	31.37
96-1982	3-15-82	31.38
100-1982	9-20-82	T.S.O. I
103-1983	3-28-83	T.S.O. I
105-1983	5-23-83	T.S.O. I
108-1983	6-20-83	152.01 - 152.03, 152.99
109-1983	7-27-83	72.13, 72.99(B)
113-1983	6-29-83	37.01 - 37.03
115-1983	11-2-83	90.07
117-1984	3-19-84	150.58
119-1984	5-21-84	T.S.O. II
122-1984	9-17-84	151.01, 153.01, 155.01
123-1984	9-17-84	155.02
125-1984	9-17-84	113.01 - 113.05
126-1984	11-12-84	150.02

Prospect - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
129-1985	2-18-85	T.S.O. V
130-1985	3-18-85	Ch. 50
133-1985	6-26-85	T.S.O. III
134-1985	4-18-85	155.01
135-1985	4-18-85	155.01
139-1985	6-26-85	T.S.O. III
140-1985	7-15-85	31.20(A), 32.01(A)
141-1985	10-21-85	155.01
143-1985	12-28-85	T.S.O. I
146-1985	1-20-86	155.01
147-1986	2-17-86	31.36
148-1986	2-17-86	31.37
149-1986	3-17-86	35.10
152-1986	12-15-86	Ch. 95
153-1987	4-20-87	31.20
154-1987	4-20-87	30.02
155-1987	4-20-87	T.S.O. V
156-1987	6-15-87	71.05
162-1987	11-16-87	153.01, 155.01
167-1988	6-20-88	155.01
169-1989	4-17-89	Adopting Ordinance
171-1988	9-19-88	T.S.O. VI
172-1988	9-19-88	31.20(A)
175-1988	12-19-88	31.21(E)
179-1989	11-20-89	36.01
180-1989	5-15-89	155.01
183-1989	7-17-89	Adopting Ordinance
190-1990	3-19-90	T.S.O. V
191-1990	3-19-90	Adopting Ordinance
192-1990	3-19-90	155.01
193-1990	4-16-90	T.S.O. VI
194-1990	5-21-90	Ch. 96
195-1990	5-20-90	36.01
196-1990	5-21-90	154.10, 154.99
201-1990	7-5-90	T.S.O. V
202-1990	7-2-90	113.02, 113.03
205-1990	12-5-90	150.55, 150.56
211-1991	6-24-91	Ch. 114
214-1991	9-16-91	111.02
216-1991	10-21-91	Ch. 51
221-1991	12-16-91	150.56
222-1991	12-16-91	Ch. 157
228-1992	2-17-92	31.36
229-1992	2-17-92	31.38
230-1992	2-17-92	32.20
232-1992	9-21-92	157.03, 157.06, 157.21, 157.25, 157.26, 157.40, 157.56, 157.57
235-1992	3-16-92	32.21
242-1992	6-15-92	T.S.O. VII
243-1992	5-23-92	T.S.O. VI
246-1992	7-20-92	32.21

<i>Ord. No. Date Passed</i>	<i>Code Section</i>	
247-1992	10-5-92	31.21
250-1992	10-19-92	92.03
251-1992	11-16-92	T.S.O. V
252-1992	10-19-92	31.36
265-1993	6-21-93	150.57
266-1993	6-21-93	152.03
267-1993	6-21-93	T.S.O. III
268-1993	8-16-93	154.03
269-1993	8-16-93	91.02
270-1993	8-16-93	93.20
271-1993	8-16-93	150.35
272-1993	8-16-93	157.22
273-1993	8-16-93	71.42
276-1993	12-13-93	50.07, 50.99
278-1994	4-18-94	150.02
283-1994	6-13-94	T.S.O. III
284-1994	6-4-94	32.21
286-1994	6-14-94	T.S.O. V
291-1994	8-8-94	32.21
292-1994	9-19-94	96.01
294-1994	9-19-94	72.13
295-1994	10-17-94	155.02
296-1994	10-17-94	154.05
297-1994	10-17-94	154.10
298-1994	11-21-94	38.01 - 38.08
299-1994	12-12-94	150.58
300-1994	1-17-95	10.99
303-1995	2-20-95	155.01
309-1995	5-15-95	150.57
310-1995	7-17-95	Adopting Ordinance
313-1995	7-17-95	157.27
314-1995	11-20-95	92.04
316-1995	12-11-95	T.S.O. V
318-1996	3-18-96	T.S.O. I
319-1996	3-18-96	T.S.O. IV
326-1996	7-15-96	T.S.O. I
328-1996	8-19-96	37.06
330-1996	11-18-96	Ch. 158
331-1996	12-9-96	32.21
332-1997	2-17-97	T.S.O. I
334-1997	2-17-97	35.01 - 35.05, 35.07 - 35.09
336-1997	4-14-97	136.03
341-1997	5-19-97	110.10
343-1997	6-16-97	92.03
344-1997	6-16-97	150.02
346-1997	7-21-97	136.04
347-1997	10-20-97	Adopting Ordinance
348-1997	12-8-97	72.02
349-1997	12-8-97	10.99

Prospect - Parallel References

<i>Ord. No. Date Passed</i>	<i>Code Section</i>	
355-1998	5-18-98	51.03, 51.99
356-1998	5-18-98	110.10
357-1998	5-18-98	50.99
358-1998	5-18-98	72.99
359-1998	5-18-98	90.99
360-1998	5-18-98	91.16
362-1998	5-18-98	91.40
363-1998	5-18-98	92.99
364-1998	5-18-98	93.99
365-1998	5-18-98	94.99
366-1998	5-18-98	95.99
367-1998	5-18-98	96.99
368-1998	5-18-98	110.99
369-1998	5-18-98	111.99
370-1998	5-18-98	150.99
371-1998	5-18-98	150.99
372-1998	5-18-98	152.99
373-1998	5-18-98	154.99
374-1998	5-18-98	154.99
375-1999	5-18-98	156.99
376-1998	5-18-98	157.99
381-1998	9-14-98	113.06
382-1998	11-16-98	T.S.O. I
383-1999	11-16-98	157.40
388-1999	1-11-99	92.03
389-1999	3-15-99	91.18, 91.99
390-1999	3-15-99	92.03
392-1999	11-15-99	T.S.O. I
393-1999	5-17-99	114.11
399-1999	7-19-99	Ch. 159
404-2000	3-20-00	151.01
405-2000	3-20-00	Adopting Ordinance
409-2000	5-15-00	96.01
417-2001	5-25-01	110.10
418-2001	6-25-01	114.11
420-2001	1-14-02	157.26
426-2002	5-20-02	31.21
427-2002	8-19-02	T.S.O. V
428-2002	8-19-02	T.S.O. V
429-2002	9-9-02	T.S.O. I
430-2002	9-9-02	160.01 - 160.08, 160.99
431-2002	9-16-02	T.S.O. V
438-2003	11-24-03	T.S.O. V
442-2004	4-19-04	94.99
446-2004	9-20-04	150.02

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
448-2005	3-31-05	31.36, 35.02 - 35.05, 35.07, 35.09, 35.10, 35.25, 70.16, 71.05, 71.25, 71.43, 72.03, 72.06, 72.13, 90.02, 90.15 - 90.18, 91.01 - 91.05, 91.15, 91.17, 91.99, 92.01, 92.03, 150.04, 150.56, 150.67, 150.76, 152.02, 157.26, 157.41
450-2005	4-18-05	31.21, 32.01
455-2005	7-18-05	Adopting Ordinance
456-2005	9-26-05	150.02
457-2005	9-26-05	150.03
458-2005	9-26-05	114.09
464-2005	1-9-06	136.05
465-2005	1-9-06	161.01, 161.02
470-2006	8-2-06	152.02
471-2006	8-2-06	31.21, 32.01
472-2006	9-18-06	150.02
473-2006	10-16-06	96.01
475-2007	3-19-07	156.01, 156.04, 156.99
476-2007	5-21-07	152.01- 152.03
477-2007	4-16-07	154.05, 154.99
482-2007	11-19-07	38.01
483-2007	11-19-07	32.21
484-2007	12-10-07	97.01 - 97.21, 97.99
485-2007	12-10-07	98.01 - 98.12, 98.99
491-2008	9-15-08	39.01 - 39.14
492-2008	12-8-08	154.05
500-2009	9-21-09	90.09
501-2009	11-16-09	38.06
508-2010	11-15-10	33.06
509-2010	12-13-10	72.14
510-2011	2-21-11	113.03
511-2011	4-18-11	157.03, 157.27
516-2011	1-11-12	161.02
521-2012	7-16-12	31.21, 32.01
523-2012	11-12-12	92.03
524-2012	12-10-12	161.02

TABLE OF SPECIAL ORDINANCES

Table

- I. ANNEXATIONS**
- II. BONDS**
- III. CONTRACTS AND AGREEMENTS**
- IV. FRANCHISES**
- V. ZONING MAP CHANGES**
- VI. ACCEPTANCE OF DEEDS AND CONVEYANCES**
- VII. STREET CLOSINGS**

TABLE 1. ANNEXATIONS

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
8-1974	5-28-74	Annexing a certain tract of land beginning at the most westerly corner of the City, hence with the northwesterly line of same.
9-1974	5-28-74	Annexing a certain tract of land beginning at the intersection of the westerly line of U.S. 42 with a straight extension northwestwardly of the southwesterly line of the tract conveyed to Hunting Creek Co.
100-1982	9-20-82	<p>Tract I: Annexing a certain tract of land beginning in the east right-of-way line of U.S. Highway 42 at the northwest corner of the tract of land conveyed to William 1. Richardson containing 2.38 acres.</p> <p>Tract II: Annexing a certain tract of land beginning in the center of U.S. Highway 42 at the northwest corner of the tract of land conveyed to William 1. Richardson containing 7.26 acres.</p> <p>Tract III: Annexing a certain tract of land beginning in the center of U.S. Highway 42 at the northwest corner of the tract of land conveyed to William 1. Richardson containing 12.06 acres.</p> <p>Tract IV: Annexing a certain tract of land beginning in the center of U.S. Highway 42 at the northwest corner of the tract of land conveyed to William 1. Richardson containing 0.004 acres.</p>
103-1983	3-28-83	Annexing a certain tract of land beginning at a point in the east right-of-way line of U.S. Highway 42, the point being the intersection of the east right-of-way line and the extension of the south line of the tract conveyed to Warbin, Inc.
105-1983	5-23-83	Annexing a certain tract of land beginning at a point in the west line of U.S. Highway 42, the point being the northeasterly corner of the tract conveyed to B.I. and J.F. Pinnell.
143-1985	12-28-85	Tract I: Annexing a certain tract of land beginning at a point in the existing boundary of the city, the point also being the most easterly corner of Tract 2 conveyed to the V.V. Cooke Foundation Corporation.

Table of Special Ordinances

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
		<p>Tract II: Annexing a certain tract of land beginning at a point in the westerly line of U.S. Highway 42 with an extension of the northerly line of Brownsboro Prospect Turnpike Road, also known as Covered Bridge Road, the point also being in the existing boundary of the city.</p> <p>Tract III: Annexing a certain tract of land beginning at a point in the existing boundary of the city, the point also being the southeasterly corner of lot 28 of the Carslow Addition.</p> <p>Tract IV: Annexing a certain tract of land beginning at a point in the existing boundary of the city, the point also being the northwesterly-most corner of the tract conveyed to the First Baptist Church of Prospect.</p>
318-1996	3-18-96	Annexing to the city a certain tract of land lying to the west of the city boundary in Sutherland Subdivision and beginning at a pipe in the west corner of a tract conveyed to Britthaven of Kentucky, Inc. and containing 46.928 acres.
326-1996	7-15-96	Annexing to the city a certain tract of land lying to the north and east of the city boundary and being all that certain real property identified as Section 1 and Section 2 of The Meadows at Covered Bridge.
332-1997	2-17-97	Annexing to the city a certain tract of land lying to the north of the city boundary being part of the Estates of Hunting Creek, beginning at a point in the south right-of-way line of Covered Bridge Road and containing 2.365 acres.
382-1998	11-16-98	<p>Tract I: Annexing to the city a certain tract of land beginning at a point on the east edge of pavement of U.S. Highway 42, from Covered Bridge Road to the Oldham County Line.</p> <p>Tract II: Annexing to the city a certain tract of land beginning at a point on the west edge of pavement of U.S. Highway 42, from Wolf Pen Branch to Woodhill Valley Road.</p> <p>Tract III: Annexing to the city a certain tract of land beginning at a point in the north property line of Lot 18, Carslaw Subdivision.</p>
392-1999	11-15-99	Annexing to the city a certain tract of land adjacent and lying north and east of the present boundary line in the Estates of Hunting Creek.
429-2002	9-9-02	Annexing to the city a certain tract of land lying south of the existing

boundary of the city between U.S. Highway 42 and River Road, containing 50.3 acres, more or less, and being in unincorporated Jefferson County, Kentucky.

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
78-1980	1-14-80	Authorizing the issuance of \$200,000 of sewer revenue bonds.
119-1984	5-21-84	Amending section four of revenue bond ordinance 78-1980.

TABLE II. BONDS

TABLE III. CONTRACTS AND AGREEMENTS

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
139-1985	6-26-85	Authorizing execution of contract to purchase Timberlake sewer system and plant.
133-1985	6-26-85	Authorizing execution of contract with Deep Creek Investments for the release of sewer taps to the city.
267-1993	6-21-93	Approving a joint and cooperative program for self-insurance, insurance, and the investment of public funds among various cities, urban-county governments, and other public agencies within the Commonwealth of Kentucky; and authorizing the execution of the Interlocal Cooperation Agreement to establish the Kentucky Municipal Risk Management Association.
283-1994	6-13-94	Adopting and entering into an Interlocal Agreement for Jefferson County League of Cities Cable Commission.

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
83-1981	2-16-81	Creating a non-exclusive CATV franchise to construct, operate, and maintain a community antennae television system.
84-1981	4-6-81	Granting a non-exclusive CATV franchise to Storer Communications of Jefferson County, Inc. to construct, operate, and maintain a community antennae television system.
319-1996	3-18-96	Renewing a franchise agreement for CATV Services of TCI TKR of Jefferson County, Inc. D/B/A TKR Cable of Greater Louisville.

TABLE IV. FRANCHISES

TABLE V. ZONING MAP CHANGES

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
129-1985	2-18-85	Rezoning a portion of property known as 9201 U.S. Highway 42, located on the northeast corner of Carslow Court and U.S. Highway 42, fronting 65.37 feet on U.S. Highway 42, and fronting 158.48 feet on Carslow Court, having a maximum width of 91.50 feet from R-4 Residential to C-1 Commercial.
155-1987	4-20-87	Rezoning certain property comprised of 68.683 acres fronting on the northeast terminus of Westover Drive at its intersection with Autumn Hill, 1700 feet east of Hunting Creek Drive, also fronting on the north terminus of Montero Drive, 100 feet east of Star Point Court, from R-4 to R-3.
190-1990	3-19-90	Rezoning property located on the southeast corner of Deep Creek Drive and Grenoble Lane containing 1.69 acres; and on property located on the north side of Wild Fox Lane, the east side of Grenoble Lane and the south side of Westover Drive, containing 1.89 acres, from R-4 Residential Single-Family to R-5A Residential Multi-Family.
201-1990	7-5-90	Rezoning property located on the west side of U.S. Highway 42 at its intersection of Rose Island Road containing 5.0 acres, from R-4 and R-5 Residential Single-Family to R-5A Residential Multi-Family.
251-1992	11-16-92	Rezoning a portion of the property located on the west side of Rose Island Road (AKA Poplar Avenue), 2,836 feet more or less northwest of the intersection of Rose Island Road and U.S. Highway 42 containing 3.849 acres, from R-4 Residential Single-Family to R-1 Residential Single-Family.
286-1994	6-14-94	Reversing the rezoning of certain property authorized by Ordinances 203-1990 and 220-1991.
316-1995	12-11-95	Hereby changing the zoning of the property that is the subject of Docket No. 9-42-95LW to C-1 Commercial.
427-2002	8-19-02	Hereby changing the zoning of the property located at the rear of 9105 U.S. Highway 42 from OR-1 Office/Residential to C-1 Commercial.
428-2002	8-19-02	Rezoning property located at the rear of 9105 U.S. Highway 42 from OR-1 Office/Residential to C-1 Commercial.
431-2002	9-16-02	Rezoning from C-1 Commercial to R-4 Single-Family Residential on property known as Lots 1 through 20 of Foxridge and from OR-2 Office Residential to R-6 Multi-Family Residential on property known as Lots 127 through 158 of Hunting Creek, Section 3.

2005 S-3
12

Prospect - Table of Special Ordinances

438-2003

11-24-03

Rezoning from R-4 Residential Single-Family to R-5A Residential Multi-Family on property located at the rear of 8500 U.S. Highway 42.

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
171-1988	9-19-88	Accepting those real property lots deeded to the city by Timberlake, Inc. being lots 62, 63, 64, and 65 C, Timberlake Subdivision Section 1.
		Accepting those real property lots deeded to the city by Fox Harbor, Inc. being lots 152 and 153, Fox Harbor Section 3.
193-1990	4-16-90	Authorizing acceptance of conveyance of land along Harrods Creek, identified as Tract B being more or less 37.014 acres.
243-1992	5-23-92	Accepting deed to property within Bridgepointe Phase 2, and dedicating same as public way and city street.

TABLE VI. ACCEPTANCE OF DEEDS AND CONVEYANCES

TABLE VII. STREET CLOSINGS

<i>ORD. NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>
242-1992	6-15-92	Closing a portion of an avenue known as Beech Avenue.