

CITY OF THORNHILL, KENTUCKY

CODE OF ORDINANCES

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Editor's Note:

The City of Thornhill ordinances cover items and situations which may be specific to a Class 6 city in the Commonwealth of Kentucky, but they do not cover all scenarios. Incases where the City of Thornhill's ordinances do not directly address the scenario, Metro Louisville's ordinances supersede Thornhill's; Metro Louisville's ordinances are in turn superseded by the statutes of the Commonwealth of Kentucky.

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10. GENERAL CODE CONSTRUCTION; GENERAL PENALTY

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The City of Thornhill ordinances cover items and situations which may be specific to a Class 6 city in the Commonwealth of Kentucky, but they do not cover all scenarios. In cases where the City of Thornhill's ordinances do not directly address the scenario, Metro Louisville's ordinances supersede Thornhill's; Metro Louisville's ordinances are in turn superseded by the statutes of the Commonwealth of Kentucky.

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§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Thornhill 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 those components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.” Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 DEFINITIONS.

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

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

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

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

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

CATTLE. Includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex.

CITY, MUNICIPAL CORPORATION or MUNICIPALITY. The City of Thornhill, irrespective of its population or legal classification.

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

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

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

COUNTY. Jefferson County, Kentucky.

CRUELTY. As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted.
(KRS 446.010(12))

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

DOMESTIC. When applied to a corporation, partnership, business trust or limited liability company, means all those incorporated or formed by authority of this state.
(KRS 446.010(14))

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

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

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

FOREIGN. When applied to a corporation, partnership, business trust or limited liability company, includes all those incorporated or formed by authority of any other state.
(KRS 446.010(18))

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

KRS. Kentucky Revised Statutes.

LAND or REAL ESTATE. Includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest.
(KRS 446.010(23))

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

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

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

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

MUNICIPALITY. The City of Thornhill, 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 granted police powers, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, police officers and other persons with similar authority to make arrests.
(KRS 446.010(31))

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

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements and hereditaments.

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

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

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

STATE. The Commonwealth of Kentucky.

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

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

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

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

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

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

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

§ 10.03 RULES OF CONSTRUCTION.

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

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

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

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

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

§ 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.

(1) 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.

(2) When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

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

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

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

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

(A) Words giving authority to three or more public officers or other persons shall be construed as giving the authority to a majority of the officers or other persons.
(KRS 446.050)

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

§ 10.06 WRITINGS AND SIGNATURES.

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

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

§ 10.07 SEVERABILITY.

It shall be considered that it is the intent of City Commission in enacting any ordinance, that if any part of the ordinance be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that City Commission would not have enacted the remaining parts without the unconstitutional part; or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of City Commission.
(KRS 446.090)

§ 10.08 REVIVOR.

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

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

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

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

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

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance, nor as to any act done, or penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform, so far as practicable, to the laws in force at the time of the proceedings. If any penalty, forfeiture or punishment is mitigated by any provision of the new ordinance, the provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.
(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.11 ORDINANCES REPEALED.

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

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

§ 10.12 ORDINANCES UNAFFECTED.

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

§ 10.13 ORDINANCES SAVED.

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

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

(A) Any chapter, section or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Any chapter, section or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of the subsequent ordinances until City Commission 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 the error.

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (KRS 83A.090)

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

§ 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

Inspection of public records, see KRS 61.870 et seq.

§ 10.99 GENERAL PENALTY.

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

Statutory references:

Enforcement of ordinances, see KRS 83A.065

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§ 30.01 FORM OF GOVERNMENT.

The form of government provided in this chapter shall be known as the “Commission Plan.”
(KRS 83A.140(1))

§ 30.02 GOVERNING OFFICERS.

(A) The city shall be governed by an elected officer, who shall be called Mayor, and by elected legislative body members who shall be called City Commissioners, and which together shall be known as the City Commission, and by other officers and employees as may be provided for by statute or city ordinance.

(B) The City Commission shall be composed of the Mayor and four Commissioners.
(KRS 83A.030(2))

CHAPTER 31: CITY OFFICIALS

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- 31.36 City Clerk/Treasurer

GENERAL PROVISIONS

§ 31.01 OATH.

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

§ 31.02 COMPENSATION.

(A) No city officer or commissioner shall be compensated. The Commission is a volunteer based organization.

(B) The Commission shall establish the compensation of city employees and nonelected city officers in accordance with the personnel and pay classification plan ordinance of the city.
(KRS 83A.070(2))

(C) 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.
(KRS 83A.070(3))

§ 31.03 REMOVAL FROM OFFICE.

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

Statutory references:

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

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

§ 31.04 BOND.

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

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

(C) Elected officials who post bond as required by statute, and employees of their offices covered by a blanket or umbrella bond, shall be deemed to have complied with division (A) of this section.
(KRS 65.067)

ELECTED OFFICIALS**§ 31.20 ELECTION PROCEDURE.**

(A) Election of city officers is governed by general election laws as provided in KRS Chapters 116 through 121, unless the Commission prescribes by ordinance that election of city officers shall be under nonpartisan city election laws as provided in KRS Chapter 83A. The ordinance shall become effective not later than 23 days prior to the date prescribed by the election law generally for filing notification and declaration forms with the County Clerk in a year in which a regular election is to be held in which any city office is to be filled. Immediately subsequent to publication of any ordinance prescribing that election of city officers be under nonpartisan city election laws, a copy of the ordinance shall be filed with the County Clerk of the county in which the city is located.

(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.
(KRS 83A.050)

(D) Each appointed and elected city office existing upon adoption of this chapter shall continue until abolished by ordinance, except that the offices of Mayor and Commissioners 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.
(KRS 83A.080(4))

(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.
(KRS 83A.080(5))

§ 31.21 MAYOR; MAYOR PRO TEM.

(A) *Election; term of office.* The Mayor of this city shall be elected by the voters of the city at a regular election. A candidate for Mayor shall be a resident of the city for not less than one year prior to his or her election. His or her term of office begins on January 1 following his or her election and shall be for four years and until his or her successor qualifies. If a person is selected 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 to 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.

(KRS 83A.040(1))

(C) *Vacancy.* If a vacancy occurs in the office of Mayor, the Commission 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(2)(a)(6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Commission may vote for himself or herself.

(KRS 83A.040(2)(b))

(2) When voting to fill a vacancy created by the resignation of the Mayor, the resigning Mayor shall not vote on his or her 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 Commission. The resignation shall be effective at the next regular or special meeting of the City Commission 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 Commission shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy.

(KRS 83A.040(8))

(5) The City Commission shall elect from among its members an individual to preside over meetings of the City Commission during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130 to 83A.150.

(KRS 83A.040(2)(d))

(D) *Powers and duties.*

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

(2) All bonds, notes, contracts and written obligations of the city authorized by ordinance or resolution shall be executed by the Mayor on behalf of the city.

(E) *Mayor Pro Tem.*

(1) The Commission shall designate one City Commissioner to serve as Mayor Pro Tem. The Mayor Pro Tem shall act for the Mayor whenever the Mayor is unable to attend to the duties of his or her office, and he or she shall then possess all rights, powers and duties of Mayor.

(2) If the disability of the Mayor to attend to his or her duties continues for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Commission membership, and the provisions of division (C) above shall apply.

(KRS 83A.140(4))

§ 31.22 COMMISSIONERS.

For provisions concerning the City Commission, 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; and
- (4) Bond, if required.

(KRS 83A.080)

(B) All nonelected city officers shall be appointed by the Commission.

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

Statutory reference:

Nonelected city offices, see KRS 83A.080(2), (3)

§ 31.36 CITY CLERK/TREASURER.

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

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

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

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

(2) Performance of the duties required of the official custodian or custodian in accordance with KRS 61.870 to 61.882;

(3) Possession of the seal of the city if used;

(4) No later than January 31 of each year, mail or electronically submit to the Department for Local Government a list containing current city information, including but not limited to the following:

(a) The correct name, telephone number, and electronic mail address of the Mayor, legislative body members, and the correct name, telephone number, and electronic mail address for the city's appointed officials or employees who are serving in the following roles or substantially similar roles as of January 1 of each year;

(b) The correct name of the city, mailing address for City Hall, and telephone number of City Hall; and

(c) The name and telephone number of either an elected or appointed official to serve as a contact person who may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.

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

(D) Compensation shall be in the amount as established by the City Commission from time to time as set forth in § 31.02 above.

(E) No person shall be appointed or act as the City Clerk/Treasurer unless the person has taken the oath required by § 228 of the Constitution of the Commonwealth of Kentucky and has provided bond, if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

CHAPTER 32: CITY COMMISSION

Section

General Provisions

- 32.01 Members; election, qualifications, compensation
- 32.02 Vacancies
- 32.03 Powers and duties
- 32.04 Each Commissioner to superintend specific city departments

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- 32.20 Mayor as Presiding Officer
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- 32.35 One subject; title
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- 32.46 Proved by City Clerk/Treasurer; received in evidence
- 32.47 Legislative immunity

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- Licensing provisions generally, see Chapter 110*
- Offenses against city regulations, see Chapter 130*
- Public Works, see Title V*

GENERAL PROVISIONS**§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.**

(A) *Election; term of office.* Each Commissioner shall be elected at large by the voters of the city at a regular election. A candidate for Commission shall be a resident of the city for not less than one year prior to his or her election. Terms of office begin on January 1 following the election and shall be for two years, except as provided by KRS 83A.050.

(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.* For provisions concerning compensation, see § 31.02 above.

§ 32.02 VACANCIES.

(A) *Vacancies.* If one or more vacancies on Commission 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 or her selection as will enable him or her 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 Commission shall occur unless a written resignation which specifies a resignation date is tendered to the City Commission. The resignation shall be effective at the next regular or special meeting of the City Commission occurring after the date specified in the written letter of resignation.
(KRS 83A.040(7))

(2) Pursuant to KRS 118.305(7), if a vacancy occurs on the City Commission which is required by law to be filled temporarily by appointment, the City Commission 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 Commission 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) All legislative, executive and administrative authority of the city is hereby vested in and exercised by the Commission. The Commission shall enforce the Commission Plan, ordinances and orders of the city, and all applicable statutes.

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

(2) The Commission shall supervise all departments of city government and the conduct of all city officers and employees under its jurisdiction and may require each department to make reports to it as it finds necessary.

(3) The Commission shall report to the public on the condition and needs of the city government as provided by ordinance, but not less than annually.
(KRS 83A.140(3))

(B) In carrying out its duty to supervise the departments of city government and the conduct of all city officers and employees under its jurisdiction, the Commission may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his or her official duties.
(KRS 83A.140(5))

(C) The Commission shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules and regulations for the public health, safety and welfare.

(D) The Commission shall by ordinance provide for sufficient revenue to operate city government and shall appropriate these funds in a budget which shall provide for the orderly management of the city's resources.

(E) The Commission shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statute, ordinance or order.
(KRS 83A.140(8))

§ 32.04 EACH COMMISSIONER TO SUPERINTEND SPECIFIC CITY DEPARTMENTS.

(A) All administrative and service functions of the city shall be classified under departments created by ordinance which shall prescribe the functions of the department and the duties and responsibilities of the department head and his or her employees.

(B) The Commission shall at its first regular meeting in each year designate the Commission member to have superintendence over each department established under this section; however, the Commission may delegate responsibility for overall supervision of any or all departments to a City Administrative Officer established pursuant to KRS 83A.090.
(KRS 83A.140(6))

RULES OF PROCEDURE**§ 32.20 MAYOR AS PRESIDING OFFICER.**

The Mayor shall preside at all meetings of the Commission and may vote in all proceedings.
(KRS 83A.140(4))

Cross-reference:

Vacancy in office of Mayor; Mayor Pro Tem, see § 31.21

§ 32.21 MEETINGS.

(A) Regular meetings of the Commission shall be held at least once each month at those times and places established by ordinance.

(B) Special meetings may be called by the Mayor or a majority of the City Commissioners. In the call, the Mayor or City Commissioners shall designate the purpose, time and place of the special meeting with sufficient notice for the attendance of Commission 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 City Clerk/Treasurer, as provided under KRS 83A.060(8) and § 31.36, and by the officer presiding at the meeting.
(KRS 83A.140(7))

§ 32.22 QUORUM.

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

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 Thornhill.”
(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 text being added by a single solid line drawn underneath it. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be stricken through with a single solid line.
(KRS 83A.060(3))

§ 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.
(KRS 83A.060(4))

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Commission may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of § 32.42 shall be complied with within ten days of the enactment of the emergency ordinance.
(KRS 83A.060(7))

§ 32.39 ADOPTION OF STANDARD CODES BY REFERENCE.

The Commission may adopt the provisions of any local, statewide or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source and date and incorporates the adopted provisions by reference without setting them

out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.

(KRS 83A.060(5))

§ 32.40 OFFICIAL CITY RECORDS.

(A) Every action of the Commission 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 Commission shall be entered on the official record of the meeting.

(B) The Commission has provided, under the provisions of §§ 31.36(C) and 32.41, for the maintenance and safekeeping of the permanent records of the city. The City Clerk/Treasurer and the presiding officer shall sign the official record of each meeting.

(KRS 83A.060(8))

§ 32.41 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/Treasurer 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; and

(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))

§ 32.42 PUBLICATION REQUIREMENTS.

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

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

(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))

§ 32.43 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))

§ 32.44 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))

§ 32.45 MUNICIPAL ORDERS.

(A) Commission 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.
(KRS 83A.060(12))

(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 Commission has control.
(KRS 83A.060(13))

§ 32.46 PROVED BY CITY CLERK/TREASURER; RECEIVED IN EVIDENCE.

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

§ 32.47 LEGISLATIVE IMMUNITY.

For anything said in debate, Commissioners 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 Kentucky Constitution, § 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

Improvements

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

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

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

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 a way so as to:

(1) Determine compliance with statutory provisions; and

(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.

(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 monies shall be expended from any governmental or proprietary fund except in accordance with a budget ordinance adopted pursuant to this section.

(B) Monies 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 Commission.

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

(G) The budget proposal together with a budget message shall be submitted to the Commission 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) Commission shall adopt a 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 the Commission 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 § 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) Commission 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 Commission. That responsibility includes the preparation and submission to the Commission of operating statements, including budgetary comparisons of each governmental fund for which an annual budget has been adopted. The 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 the 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 unexpended balance of any appropriation made for the purpose.
(KRS 91A.030)

§ 33.04 ANNUAL AUDIT OF CITY FUNDS.

(A) (1) Except as provided in division (B) of this section, each city of the sixth class shall, after the close of each odd-numbered fiscal year, cause each fund of the city to be audited by the Auditor of

Public Accounts or a certified public accountant. The audit shall be completed by March 1 immediately following the fiscal year to be audited. The sixth class city shall forward an electronic copy of the audit report to the Department for Local Government for information purposes by no later than April 1 immediately following the fiscal year being audited.

(2) After the close of each even-numbered fiscal year, the city shall not be required to complete an annual audit but shall forward an electronic copy of its financial statement prepared in accordance with KRS 424.220 to the Department for Local Government by no later than October 1 immediately following the close of the even-numbered fiscal year.

(B) Any city of the sixth class, which for any fiscal year receives and expends, from all sources and for all purposes, less than \$150,000, and which has no long-term debt, whether general obligation or revenue debt, shall not be required to audit each fund of the city for that particular fiscal year. Each city shall annually prepare a financial statement in accordance with KRS 424.220 and forward one electronic copy to the Department for Local Government for information purposes.

(C) Each city required by this section to conduct an annual or biennial audit 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 include tests of the accounting records and auditing procedures considered necessary in 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 accompanying supplemental 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 the Commission at a regular or special meeting; and

(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.

(D) 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.

(E) 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 or her 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.

(F) Any person who violates any provision of this section shall be 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.

(G) Within a reasonable time after the completion of a special audit or examination conducted pursuant to division (A) of this act, the Auditor shall bill the city for the actual expense of the audit or examination as well as reasonable associated costs, including but not limited to travel costs. The bill submitted to the city shall include a statement of the hourly rate, total hours, and total costs for the entire audit or examination.

(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 Commission 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 collateralized in accordance with 12 U.S.C. § 1823, to the extent uninsured, by any obligations, including surety bonds permitted by KRS 41.240(4).

(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 Commission 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)

IMPROVEMENTS

§ 33.15 DEFINITIONS.

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

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

BENEFITS RECEIVED BASIS. The apportionment of cost of an improvement according to equitable determination by the Commission of the special benefit received by property from the improvement, including assessed value basis, front foot basis and square foot basis, or any combination

thereof, and may include consideration of assessed value of land only, graduation for different classes of property based on nature and extent of special benefits received, and other factors affecting benefits received.

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

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

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

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

PROPERTY. Any real property benefitted by an improvement.

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

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

§ 33.16 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 Chapter 107

§ 33.17 APPORTIONMENT OF COST.

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

§ 33.18 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

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

(KRS 91A.240)

§ 33.19 PUBLIC HEARING REQUIRED.

After preparation of the report required by § 33.18, 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)

§ 33.20 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 § 33.18 and a description of all properties. Promptly upon passage the city shall publish the ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.

(KRS 91A.260)

§ 33.21 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 33.20, any affected property owner may file an action in the circuit court of the county, contesting the undertaking of the project by special assessment, the inclusion of his or her property in the improvement, or the amount of his or her assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

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

(KRS 91A.270)

§ 33.22 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.21, or after favorable final judgment in the action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

(B) The amount of any outstanding assessment or installments thereof on any property, and accrued interest and other charges, constitutes a lien on the property to secure payment to the bondholders or any other source of financing of the improvement. 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 Commission shall exempt any benefitted property from the lien for the improvement assessment, from payment thereof, or from the penalties or interest thereon, as herein provided.

(KRS 91A.280)

§ 33.23 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 §§ 33.18 through 33.22 apply if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be

included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without this compliance, if all property owners of the improvement consent.
(KRS 91A.290)

CHAPTER 34: PUBLIC RECORDS

Section

General Provisions

34.01 Definitions

Procedures for Requesting Public Records

- 34.15 Initial request with immediate inspection
- 34.16 Referral to proper custodian
- 34.17 Public records not immediately available
- 34.18 Refusal of unreasonable requests
- 34.19 Time limitation; denial of inspection
- 34.20 Concealing or destroying records prohibited
- 34.21 Access to records relating to particular individual
- 34.22 Format of copies
- 34.23 Fees for copies
- 34.24 Misstatement of purpose prohibited
- 34.25 Online access to public records in electronic form
- 34.26 Public records protected from disclosure
- 34.27 Notification of the Attorney General

GENERAL PROVISIONS

§ 34.01 DEFINITIONS.

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

CITY. The city government of this city.

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

- (1) Publication or related use of a public record by a newspaper or periodical;
- (2) Use of a public record by a radio or television station in its news or other informational programs; or
- (3) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to the action, or the attorneys representing the parties.
(KRS 61.870(4))

CUSTODIAN.

- (1) The official custodian or any authorized person having personal custody and control of public records.
(KRS 61.870(6))
- (2) The ***CUSTODIAN*** having personal custody of most of the public records of this city is the City Clerk/Treasurer.

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

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

OFFICIAL CUSTODIAN.

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

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

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

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

PUBLIC AGENCY.

- (1) Every state or local government officer;
 - (2) Every state or local government department, division, bureau, board, commission and authority;
 - (3) Every state or local legislative board, commission, committee and officer;
 - (4) Every county and city governing body, council, school district board, special district board and municipal corporation;
 - (5) Every state or local court or judicial agency;
 - (6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution or other legislative act;
 - (7) Any body created by state or local authority in any branch of government;
 - (8) Any body which, within any fiscal year, derives at least 25% of its funds expended by it in the Commonwealth 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 division;
 - (9) Any entity where the majority of its governing body is appointed by a public agency as defined in this definition; 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 definition; and
 - (11) Any interagency body of two or more public agencies where each public agency is defined in this definition.
- (KRS 61.870(1))

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 the public agency. ***PUBLIC RECORDS*** shall

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

(KRS 61.870(2))

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

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

(KRS 61.870(3))

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.15 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

(C) If the public records are to be inspected at the offices of the city, suitable facilities shall be made available in the office of the City Clerk/Treasurer or in another office of the city as determined by the official custodian or custodian for the inspection. No person shall remove original copies of public records from the offices of the city without the written permission of the official custodian of the record. When public records are inspected at the city offices, the person inspecting the records shall have the

right to make abstracts and memoranda of the public records and to obtain copies of all written public records. When copies are requested, the custodian may require advance payment of the prescribed fee.

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

Statutory reference:

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

§ 34.16 REFERRAL TO PROPER CUSTODIAN.

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

(KRS 61.872(4))

§ 34.17 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time and date for inspection or mailing of the public records, not to exceed five 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))

§ 34.18 REFUSAL OF UNREASONABLE REQUESTS.

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

(KRS 61.872(6))

§ 34.19 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within five 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 five-day period of his, her or its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his or her authority and shall constitute final agency action.

(KRS 61.880)

§ 34.20 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

§ 34.21 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or her or in which he or she is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 34.26 of these rules and regulations.

(KRS 61.884)

§ 34.22 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 34.26. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that the duplication will not damage or alter the original records.

(KRS 61.874(1))

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

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

(KRS 61.874(2))

§ 34.23 FEES FOR COPIES.

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

group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

(KRS 61.874(3))

(B) *Commercial purposes.*

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

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

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

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

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

(KRS 61.874(4))

Cross-reference:

Fees for online access to public records, see § 34.25

§ 34.24 MISSTATEMENT OF PURPOSE PROHIBITED.

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

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 34.23(B)(2);

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

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

(KRS 61.874(5)) Penalty, see § 10.99

§ 34.25 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

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

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.23(B).
(KRS 61.874(6))

§ 34.26 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Public records or information, the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly, including any information acquired by the Department of Revenue in tax administration that is prohibited from divulgence or disclosure under KRS 131.190;

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

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

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

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

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

(b) As used in this division, ***TERRORIST ACT*** means a criminal act intended to:

1. Intimidate or coerce a public agency or all or part of the civilian population;
2. Disrupt a system identified in division (A)(13)(a)5.; or
3. Cause massive destruction to a building or facility owned, occupied, leased or maintained by a public agency.

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

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

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

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

(15) Records of a procurement process under KRS Chapter 45A or 56. This exemption shall not apply after:

(a) A contract is awarded; or

(b) The procurement process is canceled without award of a contract and there is a determination that the contract will not be resolicited;

(16) Client and case files maintained by the Department of Public Advocacy or any person or entity contracting with the Department of Public Advocacy for the provision of legal representation under KRS Chapter 31;

(17) Except as provided in KRS 61.168, photographs or videos that depict the death, killing, rape, or sexual assault of a person. However, such photographs or videos shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, or a mutually agreed upon location, at the request of;

(a) 1. Any victim depicted in the photographs or videos, his or her immediate family, or legal representative;

2. Any involved insurance company or its representative; or

3. The legal representative of any involved party;

(b) Any state agency or political subdivision investigating official misconduct; or

(c) A legal representative for a person under investigation for, charged with, pled guilty to, or found guilty of a crime related to the underlying incident. The person under investigation for, charged with, pled guilty to, or found guilty of a crime related to the underlying incident or their immediate family shall not be permitted to have access to the photographs or videos; and

(18) Communications of a purely personal nature unrelated to any governmental function.
(KRS 61.878(1))

(B) (1) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.
(KRS 61.878(2))

(2) In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 34.18.
(KRS 61.878(4))

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

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

§ 34.27 NOTIFICATION OF THE ATTORNEY GENERAL.

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

CHAPTER 35: TAXATION

Section

- 35.01 County assessment adopted
- 35.02 Due date; payment
- 35.03 Delinquency
- 35.04 Disposition of funds

§ 35.01 COUNTY ASSESSMENT ADOPTED.

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

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date.

§ 35.02 DUE DATE; PAYMENT.

All taxes, except ad valorem taxes on motor vehicles, shall become due on August 1.

§ 35.03 DELINQUENCY.

(A) All city taxes shall become delinquent on August 2.

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

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

§ 35.04 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 Commission.

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE; GARBAGE AND REFUSE

CHAPTER 50: SOLID WASTE; GARBAGE AND REFUSE

Section

50.01 City responsibility defined

§ 50.01 CITY RESPONSIBILITY DEFINED.

The city, through the Commission, shall provide for the collection of solid waste as follows.

(A) The city, through the Commission, may at its discretion provide for the collection of all residential solid waste in the city, provided, however, that the city, through the Commission, may provide the collection service by contracting with a person, city or a combination thereof, for the entire city or portions thereof, as deem to be in the best interests of the city.

(B) The city, through the Commission, may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that the application is not made or approved, it shall be the duty of the establishment to provide for collection of all solid waste produced upon any premises.

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. PARKING REGULATIONS**
- 72. OTHER VEHICLES**

CHAPTER 70: GENERAL PROVISIONS

Section

General Regulations

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

Traffic-Control Devices

- 70.15 Establishment and maintenance of traffic-control devices
- 70.16 Unauthorized signals or markings

- 70.99 Penalty

GENERAL REGULATIONS

§ 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 the ***BOULEVARD.***

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

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

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

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

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

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 City Commission 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 footpaths.

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

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

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

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

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

STREET. Every public way, including alleys.

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

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

§ 70.02 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

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

(B) The provisions of this traffic code shall apply to the driver of any vehicle owned or used in the service of the United States government, this state, county or city, and it shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

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

Penalty, see § 70.99

§ 70.03 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the City Commission or any authorized city official shall, at his or her discretion, have authority to impose traffic regulations as he or she may deem necessary for temporary periods not to exceed two weeks. If these temporary regulations are necessary for a period longer than two weeks, the City Clerk/Treasurer shall be notified in writing of the extended order.

TRAFFIC-CONTROL DEVICES

§ 70.15 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.

§ 70.16 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 or 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 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

§ 70.99 PENALTY.

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

CHAPTER 71: PARKING REGULATIONS

Section

- 71.01 Parking of automobiles
- 71.02 Temporary on-street parking
- 71.03 Non-automobile parking
- 71.04 Notification and cure period
- 71.05 Extension of cure period
- 71.06 Removal of vehicle
- 71.07 Emergency removal and towing of vehicle

- 71.99 Penalty

§ 71.01 PARKING OF AUTOMOBILES.

(A) Automobiles (including, but not limited to, coupes, sedans, SUVs, pick-up trucks and vans, collectively “automobiles”) must be parked in driveways.

(B) Property owners are encouraged to park automobiles overnight in garages.
(Ord. 2009-005, passed - -2009) Penalty, see § 71.99

§ 71.02 TEMPORARY ON-STREET PARKING.

Automobiles may be parked on the street for a period not to exceed 18 hours (i.e. babysitters, guests and the like). At no time may an automobile be parked on the street for a period of time to exceed dusk to dawn.

(Ord. 2009-005, passed - -2009) Penalty, see § 71.99

§ 71.03 NON-AUTOMOBILE PARKING.

No commercial truck, boat, recreational vehicle, trailer or any other type of wheeled, non-automobile motorized vehicle may be parked overnight where visible to the street.

(Ord. 2009-005, passed - -2009) Penalty, see § 71.99

§ 71.04 NOTIFICATION AND CURE PERIOD.

(A) The city must notify the vehicle owner and property owner of the violation. The vehicle owner and property owner will have seven days to appeal the violation, and an additional seven days to cure the violation (for a total of a 14-day period, known as the “cure period”).

(B) If the violation is not remedied to the satisfaction of the city, then upon the end of the cure period the penalty will automatically go into effect.

(Ord. 2009-005, passed - -2009) Penalty, see § 71.99

§ 71.05 EXTENSION OF CURE PERIOD.

The city may grant an extension of the cure period, as deemed appropriate by the city, but the extension shall not exceed 180 days.

(Ord. 2009-005, passed - -2009)

§ 71.06 REMOVAL OF VEHICLE.

If at the end of the cure period the violation has not been resolved to the satisfaction of the city, then the city, in its sole discretion, has the right to tow the vehicle. All costs, fees and penalties associated with towing the vehicle will be the responsibility of the vehicle and or property owner.

(Ord. 2009-005, passed - -2009)

§ 71.07 EMERGENCY REMOVAL AND TOWING OF VEHICLE.

(A) The city reserves the right to remove any vehicle from the street (or right-of-way) in the event of an emergency, snow removal or other event in which the vehicle presents a hazard to the right-of-way.

(B) All costs, fees and penalties associated with towing the vehicle will be the responsibility of the vehicle and or property owner.

(Ord. 2009-005, passed - -2009)

§ 71.99 PENALTY.

If a violation occurs without the proper extension of the cure period by the city, then the owner of the vehicle and the property owner may each be subject to a fine of up to \$25 per day for each day of the violation, plus any and all legal costs, fines and penalties (the “penalty”).

(Ord. 2009-005, passed - -2009)

CHAPTER 72: OTHER VEHICLES

Section

- 72.01 Operation of bicycles
- 72.02 Operation of other specified vehicles
- 72.03 Clinging to vehicles

- 72.99 Penalty

Cross-reference:

Required obedience to traffic directions, see § 70.02(C)

§ 72.01 OPERATION OF BICYCLES.

Bicycles shall be operated in accordance with state law for motorized vehicles.

Penalty, see § 72.99

Statutory reference:

Bicycles; safety regulations and standards, see KRS 189.287

§ 72.02 OPERATION OF OTHER SPECIFIED VEHICLES.

(A) No operator of any motorcycle, motor scooter, four-wheeler, ATV, go-cart or power-driven bicycle shall carry another person, except on a seat attached thereto, or in a sidecar attached to the vehicle.

(B) No operator of a motorcycle, motor scooter, four-wheeler, ATV, go-cart or power-driven bicycle shall operate the vehicle in any public property, except on the roadway.

(C) No operator of a motorcycle, motor scooter or power-driven bicycle shall operate the vehicle in any play lot or tot lot.

Penalty, see § 72.99

Statutory reference:

Operating and riding on motorcycles, see KRS 189.285

§ 72.03 CLINGING TO VEHICLES.

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

(B) No person shall ride outside of a motorized vehicle, including a pick-up truck.
Penalty, see § 72.99

§ 72.99 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.

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMAL REGULATIONS

91. STREETS AND SIDEWALKS

92. NUISANCES

CHAPTER 90: ANIMAL REGULATIONS

Section

- 90.01 Care of pets
- 90.02 Offensive trade and farm animals

- 90.99 Penalty

§ 90.01 CARE OF PETS.

(A) *Dogs kept on a leash or fenced in area.* Property owners are required to keep their dogs in a fenced-in area or on a leash at their home. Failure to do so may result in a penalty up to \$250 for each occurrence.

(B) *Dogs on leash while walked.* Pet owners are required while walking their dog to keep the dog on a leash. Failure to do so may result in a penalty up to \$250 for each occurrence.

(C) *Removal of pet waste.* If a pet (dog or cat) causes waste to be deposited on another property owners property, it is the responsibility of the pet owner to remove or clean up the waste. Failure to do so may result in a penalty up to \$25 for each occurrence.

(D) *Notification and cure period.* The city must notify the pet owner of the violation. The pet owner will have seven days to appeal the violation, and an additional seven days to cure the violation (for a total of a 14-day period, known as the “cure period”). If the violation is not remedied to the satisfaction of the city, then upon the end of the cure period the penalty will automatically go into effect.

(E) *Extension of cure period.* The city may grant an extension of the cure period, as deemed appropriate by the city, but the extension shall not exceed 180 days.
(Ord. 2009-007, passed - -)

§ 90.02 OFFENSIVE TRADE AND FARM ANIMALS.

(A) *Noxious or offensive animals for trade.* The raising, breeding, boarding, housing or feeding of noxious or offensive animals for commercial, wholesale or retail trade is prohibited within the city limits.

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(B) *Noxious or offensive animals for personal use.* The raising, breeding, boarding, housing or feeding of noxious or offensive animals for personal use is prohibited within the city limits.

(C) *Noxious or offensive animals.* **NOXIOUS OR OFFENSIVE ANIMALS** are defined as typical farm livestock, including, but not limited to, cattle, sheep, pigs, horses, poultry and fowl of any type. **OFFENSIVE ANIMALS** are also defined as animals that may pose a threat to the city which may include, but are not limited to, those typically found in a zoo such as lions, chimpanzees, alligators, snakes and other predatory mammal, amphibian or reptile species.

(D) *Breeding of pets.* The raising, breeding, boarding, housing or feeding of pets for commercial, wholesale or retail trade is prohibited within the city limits.

(E) *Notification and cure period.* The city must notify the animal owner and property owner of the violation. The animal owner and property owner will have seven days to appeal the violation and an additional seven days to cure the violation, (for a total of a 14-day period, known as the “cure period”). if the violation is not remedied to the satisfaction of the city, than upon the end of the cure period the penalty will automatically go into effect.

(F) *Extension of cure period.* The city may grant an extension of the cure period, as deemed appropriate by the city, but the extension shall not exceed 180 days.

(G) *Accidental breeding of pets.*

(1) Through the course of nature, from time to time, a citizen’s pet may bare an unplanned litter. Such an action of nature is beyond the control of the pet and or property owner and is therefor not subject to division (D) above.

(2) The pet and or property owner shall maintain his, her or their rights to sell or give away the litter as appropriate. However, if this becomes a recurring situation and it is determined by the City Council that this is a business enterprise, then the property owner may be subject to a penalty for violation of this section.

(Ord. 2009-006, passed - -2009) Penalty, see § 90.99

§ 90.99 PENALTY.

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

(B) If a violation of § 90.02 occurs without the proper permission (or variance) of the city, then the owner of the property may each be subject to a fine of up to \$250 per day for each day of the violation, plus any and all legal costs, fines and penalties; additionally the property owner may be fined up to \$25 for each animal.

(Ord. 2009-006, passed - -2009)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Obstructions

- 91.01 Unloading on street
- 91.02 Street obstruction
- 91.03 Materials on street

91.99 Penalty

Statutory references:

Sidewalks; construction along public roads; specifications, see KRS 178.290

Sidewalks; ramps for wheelchairs, see KRS 66.660

OBSTRUCTIONS

§ 91.01 UNLOADING ON STREET.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 91.99

§ 91.02 STREET OBSTRUCTION.

(A) No person shall obstruct any street or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon.

(B) Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 91.99

§ 91.03 MATERIALS ON STREET.

(A) No person shall encumber any street.

(B) No owner, occupant or person having the care of any building or lot of land, bordering on any street, shall permit it to be encumbered with barrels, boxes, cans, articles or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 91.99

§ 91.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.

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

- 92.99 Penalty

Statutory reference:

Private nuisances, see KRS 411.500 through 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.

AUTOMOBILE COLLECTOR. A person who collects and restores motor vehicles.

AUTOMOBILE PARTS. Any portion or parts of any motor-driven vehicle as detached from the vehicle as a whole.

INOPERATIVE CONDITION. Unable to move under its own power due to defective or missing parts, and which has remained in that condition for a period of not less than ten consecutive days.

MOTOR VEHICLE. Any style or type of motor-driven vehicle used for the conveyance of persons or property.

ORDINARY PUBLIC VIEW. A sight line within normal visual range by a person on a public street or sidewalk adjacent to real property.

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PARTS CAR. An automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles.

PUBLIC NUISANCE. Any act, thing, occupation, condition or use of property which shall continue for a length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch or drainage; or
- (3) Essentially interfere with the comfortable enjoyment of life and property, or tend to depreciate the value of property of others.

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.

UNFIT FOR FURTHER USE. In a dangerous condition; having defective or missing parts; or in a condition generally as to be unfit for further use as a conveyance.

§ 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 the state 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.

(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 to develop thereon.

(B) The following conditions are declared to be public nuisances:

- (1) *Dangerous trees or stacks adjoining street.* Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof;

(2) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage or other waste material which endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents or insects, or blow rubbish into any street, sidewalk or property of another;

(3) *Storage of explosives.* The storage of explosive material which creates a safety hazard to other property or persons in the vicinity;

(4) *Weeds and grass.* The excessive growth of weeds, grass or other vegetation. Unless otherwise provided, **EXCESSIVE** shall mean growth to a height of 12 inches or more;

(5) *Open wells.* The maintenance of any open, uncovered or insecurely covered cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place;

(6) *Trees and shrubbery obstructing streets, sidewalks and drainage.* The growing and maintenance of trees or shrubbery which in any way interfere with the use, construction or maintenance of streets or sidewalks, cause injury to streets or sidewalks, or constitute an obstruction to drainage;

(7) *Keeping of animals.* The failure to keep an animal's pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors; and

(8) *Junk; scrap metal; motor vehicles.* The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts or scrap metal within the city limits except on premises authorized by the city for those purposes.

Penalty, see § 92.99

§ 92.04 ABATEMENT PROCEDURE.

(A) Except as provided for in state law, it shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon through the accumulation of rubbish or the excessive growth of weeds or grass.

(B) Whenever a nuisance situation is discovered, the authorized city official shall give five days' written notice to remedy the nuisance situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(C) (1) 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 state law, and shall be recorded in the office of the City Clerk/Treasurer.

(a) 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.

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

(2) In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges, and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

Penalty, see § 92.99

§ 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.

§ 92.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day's continued violation shall constitute a separate offense.

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. PEDDLERS, ITINERANT MERCHANTS, SOLICITORS**
- 111. PROHIBITED BUSINESS PRACTICES**
- 112. INSURANCE REGULATIONS**

CHAPTER 110: PEDDLERS, ITINERANT MERCHANTS, SOLICITORS

Section

- 110.01 Definitions
- 110.02 License requirement
- 110.03 Application procedure
- 110.04 Standards for issuance
- 110.05 Revocation procedure
- 110.06 Standards for revocation
- 110.07 Appeal procedure
- 110.08 Exhibition of identification

- 110.99 Penalty

§ 110.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of that business, uses any building, structure, vehicle or any place within the city.

PEDDLER.

(1) (a) Any person who travels from place to place by any means carrying goods for sale, making sales or making deliveries; or

(b) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

(2) A person who is a *PEDDLER* is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a *SOLICITOR* is not a peddler.

§ 110.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler or solicitor shall obtain a license before engaging in that activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the City Commission.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 110.99

§ 110.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk/Treasurer. This application shall be signed by the applicant if an individual, 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 the individual;

(c) The permanent address of the individual; and

(d) The capacity in which the 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; and

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

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

(7) Whether or not the applicant, the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) above has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their applications the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business; and

(2) If required by the city, credentials from the person, if any, for whom the applicant proposes to do business, authorizing the applicant to act as the representative.

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

Penalty, see § 110.99

§ 110.04 STANDARDS FOR ISSUANCE.

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

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(B) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant has done or possesses any of the following will constitute valid reasons for disapproval of an application:

- (1) Has been convicted of a crime of moral turpitude;
- (2) Has made willful misstatements in the application;
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;
- (4) Has committed prior fraudulent acts;
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character.

§ 110.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk/Treasurer after notice and hearing, pursuant to the standards in § 110.06 below. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. This notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

§ 110.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in a way so as to constitute a menace to the health, safety, morals or general welfare of the public.

§ 110.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 110.04 or 110.06 shall have the right to appeal to the City Commission. The appeal shall be taken by filing with the City Commission, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The City Commission shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 110.05.

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

§ 110.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk/Treasurer 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 the time that he or she is engaged in the business licensed.

Penalty, see § 110.99

§ 110.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense.

CHAPTER 111: PROHIBITED BUSINESS PRACTICES

Section

General Provisions

- 111.01 Posting handbills or signs on public property prohibited
- 111.02 Removal by city government
- 111.03 Exemptions

Prohibited Advertising

- 111.15 Fraudulent advertising
- 111.16 Advertising matter on vehicles

Solicitation

- 111.30 Commercial solicitation of recyclable property
- 111.99 Penalty

GENERAL PROVISIONS

§ 111.01 POSTING HANDBILLS OR SIGNS ON PUBLIC PROPERTY PROHIBITED.

No person shall paint, mark or write on or post or otherwise affix any handbill or sign in a public right-of-way, or to or upon any public sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone pole, or wire appurtenance thereof, or upon any fixture of the fire alarm system, or upon any lighting system, public bridge, street sign, traffic sign or other official sign of governmental or safety purpose. **PERSON** may extend, and be applied to, bodies politic, corporations and corporate societies, communities, the public generally, individuals, partnerships and joint stock companies.

Penalty, see § 111.99

§ 111.02 REMOVAL BY CITY GOVERNMENT.

Any handbill or sign found posted or otherwise affixed upon any public property contrary to the provisions of this subchapter may be removed by the City Department of Public Works.

§ 111.03 EXEMPTIONS.

(A) Nothing in this subchapter shall apply to the installation of a metal plaque or plate, or individual letters or figures in a sidewalk or on other public property, commemorating a historical, cultural or artistic event, location, or personality for which city government, the City Historic Preservation and any other governmental entity or lawful authority are empowered by statute, ordinance or regulation to maintain.

(B) Nothing in this subchapter shall prohibit the painting of house numbers upon curbs.

PROHIBITED ADVERTISING**§ 111.15 FRAUDULENT ADVERTISING.**

No person with intent to sell or in any way dispose of merchandise, securities, service or any other thing, offered directly or indirectly by that person to the public for sale or distribution, or in order to induce the public or acquire an interest therein, or incur any obligation relating thereto, shall make, publish, circulate or otherwise place before the public or cause to be placed before the public in a newspaper or any other form of publication, pamphlet, handbill, letter or in any other way, any advertisement of any sort regarding the thing so offered to the public which contains a representation or statement which is untrue, deceptive, misleading or fraudulent.

Penalty, see § 111.99

§ 111.16 ADVERTISING MATTER ON VEHICLES.

No person other than the owner or the operator thereof shall deposit any advertising matter in any vehicle, or stick or otherwise fasten any advertising matter on any part of any vehicle.

Penalty, see § 111.99

SOLICITATION

§ 111.30 COMMERCIAL SOLICITATION OF RECYCLABLE PROPERTY.

No person as defined in § 111.01 shall place or maintain a receptacle for the solicitation or collection of recyclable property outside of any building within public view:

(A) Unless the person is a charitable or civic organization, and is in compliance with city and state law; or

(B) If the person is not a charitable or civic organization, each receptacle so placed or maintained shall:

(1) Be in full compliance with all applicable laws and regulations of the state and city;

(2) Contain a label or sign permanently attached to the receptacle which states “This is not a charity. Contributions are not tax-deductible. This is a for-profit business.” prominently displayed on the receptacle or attached sign in the largest lettering on the receptacle or appended sign, provided that the lettering shall be no less than three inches in height and not less than one-half inch in width; and

(3) Display, in a printed or otherwise legible format, the name of the person who placed the receptacle, and a telephonic or electronic contact number for that person.

Penalty, see § 111.99

§ 111.99 PENALTY.

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

(B) Any person found guilty of violating § 111.01 of this chapter shall be fined not less than \$10 nor more than \$50 per violation, and also shall be liable for any cost incurred by the city government or any agency thereof as a result of the violation. But in no event shall the cost exceed \$100 per violation.

(C) (1) Any person who violates any of the provisions of §§ 111.15 or 111.16 shall be fined not less than \$25 nor more than \$100 for each offense. Each day’s continued violation shall constitute a separate offense.

(2) Any employer who hires a professional replacement or any professional replacement who is hired shall be fined \$100 per each offense. Each work day during a labor dispute shall constitute a separate offense.

CHAPTER 112: INSURANCE REGULATIONS

Section

112.01 License fee

112.99 Penalty

§ 112.01 LICENSE FEE.

(A) *Imposition of license fee.* There is hereby imposed on each insurance company a license fee (hereinafter referred to as a local government premiums tax, "LGPT"), for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis, based upon the following:

(1) **PREMIUMS** is defined as premiums actually collected by an insurance company within each calendar quarter by reason of the issuance of policies and contracts of insurance on risks located within the city and includes premiums on new policies and contracts of insurance and on renewal business, as well as all other classes of premiums, less all premiums returned to policyholders.

(2) (a) Except as otherwise provided in division (A)(3) below, the license fee imposed upon each insurance company which issues any insurance policy or contract of insurance shall be the following percentage of premiums on those classes of insurance which such company is authorized to issue (the "base fee"):

	<i>Fire and Allied Perils</i>	<i>Casualty Liability Only</i>	<i>Vehicle</i>	<i>Inland Marine</i>	<i>Health</i>	<i>Life</i>	<i>All Other Risks Taxed</i>
<i>Initial Rate</i>	5%	5%	5%	5%	0%	5%	5%

(b) The base fee shall not apply to premiums exempted by state or federal law.

(3) In addition to the base fee, an additional license fee in the amount of 7.5% is hereby imposed by the city upon each insurance company on the premiums for each class of insurance listed in division (A)(2)(a) above, provided that Louisville Metro has raised its LGPT rate from 5% to 12.5% effective July 1, 2019 for any of the classes of insurance listed in division (A)(2)(a) above. In the event

the Louisville Metro LGPT effective July 1, 2019 is raised to an amount different than 12.5%, but more than the city's base fee, the city hereby imposes an additional license fee on each class of insurance listed in division (A)(2)(a) above, equal to the city LGPT credit allowable under KRS 91A.080(12). In the event the Louisville Metro LGPT effective July 1, 2019 remains 5% for any class of insurance listed in division (A)(2)(a) above, the city's base fee shall apply.

(B) *Fees to be paid to General Revenue Fund.* The license fee or tax established by this chapter is imposed and levied for the purpose of general revenue funds and shall be paid into the general fund of the city.

(C) The license fee or tax imposed by a city upon each insurance company with respect to life insurance policies may be based upon the first year's premiums and shall be applied to the amount of the premiums actually collected within each calendar quarter upon the lives of persons residing within the corporate limits of the city.

(D) *Amount of fee for companies issuing policies other than life insurance.*

(1) The license fee or tax imposed upon each insurance company with respect to any policy which is not a life insurance policy shall be of the premiums actually collected by the insurance company within each calendar quarter on risks located within the corporate limits of the city on those classes of business which the insurance company is authorized to transact, less all premiums returned to policyholders.

(2) The license fee or tax shall also not apply to premiums:

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

(b) Received on policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342;

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

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

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

(f) Received on multi-state surplus lines, defined as non-admitted insurance as provided in Dodd-Frank Wall Street Reform and Consumer Protection Act Pub. L. no. 113-203; or

(g) Paid to insurance companies or surplus lines brokers by non-profit self-insurance groups or self-insurance entities whose membership consists of cities, counties, charter county government, urban-county government, consolidated local government, unified local government, school districts, or any other political subdivisions of the Commonwealth.

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

(E) *Due date; interest and refunds.*

(1) All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter;

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

(3) License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until paid.

(F) *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:

- (1) Casualty;
- (2) Automobile;
- (3) Inland marine;
- (4) Fire and allied perils;
- (5) Health; and
- (6) Life.

(G) *Inspection of records and accounts.* Every insurance company subject to license fees or tax shall maintain records adequate to support the reports required to be filed under this chapter. Authority is given to the City of Thornhill or a representative thereof to make inspection of the books, accounts and records of the agent or insurance company to verify the correctness of any report or breakdown of collections.

(H) *Liability of agents.* This section applies to insurance agents and surplus lines brokers to the extent they are responsible for collection, reporting, and payment of license fees or taxes pursuant to KRS 91A.080.

(Ord. 01-2019, passed 3-7-2019)

§ 112.99 PENALTY.

Pursuant to KRS 91A.080, willful failure to properly collect and remit the license fees or taxes imposed by this chapter may constitute grounds for the revocation of the license issued to an insurance company or agent under the provisions of KRS Chapter 304 or may result in other penalties being imposed by the State Office of Insurance.

(Ord. 01-2019, passed 3-7-2019)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST CITY REGULATIONS

CHAPTER 130: OFFENSES AGAINST CITY REGULATIONS

Section

General Provisions

130.01 Roadside vendors prohibited

130.99 Penalty

GENERAL PROVISIONS

§ 130.01 ROADSIDE VENDORS PROHIBITED.

It shall be unlawful for any person, persons, corporation or association to sell or give away any form of produce, dairy products or any form of merchandise on the public right-of-way.
Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person, persons, corporation or association violating the provisions of § 130.01 of this chapter shall be deemed guilty of a violation and fined not less than \$10 nor more than \$100.

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

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. IMPROVEMENTS

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- 150.01 Adoption of state codes; enforcement agents
- 150.02 Application
- 150.03 Appeals

Rental Property

- 150.15 Rental property regulations
- 150.99 Penalty

GENERAL PROVISIONS

§ 150.01 ADOPTION OF STATE CODES; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Title 815, Chapter 7 of the Kentucky Administrative Regulations; the Kentucky Residential Code, as contained in Title 815, Chapter 7 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Title 815, Chapter 20 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Title 815, Chapter 10 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/Treasurer, where they shall be available for public inspection during normal business hours.

(B) The Louisville Metro Department of Planning and Design Services shall be designated as the local enforcement agent for the Kentucky Building Code and Residential Code.

(C) The Louisville Metro Department of Planning and Design Services and all other designated officers, agents and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.

Penalty, see § 150.99

§ 150.02 APPLICATION.

The application of the Kentucky Building Code and Kentucky Residential Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

§ 150.03 APPEALS.

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear the appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

RENTAL PROPERTY**§ 150.15 RENTAL PROPERTY REGULATIONS.**

(A) Residents who wish to rent their home must live in the house for a minimum of two years prior to renting it.

(B) A lease must be provided for the rental with a minimum rental contract of one year. No short term rentals are allowed unless approved by the City Commission.
(Ord. passed 7-5-2022)

§ 150.99 PENALTY.

Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties.

(A) 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. Each day the violation continues shall constitute a separate offense.
(KRS 318.990)

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1,000, imprisonment for not more than 60 days, or both, for each offense.

(C) Violators of the Uniform State Building Code or the Uniform State Residential Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense. Each day the violation continues shall constitute a separate offense.

Statutory reference:

Violations of State Building or Residential Code; penalty, see KRS 227.990(1)

CHAPTER 151: IMPROVEMENTS

Section

- 151.01 Use of lots
- 151.02 Construction of new building structures or improvements or additions to existing building structures
- 151.03 External construction requiring city approval
- 151.04 External construction requiring proper permitting
- 151.05 Limitations to aboveground structures
- 151.06 Fences
- 151.07 Notification and cure period
- 151.08 Extension of cure period

- 151.99 Penalty

§ 151.01 USE OF LOTS.

All lots in the city shall be used solely and exclusively for single family residential purposes. No more than one residential unit shall be erected on any one lot (the “use of lot”).

(Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.02 CONSTRUCTION OF NEW BUILDING STRUCTURES OR IMPROVEMENTS OR ADDITIONS TO EXISTING BUILDING STRUCTURES.

No building shall be constructed within the boundaries of the city unless the character and construction shall be equal to or better than existing residences.

(Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.03 EXTERNAL CONSTRUCTION REQUIRING CITY APPROVAL.

Before any type of external construction may commence, either new building or improvements or additions (including inground pools), the plans for the construction shall be approved by the City Commission before construction may begin. Failure to obtain permission may be subject to penalty.

(Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.04 EXTERNAL CONSTRUCTION REQUIRING PROPER PERMITTING.

Before any type of external construction may commence, either new building or improvements or additions, the plans for the construction shall be approved by the proper and appropriate city and state approval governing bodies. Additionally all appropriate permits and licenses must be obtained before construction may begin. Failure to obtain approvals, permits and or licenses may be subject to penalty. (Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.05 LIMITATIONS TO ABOVEGROUND STRUCTURES.

Unless approved by the city, prior to construction, no aboveground structures other than a single-family residence may be erected in the city. These include, but are not limited to, mobile home, trailer, shack, storage shed, clothes lines, aboveground swimming pool, car port, driveways, automobile off-street parking space and detached garage. Decks and fences (including ornamental fences) are permitted to be constructed on the property, but need prior city approval. (Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.06 FENCES.

No fences of any kind or nature, including hedge fences, may at any time be erected nearer to the front property line than the front line of the building, except a small ornamental fence. The ornamental fence may not exceed 18 inches in height. The ornamental fence may not close in any area of the property. (Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.07 NOTIFICATION AND CURE PERIOD.

The city must notify the lot owner in writing of the violation. The lot owner will have seven days to appeal the violation and an additional seven days to cure the violation (for a total of a 14-day period, known as the “cure period”). If the violation is not remedied to the satisfaction of the city, then upon the end of the cure period the penalty will automatically go into effect. (Ord. 2009-005, passed - -2009) Penalty, see § 151.99

§ 151.08 EXTENSION OF CURE PERIOD.

The city may grant an extension of the cure period, as deemed appropriate by the city, but the extension shall not exceed 180 days. (Ord. 2009-005, passed - -2009)

§ 151.99 PENALTY.

At no time shall a general improvement be made without the permission of the city. If improvements are made without permission, then the owner of the lot may be subject to a fine of up to \$250 per day for each day of the violation, plus any and all legal costs, fines and penalties.
(Ord. 2009-005, passed - -2009)

TABLE OF SPECIAL ORDINANCES

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PARALLEL REFERENCES

References to Kentucky Revised Statutes
References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
1A.010(8)	10.02
3A.010(6)	10.02
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46.020(1)	10.03
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46.030	10.04
46.060	10.06

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83A.010(8)	10.02

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