STAMPING GROUND, KENTUCKY

CODE OF ORDINANCES

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ORDINANCE NO. 1999-01

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1999 S-6 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes,

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 1999 S-6 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 3rd day of May, 1999

Passed on First Reading March 1, 1999

Adopted on Second Reading May 3, 1999

Signed by Mayor Shirley Kettenring, May 3, 1999

Published in the Paper May 7, 1999

Recorded by Clerk May 7, 1999

Shirley Kettenring
Mayor

ATTEST:

Virginia Miller
City Clerk

ORDINANCE NO. 2001-6

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2001 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these undated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 2001 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 10th day of December, 2001.

/s/ Shirley Kettenring
MAYOR

ATTEST:

/s/ Evelyn Lyons
CITY CLERK

16 **Stamping Ground - Adopting Ordinance**

ORDINANCE NO. 2005-008

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES

OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2005 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 2005 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 9th day of August, 2005.

Jared W. Hollon /s/
JARED HOLLON, MAYOR

ATTEST:

Evelyn Lyons /s/
EVELYN LYONS
CITY CLERK

ORDINANCE NO. 2006-005

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2006 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 2006 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 1st day of August, 2006.

Passed on First Reading 7/18/06

Adopted on Second Reading 8/1/06

Signed by Mayor Jarod Hollon

Published in the Paper 8/6/06

Recorded by Clerk Evelyn Lyons

Jared W. Hollon /s/
Mayor

ATTEST:

Evelyn Lyons /s/
City Clerk

ORDINANCE NO. 2009-006

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2009 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 2009 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 3rd day of November, 2009.

Jarod Hollon /s/
Jarod Hollon, Mayor

ATTEST: Evelyn Lyons /s/
Evelyn Lyons
City Clerk

ORDINANCE NO. 2012-011

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 2012 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 6th day of December, 2012.

Billy Swartz /s/
Billy Swartz, Mayor

ATTEST: Janice Hockensmith /s/
Janice Hockensmith
City Clerk

ORDINANCE NO. 2019-0003

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF STAMPING GROUND, KENTUCKY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2019 supplement to the Code of Ordinances of the City of Stamping Ground, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes;

WHEREAS, it is the intent of the City Commission to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the City of Stamping Ground:

SECTION 1. That the 2019 supplement to the Code of Ordinances of the City of Stamping Ground, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 1st day of October, 2019.

Keith Murphy /s/
KEITH MURPHY, MAYOR

ATTEST: Reda Conn /s/
REDA CONN
CITY CLERK

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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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 Stamping Ground Code, for which designation "codified ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. (KRS 446.140)

(B) All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "traffic code." Sections may be referred to and cited by the designation "§" followed by the number, such as "§ 10.01." Headings and captions used in this code other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 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 tilting and registration information on vehicles and boat and information on holders of motor vehicle operator's licenses and personal identification cards. (KRS 446.010(55))

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

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

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

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

COUNTY. Scott 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, 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, 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))

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

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

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

MUNICIPALITY. The City of Stamping Ground, 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, policemen, and other persons with similar authority to make arrests. (KRS 446.010(31))

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

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements, and hereditaments.

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))

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

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

STATE. The State of Kentucky.

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

SUBCHAPTER. A division of a chapter, designated in this code by 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.

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

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

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

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

§ 10.03 RULES OF CONSTRUCTION.

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

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

(C) Liberal construction. All sections of this code shall be liberally construed with a view to promote their objects and carry out the intent of 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 such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed according to such meaning. (KRS 446.080(4))

§ 10.04 COMPUTATION OF TIME.

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

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

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

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

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

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

§ 10.06 WRITINGS AND SIGNATURES.

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

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

§ 10.07 SEVERABILITY.

It shall be considered that it is the intent of 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 such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising before the new ordinance takes effect, except that the proceedings thereafter had shall conform, so far as practicable, to the laws in force at the time of such proceedings. If any penalty, forfeiture, or punishment is mitigated by any provision of the new ordinance, such provision may, by the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.
(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.11 ORDINANCES REPEALED.

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

§ 10.12 ORDINANCES UNAFFECTED.

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

§ 10.13 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the 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 such purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

(A) Any chapter, section, or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Any chapter, section, or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of such subsequent ordinances until 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 such 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 most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) If a KRS cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (KRS 83A.090) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). If a KRS cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 31.10 MAYOR.

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

Statutory reference:

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

§ 10.99 GENERAL PENALTY.

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

Statutory reference:

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

TITLE III: ADMINISTRATION

Chapter

30. COMMISSION PLAN

31. CITY OFFICIALS

32. CITY COMMISSION

33. FINANCE AND REVENUE

34. PUBLIC RECORDS

35. TAXATION

36. PERSONNEL POLICIES

37. POLICE AND FIRE DEPARTMENTS

38. CODE OF ETHICS

39. CITY HALL

CHAPTER 30: COMMISSION PLAN

Section

30.01 Form of government
30.02 Governing officers
30.03 City departments

§ 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 such other officers and employees as may be provided for by statute or city ordinance. (KRS 83A.140 (2))

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

§ 30.03 CITY DEPARTMENTS.

(A) All administrative and service functions of the city shall be performed by the following six departments:

(1) Police;

(2) Fire;

(3) Street;

(4) Economic Development;

(5) Finance and Administration; and

(6) Public Works.

(B) The City Commission shall at its first regular meeting in each year designate a commission member to have superintendence over each department established by this section.

(C) The following shall be the function of each department:

(1) *Police Department.* The Police Department shall perform law enforcement activities within the city and as otherwise authorized by the City Commission and local, state and federal law. The Police Department shall be subject to the provisions of §§ 37.01 et seq.

(2) *Fire Department.* The Fire Department shall perform fire prevention and protection services as authorized by the City Commission and local, state and federal law. The Fire Department shall be subject to the provisions of §§ 37.15 et seq.

(3) *Street Department.* The Street Department shall oversee the maintenance, paving striping and other issues relating to city streets. The Street Department shall work with the Police Department regarding speed limits, parking, and other motor vehicle enforcement issues.

(4) *Economic Development Department.* The Economic Development Department will oversee city economic issues such as attracting business, monitoring development (residential and commercial), and develop and implement strategies for city growth.

(5) *Finance and Administration Department.* The Finance and Administration Department shall oversee the preparation of the city's annual budget, the collection and expenditure of revenues, taxation, and the operation of City Hall, and the city's employees.

(6) *Public Works Department.* The Public Works Department shall oversee the use of city resources not assigned to other departments, such as the city park. The Public Works Department shall also oversee the maintenance of city property, act as liaison with Georgetown Municipal Water and Sewer Service, and develop and implement city improvement strategies, such as beautification, drainage, etc.

(D) Each department superintendent shall report to the City Commission at each regular meeting regarding the activities of his or her department. Each superintendent shall not expend city funds except to the extent authorized by the city's budget or unless approved by the City Commission.
(Ord. 2006-002, passed 5-2-06)

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

31.01 Oath; bond
31.02 Compensation
31.03 Removal from office

Elected Officials

31.20 Election procedure
31.21 Mayor; Mayor Pro Tem
31.22 Commissioners

Nonelected City Officials

31.35 Establishment of nonelected city offices
31.36 City Clerk

GENERAL PROVISIONS

§ 31.01 OATH; BOND.

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

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

§ 31.02 COMPENSATION.

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

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

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

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

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

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

(E) The compensation of each Commissioner is hereby set by ordinance per regular, special or emergency meeting attended by such Commissioner. Effective January 1, 2027, the compensation for each Commissioner is set as $100 per regular, special, or emergency meeting attended by the Commissioner.

(F) The compensation of the Mayor and Mayor Pro Tem is hereby set by ordinance per each regular, special or emergency meeting attended by the Mayor or Mayor Pro Tem. Effective January 1, 2027, the compensation for the Mayor is set as $150 per regular, special, or emergency meeting attended by the Mayor. Effective January 1, 2027, the compensation for the Mayor Pro Tem is set as $125 per regular, special, or emergency meeting attended by the Mayor Pro Tem.
(Ord. 1994-11, passed 11-7-94; Am. Ord. 2026-001, passed 3-24-26)
Statutory reference:
Compensation, see KRS 83A.070 and 83A.075

§ 31.03 REMOVAL FROM OFFICE.

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

(B) Nonelected officers. Nonelected city officers may be removed by the Commission at will, unless otherwise provided by state law or ordinance.
Statutory reference:
Removal of elected officers, see KRS 83A.040(9)
Removal of nonelected officers, see KRS 83A.080(3)

ELECTED OFFICERS

§ 31.20 ELECTION PROCEDURE.

(A) Election of city officers shall be under nonpartisan election laws as provided in KRS 83A.045, 83A.170, 83A.175, and 83A.047. As permitted by KRS 83A.045(2)(b) there shall not be a primary election for the nomination of candidates to city office.

(1) All candidates for elected city offices shall file their nomination papers with the County Clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office.

(2) All nomination papers shall be filed no later than 4:00 p.m. prevailing local time when filed on the last day on which the papers are permitted to be filed.
(Ord. 1-1989, passed 1-21-89; Am. Ord. 2012-010, passed 11-8-12)

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

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

(D) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance, except that the offices of Mayor and 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.

(G) The city may not create any elected office. Existing elected offices may be continued under provision of divisions (D), (E), and (F) above, but no existing elected office may be changed.
Statutory reference:
Election of city officers, see KRS 83A.050
Creation, abolishment of city offices, see KRS 83A.080(4),(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 term of office shall begin on the first day of January following his election and shall be for four years and until his successor qualifies. If a person is elected or appointed as mayor in response to a vacancy and serves less than four calendar years, then that period of service shall not be considered for purposes of re-election a term of office.

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

(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(1),(2),(6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Commission may vote for himself. (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 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 may be submitted through electronic mail if it originates from the official's electronic mail address and includes also the official's handwritten signature. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring on or after the date specified in the written letter of resignation. If a resignation date is not specified, the written resignation shall be deemed to become effective at the first regular or special meeting of the legislative body occurring on or after its receipt. (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. (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.
(KRS 83A.140(4))

(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 office and he shall then possess all rights, powers, and duties of Mayor.

(2) If the disability of the Mayor to attend to his 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))

Cross-reference:

Compensation, see § 31.02(F)

§ 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.

(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. Upon removal of a nonelected officer at will, the Commission shall give the officer a written statement setting forth the reason or reasons for the removal. However, this requirement shall not be construed as limiting in any way the at will dismissal power of the Commission.

(D) The following is a nonelected city office: The City Clerk.

Statutory reference:

Nonelected city offices, see KRS 83A.080(1), (3)

§ 31.36 CITY CLERK.

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

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

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

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

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

(3) Possession of the seal of the city 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:

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1. City Clerk;
2. City Treasurer or chief financial officer;
3. City Manager or administrator;
4. City Attorney;
5. Human Resources Director;
6. Police Chief;
7. Fire Chief;
8. Public Works Director;
9. Risk manager;
10. Information technology manager;
11. Public relations or communications officer; and
12. Planning and zoning administrator;

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

(c) The name and telephone number of either an elected or appointed official to serve as a contact person that 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 by statute or ordinance; and

(6) Once the information required to be reported under division (C)(4) is compiled by the Department for Local Government, the Department shall forward one electronic copy of the compiled information to the Legislative Research Commission.
(KRS 83A.085(3))

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

(E) No person shall be appointed or act as the City Clerk unless such person has taken the oath required by section 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.

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CHAPTER 32: CITY COMMISSION

Section

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

Rules of Procedure

32.20 Mayor as Presiding Officer
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32.35 One subject; title
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32.43 Additional requirements for adoption may be established by city
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32.47 Legislative immunity

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 a legislative body shall be a resident of the city for not less than one year prior to his or her election. Terms of office begin on the first day of January following his election and shall be for two years.

(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 term of office.
(KRS 83A.040(4))

(C) Compensation. For provisions concerning compensation, see § 31.02.

§ 32.02 VACANCIES.

(A) Vacancies. If one or more vacancies on the 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 selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled. If a majority of the membership on the Commission is vacated as a result of a judgement by a Circuit Court or on appeal under KRS 120.165(4) because of an election error due to no fault of any candidate or fraud, a new special election shall be called and held as soon as practicable for the bona fide candidates only. Members of the Commission whose term expires shall remain in office until the contest and any appeals of the regular election are complete and final. 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 shall be 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 may be submitted through electronic mail if it originates from the official's electronic mail address and includes also the official's handwritten signature. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring on or after the date specified in the written letter of resignation. If a resignation date is not specified, the written resignation shall be deemed to become effective at the first regular or special meeting of the legislative body occurring on or after its receipt. (KRS 83A.040(7))

(2) 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 in the 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 such 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 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. (KRS 83A.140 (8))

(D) 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))

(E) The Commission shall by ordinance provide for sufficient revenue to operate city government and shall appropriate such funds in a budget which shall provide for the orderly management of the city's resources. (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 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 on the second Thursday and the fourth Tuesday of each month at 6:00 p.m. at City Hall.

(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 person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting.
(KRS 83A.140 (7)) (Ord. 2003-001, passed - - 03; Am. Ord. 2012-009, passed 9-27-12; Am. Ord. 2019-0005, passed 11-5-19; Am. Ord. 2025-001, passed 2-4-25)

§ 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 shall clearly state 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 Stamping Ground."
(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.

(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(4),(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 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 by the city shall be indexed and maintained by the City Clerk in the following manner:

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

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

§ 32.42 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 legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

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(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 the imposes fines, penalties, forfeitures, 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) The 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.

(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(12), (13))

§ 32.46 PROVED BY CITY CLERK; RECEIVED IN EVIDENCE.

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

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§ 32.47 LEGISLATIVE IMMUNITY.

For anything said in debate, City 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 Ky. Const. § 43

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

33.01 Definitions
33.02 Accounting records and financial reports
33.03 Annual budget ordinance
33.04 Annual audit of city funds
33.05 Official depositories; disbursement of city funds

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33.16 Affected owner may contest
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33.18 Effect of additional property or change in financing

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

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

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

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

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

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

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

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

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

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

(1) Determine compliance with statutory provisions; 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 money 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 such form and detail as is 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) The Commission may adopt the budget ordinance making appropriations for the fiscal year in such sums as it finds sufficient and proper, whether greater or less than the sums recommended in the budget proposal. The budget ordinance may take any form that 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 section 157 of the Kentucky Constitution.

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

(J) The 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. Such 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. Such reports shall be submitted not less than once every three months in each fiscal year.

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

(M) No city agency, or member, director, officer, or employee of any city agency, may bind the city in any way to any extent beyond the amount of money at that time appropriated for the purpose of the agency. All contracts, agreements, and obligations, express or implied, beyond such existing appropriations are void; nor shall any city officer issue any bond, certificate, or warrant for the payment of money by the city in any way to any extent, beyond the balance of any appropriation made for the purpose.
(KRS 91A.030)

§ 33.04 ANNUAL AUDIT OF CITY FUNDS.

(A) Except as provided in division (B) of this section, the city 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 include both fiscal years since the prior audit. The audit shall be completed by March 1 immediately following the fiscal year to be audited. The 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. 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) If the city, for any fiscal year receives and expends, from all sources and for all purposes, less than $500,000, and has no long-term debt, whether general obligation or revenue debt, it shall not be required to audit each fund of the city for that particular fiscal year. In addition, the city shall:

(1) Annually prepare a financial statement in accordance with KRS 424.220 and shall, not later than October 1 following the conclusion of the fiscal year, forward one electronic copy to the Department for Local Government for information purposes.

(2) If exempted under this section for more than four consecutive fiscal years after July 1, 2022, have prepared an attestation engagement covering the fourth fiscal year in which the city qualified for an exemption under this section. An attestation engagement completed pursuant to this subsection shall be:

(a) Prepared by an independent certified public accountant or by the Auditor of Public Accounts pursuant to a contract with the city using generally accepted attestation standards as promulgated by the American Institute of Certified Public Accountants and any additional procedures established by the Department for Local Government through administrative regulation;

(b) Completed by no later than March 1 immediately following the conclusion of the fiscal year in which in the attestation engagement is required;

(c) Submitted to the Department for Local Government as one electronic copy no later than April 1 after its completion;

(d) Advertised to the public within 30 days of its completion by causing the publication of a legal display advertisement of not less than six column inches in a newspaper qualified under KRS 424.120 stating that the attestation has been prepared and copies have been provided to each local newspaper of general circulation, each news service, and each local radio and television station which has on file with the city a written request to receive copies of financial statements under KRS 424.220. Any city advertising under this division shall be exempt from publishing its financial statement under KRS 424.220(6) for any year in which it is required to have an attestation engagement completed; and

(e) Provided to the Auditor of Public Accounts upon request for review of the final report and all related work papers and documents regarding the attestation engagement.

(C) If the city is required by another provision of law to audit its funds more frequently or more stringently than is required by this section, the city shall also comply with the provisions of that law.

(D) The Department for Local Government shall, upon request, make available electronic copies of the audit reports and financial statements received by it under divisions (A) and (B) of this section to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975 or to the Auditor of Public Accounts.

(E) The city shall enter into a written contract with an auditor, who shall be a certified public accountant or the Auditor of Public Accounts. 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 shall be employed to examine the basic financial statements which shall include the government-wide and fund financial statements;

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

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

(4) The auditor shall 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;

(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 work papers upon request.

(F) A copy of an audit report which meets the requirements of this section is 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.

(G) 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 fortifies 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, when a statement is required by KRS 424.220, are available to the public at no cost at the business address of the officer responsible for preparation of such statement.

(H) Any resident of the city or owner of real property within the city may bring an action in the Circuit Court to enforce the provisions of this section. 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 or owner of real property within the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident or property owner bringing the action, shall be assessed against the unsuccessful party.

(I) In the event of extenuating circumstances that prevent the city from completing and submitting a required audit or financial statement in compliance with the applicable deadlines in divisions (A) and (B) of this section, the city may submit a written request for an extension of time to the Department for Local Government on a form prescribed by the Department. The Department shall approve the request if in the judgment of the Department the request is warranted by extenuating circumstances beyond the control of the city or other factors that justify the city's noncompliance with the required deadlines. The Department for Local Government may consider any evidence it deems appropriate, including but not limited to proof of the city's progress towards compliance. Extensions granted under this division shall not exceed 18 months from the original due date of the audit or financial statement. If the Department approves an extension for a city and the city fails to complete and submit the required audit or financial statement in compliance with that extended deadline, then the provisions of division (J) shall apply.

(J) If the city fails to complete an audit or financial statement and submit it to the Department for Local Government as required in divisions (A), (B), and (I), the Department shall notify the Finance and Administration Cabinet that the city has failed to comply with the audit requirements of this section, and that any funds in the possession of any agency, entity, or branch of state government shall be withheld from the city until further notice. The Department shall immediately notify the Finance and Administration Cabinet when the city complies with the requirements of divisions (A), (B), and (I) for all prior fiscal years it has failed to comply with the audit requirements of this section, and the Finance and Administration Cabinet shall direct the reinstatement of payments to the city, including any funds that were withheld due to the noncompliance. This division shall not be interpreted or construed to permit the state to withhold any nondiscretionary payments to a city that are due the city for the provision of services by the city to the state or any of its agencies, including for the use of city utilities.

(K) Within a reasonable time after the completion of a special audit or examination conducted pursuant to KRS 43.050, the Auditor shall bill the city for the actual expense of the audit or examination conducted. The actual expense shall include the hours of work performed on 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 USC 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

§ 33.10 DEFINITIONS.

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

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

BENEFITS RECEIVED BASIS. The apportionment of cost of an improvement according to equitable determination by 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 such front footage of all such properties.

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

PROPERTY. Any real property 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 such property.
(KRS 91A.210)

§ 33.11 FINANCING OF IMPROVEMENTS.

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

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

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

Statutory reference:

Improvements; alternate methods, see KRS Ch. 107

§ 33.12 APPORTIONMENT OF COST.

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

§ 33.13 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

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

§ 33.14 PUBLIC HEARING REQUIRED.

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

(A) The nature of the improvement;

(B) Description of area of the improvement;

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

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

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

§ 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

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

§ 33.16 AFFECTED OWNER MAY CONTEST.

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

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

§ 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.16, or after favorable final judgment in any such action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that the 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, or from payment thereof, or from the penalties or interest thereon, as herein provided.
(KRS 91A.280)

§ 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

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

CHAPTER 34: PUBLIC RECORDS

Section

General

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GENERAL

§ 34.01 DEFINITIONS.

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

CITY. The city government of this city.

COMMERCIAL PURPOSE. The direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through a 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; and

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

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

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

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

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

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. The city, including its legislative body and every officer, department and division of the city; every entity created by authority of the city; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency created and controlled by the city; and any interagency body in which the city participates.

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 that are not related to functions, activities, programs or operations funded by the public agency nor any records that may be excluded by § 34.16.

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

RESIDENT OF THE COMMONWEALTH.

(1) An individual residing in the Commonwealth;

(2) A domestic business entity with a location in the Commonwealth;

(3) A foreign business entity registered with the Secretary of State;

(4) An individual that is employed and works at a location or locations within the Commonwealth;

(5) An individual or business entity that owns real property within the Commonwealth;

(6) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in divisions (1) to (5) of this section; or

(7) A news-gathering organization as defined in KRS 189.635(9)(b)1.a. to e.

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

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

(C) If the public records are to be inspected at the offices of the city, suitable facilities shall be made available in the office of the City Clerk or in another office of the city as determined by the official custodian or custodian for the inspection. No person shall remove original copies of public records from the offices of the city without 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 Scott County after the person precisely describes the public records which are readily available and after the person pays in advance the prescribed fee.

§ 34.06 REFERRAL TO PROPER CUSTODIAN.

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

§ 34.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

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

§ 34.08 REFUSAL OF UNREASONABLE REQUESTS.

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

§ 34.09 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within 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 its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.
(KRS 61.880)

§ 34.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

§ 34.11 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

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

§ 34.12 FORMAT OF COPIES.

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

(B) (1) Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format. Nonexempt public

records used for noncommercial purposes shall be copied in standard hard copy format where agencies currently maintain records in hard copy format. Agencies are not required to convert hard copy format records to electronic formats.

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

§ 34.13 FEES FOR COPIES.

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

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

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

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

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

(b) Cost to the public agency of the creation, purchase, or other acquisition of the public records.
(KRS 61.874(3), (4))

Cross-reference:

Fees for online access to public records, see § 34.15

§ 34.14 MISSTATEMENT OF PURPOSE PROHIBITED.

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

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

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

(C) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.
(KRS 61.874(5)) Penalty, see § 10.99

§ 34.15 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

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

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.13.
(KRS 61.874(6))

§ 34.16 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) 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 a depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

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

1. Criticality lists resulting from consequence assessments;

2. Vulnerability assessments;

3. Antiterrorism protective measures and plans;

4. Counterterrorism measures and plans;

5. Security and response needs assessments;

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

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

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

(b) As used in this paragraph, ''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 subparagraph (10)(a)6 of this section; or

3. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

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

(d) Nothing in this division shall affect the obligations of a public agency with respect to disclosure and availability of public records under sate 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 paragraph under the Open Records Law.

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

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

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

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

(13) Records of a procurement process under KRS Ch. 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.

(14) 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 Ch. 31.

(15) Communications of a purely personal nature unrelated to any governmental function.

(16) Records confidentially maintained by a law enforcement agency in accordance with a wellness program, including an early intervention system, as described in KRS 15.409.

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

(C) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.

(D) 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.

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

university employees, applicant, or eligible shall not have the right to inspect or copy any examination or any document relating to ongoing criminal or administrative investigations by any agency. (KRS 61.878)

§ 34.17 NOTIFICATION OF THE ATTORNEY GENERAL.

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

CHAPTER 35: TAXATION

Section

35.01 County assessment adopted
35.02 Due date; payment
35.03 Delinquency
35.04 Ad valorem taxes on motor vehicles
35.05 Bank franchise and local deposit tax
35.06 Disposition of funds

§ 35.01 COUNTY ASSESSMENT ADOPTED.

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

(A) All taxes, except ad valorem taxes on motor vehicles, shall become due on or before December 31 except, for ad valorem taxes only, to the extent an alternative collection schedule for ad valorem taxes is established by the Kentucky Department of Revenue for the city pursuant to KRS 134.015(3) in which case the due date for such property taxes shall be as established by the Kentucky Department of Revenue.

(B) Taxes shall be due and payable at the office of the City Clerk. Subject to the provisions of KRS 134.015(3), the following shall apply to the payment of ad valorem taxes, other than ad valorem taxes on motor vehicles:

(1) Any taxpayer who pays the ad valorem taxes in full by December 1 of the assessment year shall receive a 2% discount on the amount otherwise due.

(2) Ad valorem taxes paid in full between December 2 and December 31 of the assessment year shall be paid at the amount reflected on the tax bill without discount or penalty.
(Ord. 1991-02, passed 9-7-91; Am. Ord. 1994-14, passed 12-5-94; Am. Ord. 1995-11, passed 11-6-95; Am. Ord. 1996-09, passed 10-14-96; Am. Ord. 2011-005, passed 8-9-11; Am. Ord. 2024-006, passed 10-24-24)

§ 35.03 DELINQUENCY.

(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent on the day after the due date for such taxes.

(B) Except for ad valorem taxes on motor vehicles, any taxes not paid by the date when they become delinquent shall be subject to the following, subject to the provisions of KRS 134.015(3):

(1) Taxes paid in full between January 1 and January 31 of the year following the assessment year shall be subject to a penalty of 5% of the taxes due and unpaid.

(2) Taxes paid after January 31 of the year after the assessment year shall be subject to a penalty of 10% of the taxes due and unpaid.

(3) Any taxes not paid by the 30th day after the date the penalty of 10% first applies shall bear simple interest at the rate of 12% per annum from the 31st day after the date the penalty of 10% first applies until paid. A fraction of a month shall be counted as an entire month.

(4) The delinquent taxpayer shall also pay all attorneys's fees, 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.
(Am. Ord. 2011-005, passed 8-9-11)

§ 35.04 AD VALOREM TAXES ON MOTOR VEHICLES.

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

(B) Ad valorem taxes on motor vehicles shall become due and delinquent as set forth in KRS 134.810 and any such taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.
(Ord. 1994-10, passed 9-6-94; Am. Ord. 1995-10, passed 9-11-95; Am. Ord. 1996-08, passed 9-3-96; Am. Ord. 2004-0010, passed 9-13-04; Am. Ord. 2005-010, passed 10-4-05)

§ 35.05 BANK FRANCHISE AND LOCAL DEPOSIT TAX.

(A) There is hereby imposed on all "financial institutions," as defined in KRS Chapter 136, located within the corporate limits of the city, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions.

(B) For transition purposes, the 1996 tax year will be treated differently in terms of collection of taxes than for all subsequent years. For the 1996 tax year, the following timetable is hereby established: The city will issue tax bills to financial institutions no later than May 1, 1997. Payment of the tax shall be due with a 2% discount by May 31, 1997, or without the discount by June 30, 1997.

(C) For all tax years subsequent to the 1996 tax year, the following timetable is hereby established: The city will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a 2% discount by December 31 of each year, or without the discount by January 31 each year.

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

(E) All taxes due in accordance with these sections which are not paid before June 30, 1997, for the year 1996, or which are not paid before January 31, for all subsequent years tax years shall be deemed delinquent and shall be subject to a penalty of 10% and shall bear interest at the rate of 10% per annum.

(F) All moneys collected pursuant to these sections 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.
(Ord. 1996-10, passed 10-14-96)

§ 35.06 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.

CHAPTER 36: PERSONNEL POLICIES

Section

36.01 Personnel policies and procedures, classification and compensation plans adopted by reference
36.02 County employees retirement system; participation
36.03 Random drug testing

§ 36.01 PERSONNEL POLICIES AND PROCEDURES, CLASSIFICATION AND COMPENSATION PLANS ADOPTED BY REFERENCE.

(A) The policies and procedures, classification and compensation plans attached to Ordinance 1990-01, passed 4-23-90, and all subsequent amendments thereto, are hereby adopted by reference as if set forth fully in this code, and shall be the system of personnel administration for the city.

(B) The policies and procedures, classification and compensation plans may be waived, altered, or suspended only by municipal order of the City Commission or change of ordinance.
(Ord. 1990-01, passed 4-23-90; Am. Ord. 2005-01, passed 2-1-05; Am. Ord. 2005-009, passed 9-19-05; Am. Ord. 2007-006, passed 10-9-07)

(C) A copy of the policies and procedures, classification and compensation plans shall be available for public inspection in the office of the City Clerk during normal office hours.
(Am. Ord. 24-008, passed 12-30-24; Am. Ord. 2025-003, passed 4-22-25)

§ 36.02 COUNTY EMPLOYEES RETIREMENT SYSTEM; PARTICIPATION.

(A) This agency is hereby authorized to participate in the County Employees Retirement System effective July 1, 1994, and that all eligible regular full-time officers and employees of this agency are hereby authorized and directed to comply with he statutory requirements of this retirement system.

(B) All employees of this agency whose duties require an average of 100 hours during each working month shall be considered as "regular full-time" employees for county retirement purposes except those employees of agencies excluded as shown below which may participate in the system as a separate agency and those other persons who are employed as "temporary", "part-time" and "seasonal" workers, as defined in KRS 78.510(21) of the County Employees Retirement Laws.
(Ord. 1994-07, passed 7-5-94)

§ 36.03 RANDOM DRUG TESTING.

All employees of the city and all volunteers of the city Fire Department shall submit to drug testing on a random basis at such times as designated by the City Commission or its designee.
(Ord. 1998-08, passed 9-8-98)

CHAPTER 37: POLICE AND FIRE DEPARTMENTS

Section

Police Department

37.01 Establishment
37.02 Police Chief; police officers
37.03 Policy and Procedure Manuals for police department

Volunteer Fire Department

37.15 Establishment
37.16 Fire Chief; Assistant Fire Chief
37.17 Policy and Procedure Manuals for the Fire Department

POLICE DEPARTMENT

§ 37.01 ESTABLISHMENT.

There is hereby established a Police Department in the city.

§ 37.02 POLICE CHIEF; POLICE OFFICERS.

(A) The Police Department shall consist of a Chief of Police and regular police officers as may be authorized by the City Commission.

(B) The Police Chief and all police officers shall be appointed by the City Commission at will, and may be removed by the City Commission at will except as tenure and terms of employment are protected by statute, ordinance or contract.

(C) No person shall be appointed or act as the Police Chief or a regular police officer unless the person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky.

(D) All full-time and part-time officer of the City Police Department, including the Chief of Police, shall have the minimum education and training required by state law and shall satisfy all additional qualifications, training and experience requirements set forth in the personnel policies and procedures and classification plan.

(E) The compensation to be paid to city police officers shall be as set forth in the city's classification and compensation plan.

§ 37.03 POLICY AND PROCEDURE MANUALS FOR THE POLICE DEPARTMENT.

(A) The City Police Commissioner and City Police Chief shall establish and recommend to the City Commission standard operating procedures to be adopted as a Municipal Order pursuant to KRS.83A.060(12). The City Police Commissioner and Police Chief shall, from time to time, and as instructed by the City Commission, review the standard operating procedures of the Police Department and recommend revisions to such standing operating procedures as may appear appropriate, which revisions may be implemented by further municipal orders.

(B) The City Police Department standard operating procedures, as established by municipal order, and, from time to time, revised by further municipal orders, shall be known as the City of Stamping Ground Police Policies and Procedures Manual, and shall be compiled with by all city personnel
(Ord. 1998-02, passed 3-2-98; Am. Ord. 2025-003, passed 4-22-25)

VOLUNTEER FIRE DEPARTMENT

§ 37.15 ESTABLISHMENT.

A Fire Department is hereby established in the city to be known as the Stamping Ground Volunteer Fire Department.

§ 37.16 FIRE CHIEF; ASSISTANT FIRE CHIEF.

(A) The positions of Fire Chief and Assistant Fire Chief are hereby established.

(B) The positions of Fire Chief and Assistant Fire Chief shall be filled by appointment of the City Commission.
(Am. Ord. 2025-003, passed 4-22-25)

§ 37.17 POLICY AND PROCEDURE MANUALS FOR THE FIRE DEPARTMENT.

(A) The City Fire Commissioner and City Fire Chief shall establish and recommend to the City Commission standard operating procedures to be adopted as a municipal order pursuant to KRS.83A.060(12). The City Fire Commissioner and Fire Chief shall, from time to time, and as instructed by the City Commission, review the standard operating procedures of the Fire Department and recommend revisions to such standing operating procedures as may appear appropriate, which revisions may be implemented by further municipal orders.

(B) The City Fire Department standard operating procedures, as established by municipal order, and, from time to time, revised by further municipal orders, shall be known as the City of Stamping Ground Fire Policies and Procedures Manual, and shall be complied with by all city personnel.
(Ord. 2025-003, passed 4-22-25)

CHAPTER 38: CODE OF ETHICS

Section

38.01 Definitions
38.02 Standards of conduct
38.03 Financial disclosure
38.04 Nepotism
38.05 Board of Ethics

§ 38.01 DEFINITIONS.

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

BUSINESS ASSOCIATE. Includes the following:

(1) A private employer;

(2) A general or limited partnership, or a general or limited partner within the partnership;

(3) A corporation that is family owned or in which all shares of stock are closely held, and the shareholders, owners and officers of such a corporation;

(4) A corporation, business association, or other business entity in which the officer or employee serves as a compensated agent or representative.

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

CANDIDATE. Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual:

(1) Files a notification and declaration for nomination for office with a County Clerk or the Secretary of State; or

(2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325 or 118.760.

MEMBER OF IMMEDIATE FAMILY. A spouse, an unemancipated child residing in an individual's household or a person claimed by an individual or individual's spouse as a dependent for tax purposes. (Ord. 1994-12, passed 12-5-94)

§ 38.02 STANDARDS OF CONDUCT.

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

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

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

(D) No officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

(E) No officer or employee, member of his or her immediate family, or business organization in which he or she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value gas given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for an elective public office as governed by the Kentucky Revised Statutes.

(F) No officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearance, ceremonies or fact finding trips related to official city business. No officer or employee shall use, or allow to be used, his or her public office or employment, or any information, not generally available to the members of the public, which he or she receives or requires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.
(Ord. 1994-12, passed 12-5-94) Penalty, see § 10.99

§ 38.03 FINANCIAL DISCLOSURE.

(A) The following individuals shall be required to file a financial disclosure statement:

(1) Elected officers;

(2) Candidates for elective office;

(3) Officers and employees with procurement authority exceeding $500 per purchase.

(B) The financial disclosure statement shall include the following information:

(1) Name of filer;

(2) Current business address, business telephone number and home address of filer;

(3) Title of filer's public office or position or office sought;

(4) Occupation of filer and spouse;

(5) A statement of whether the filer has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the city, and if such private financial interest does exist, then the identity and nature of the financial interest and contract and matter pending before or within any department or agency of the city.

(6) Any elected city officer or employee with procurement authority exceeding $500 per purchase who has a private financial interest in any contract or matter pending before the city shall disclose such private interest on the records of the City Commission and shall disqualify himself from participating in any vote or decision relating thereto, or any purchase or procurement relating thereto.

(7) The financial disclosure statement shall be on a form provided by City Board of Ethics. The financial disclosure statement shall filed annually by officers and employees no later than February 1. Candidates shall be required no later than 21 days after the filing date or the date of nomination. Newly appointed officers and employees shall be required to file their initial statement no later than 21 days after the date of appointment or hire.

(8) The financial disclosure statement shall be filed with the Board of Ethics.

(9) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing after written notice of same by the Board of Ethics within the time frame established in such notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board of Ethics in an amount not to exceed $25 per day, up to a maximum total civil fine of $500. Any civil fine imposed by the Board of Ethics under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(10) Any person who intentionally files a statement of financial interest which he or she knows contains false information or intentionally omits required information shall be guilty of a class A misdemeanor.
(Ord. 1994-12, passed 12-5-94)

§ 38.04 NEPOTISM.

(A) No officer or employee shall act in his or her official capacity to hire or cause to be hired any member of his or her immediate family to an office or position of employment with the city.

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

(C) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the date of enactment of this chapter.
(Ord. 1994-12, passed 12-5-94) Penalty, see § 10.99

§ 38.05 BOARD OF ETHICS.

(A) A Board of Ethics is hereby created which shall have the power to enforce all provisions of the Code of Ethics adopted by this chapter.

(B) The Board of Ethics shall consist of at least one, but not more than three members. No member may be a city officer or employee. The members shall be appointed by the City Commission. The members shall receive compensation in the amount of $100 per year and may be reimbursed all necessary expenses. The terms of members shall be staggered and no longer than four years.

(C) The Board of Ethics shall have the following powers:

(1) To initiate, receive, hear and review complaints and hold hearing regarding possible violations of the City Ethics Code;

(2) To issue subpoenas for the production of documents and the attendance of witnesses;

(3) To forward to appropriate agencies of the state and local government information concerning violations which may be used in criminal and other proceedings.

(4) To render advisory opinions to county officers and employees regarding whether a given set of facts and circumstances constitutes the violation of any provisions of the city code of ethics;

(5) To enforce the provisions of the local Code of Ethics with regard to city officers and employees and to impose penalties for violations as authorized;

(6) To receive, review and hold all financial disclosure statements required by this chapter; and

(7) To adopt rules and regulations necessary to implement the local ethics code.

(C) Decisions of the City Board of Ethics regarding violations shall be appealable to the circuit court.
(Ord. 1994-12, passed 12-5-94; Am. Ord. 1995-01, passed 3-6-95; Am. Ord. 2013-001, passed 5-14-13)

CHAPTER 39: CITY HALL

Section

39.01 Establishment

§ 39.01 ESTABLISHMENT.

The location of the Stamping Ground City Hall is hereby established as the former Stamping Ground Womens Club property located at 3374 Main Street in Stamping Ground, Kentucky. All references to the City Hall Building shall be deemed to refer to the foregoing property.
(Ord. 2004-0011, passed 10-12-04)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE MANAGEMENT

51. WATER SHORTAGES

52. UTILITY RATES

53. WATER SYSTEM AND SEWER IMPROVEMENT SPECIFICATIONS

CHAPTER 50: SOLID WASTE MANAGEMENT

Section

General Provisions

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50.02 Storage containers required
50.03 Maintenance of solid waste containers in clean, sanitary condition
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50.08 Solid waste removal rates

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50.40 Disposal in approved sites
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50.70 Establishment and enforcement
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Cross-reference:

Garbage as a public nuisance; abatement procedure, see Ch. 92

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

APPROVED INCINERATOR. An incinerator which complies with all current regulations of the responsible local, state, and federal air pollution control agencies.

BULKY RUBBISH. Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY. The City of Stamping Ground, Kentucky, including its authorized agents and employees.

COLLECTION. Removal of solid waste from the designated pickup location to the transportation vehicle.

DEMOLITION and ***CONSTRUCTION WASTE.*** Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR. The Director of the Solid Waste Management Program of the county, who shall be designated by Scott County.

DISPOSABLE SOLID WASTE CONTAINER. Disposable plastic sacks with a capacity of 10 to 35 gallons specifically designed for storage of solid waste.

DWELLING UNIT. Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

HAZARDOUS WASTE. Any waste or combination of wastes which, as determined by the Kentucky Department for Environmental Protection, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or

potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MULTIPLE HOUSING FACILITY. A housing facility containing more than one dwelling under one roof.

OCCUPANT. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as an owner or as a tenant.

PERSON. Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

(1) ***COMMERCIAL SOLID WASTE.*** Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(2) ***RESIDENTIAL SOLID WASTE.*** Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE CONTAINER. Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL. The process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by human beings.

SOLID WASTE MANAGEMENT. The administration of solid waste activities: storage, collection, source separation, transportation, processing, treatment and disposal.

STORAGE. Keeping, maintaining or storing solid waste from the time of its production or until the time of its collection.

TRANSPORTATION. The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES. Grass clippings, leaves, tree trimmings.
(Ord. 89-003, passed 9-2-89)

§ 50.02 STORAGE CONTAINERS REQUIRED.

The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the city, shall provide sufficient and

adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each dwelling unit and/or establishment; and to maintain the solid waste containers at all times in good repair.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.03 MAINTENANCE OF SOLID WASTE CONTAINERS IN CLEAN; SANITARY CONDITION.

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain the solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.04 SPECIFICATIONS FOR RESIDENTIAL; COMMERCIAL STORAGE CONTAINERS.

(A) Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 10 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.

(B) Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by § 50.70.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.05 STORAGE OF YARD WASTES.

Tree limbs less than four inches in diameter, lumber and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 75 pounds.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.06 AIRTIGHT CONTAINERS; REMOVAL OF DOOR.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.07 STORAGE CONTAINERS NOT IN COMPLIANCE.

Solid waste containers which do not meet the specifications as outlined in this chapter shall be considered waste and will be collected together with their contents and disposed of.
(Ord. 89-003, passed 9-2-89)

§ 50.08 SOLID WASTE REMOVAL RATES.

Each customer of the city's solid waste removal program shall pay to the city the solid waste removal fee set forth below for such service. The solid waste removal fee includes the separate removal of solid waste suitable for recycling if the customer separates the recyclable solid waste from general solid waste and places the recyclable solid waste in an appropriate separate container. The solid waste removal fee shall be as follows for the time periods indicated:

(A) August 1, 2025 through July 31, 2026: $30.50 per month per unit; and

(B) August 1, 2026 through July 31, 2027: $31.60 per month per unit.
(Ord. 1996-01, passed 3-11-96; Am. Ord. 1997-06, passed 7-7-97; Am. Ord. 2000-04, passed 12-12-00; Am. Ord. 2002-01, passed 5-13-02; Am. Ord. 2007-005, passed 10-9-07; Am. Ord. 2008-004, passed 8-5-08; Am. Ord. 2009-004, passed 8-25-09; Am. Ord. 2010-005, passed 9-14-10; Am. Ord. 2013-006, passed 7-9-13; Am. Ord. 2017-04, passed 8-8-17; Am. Ord. 2019-0004, passed 10-8-19; Am. Ord. 2020-0009, passed 7-21-20; Am. Ord. 2020-0010, passed 7-21-20; Am. Ord. 2023-006, passed 9-19-23; Am. Ord. 2025-006, passed 7-22-25)

SOLID WASTE COLLECTION

§ 50.20 RESPONSIBILITY OF CITY.

The city will ensure that solid waste collection is available to all residents.
(Ord. 89-003, passed 9-2-89)

§ 50.21 PLACEMENT OF WASTES FOR COLLECTION.

Tree limbs and yard wastes, as described in § 50.05, shall be placed at the curb or mailbox for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed at the curb or mailbox for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this chapter to be placed at the curb or mailbox for collection shall be so placed not more than 12 hours before collection. All reusable containers shall be removed from the curb or mailbox 12 hours after collection.
(Ord. 89-003, passed 9-2-89)

§ 50.22 COLLECTION OF BULKY RUBBISH.

The city shall establish the procedures for collecting bulky rubbish from residential units within the city. Bulky rubbish shall be collected at least semi-annually.
(Ord. 89-003, passed 9-2-89)

§ 50.23 AUTHORITY OF COLLECTORS TO ENTER PRIVATE PROPERTY; ENTERING RESIDENTIAL BUILDINGS PROHIBITED.

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director and the city.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.24 FREQUENCY OF COLLECTION.

The following collection frequencies shall apply to collections of solid waste within the city: All residential solid waste, other than bulky rubbish, shall be collected one time each week. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. Schedules and fees for special commercial and industrial establishment collection are the responsibility of the establishment. All collections shall be made between 8:00 a.m. and 4:30 p.m.
(Ord. 89-003, passed 9-2-89)

§ 50.25 OWNERSHIP OF SOLID WASTE.

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in § 50.21, shall become the property of the city or its duly authorized agent and no person shall be allowed to separate, carry off or dispose of same without the written permission of the Director or the city.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.26 RESPONSIBILITY OF COLLECTOR; REMOVAL OF LITTER, SPILLAGE.

Solid waste collectors employed by the city or a solid waste collection agency permitted by the city, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.27 COLLECTION VEHICLE SPECIFICATIONS.

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or,

as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

DISPOSAL OF SOLID WASTE

§ 50.40 DISPOSAL IN APPROVED SITES.

Solid wastes shall be deposited at a processing facility or disposal area approved by the city or other approved facility and complying with all requirements of KRS 224.830, 224.835, 224.855 and the rules and regulations adopted thereunder. The city may designate the processing or disposal facility to be utilized by persons operating under §§ 50.50 through 50.59 of this chapter.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.41 HAZARDOUS WASTE DISPOSAL.

Hazardous wastes under the provisions of this chapter will require special handling and shall be disposed of only in a manner authorized by state regulations.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

COLLECTION PERMITS

§ 50.50 PERMIT REQUIRED.

No person shall engage in the business of collecting, transporting or processing of solid waste within the city, without first obtaining an annual permit from the city; provided, that this provision shall not be deemed to apply to employees of the holder of any permit.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.51 INSURANCE POLICY REQUIRED.

No permit shall be issued until and unless the applicant, in addition to all other requirements set forth, shall file and maintain with the Director and the city evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amounts set forth in the city copy of the insured's certificate of insurance. Should any policy be cancelled, the Director and the city shall be notified of cancellation by the insurance carrier in writing not less than ten days prior to the effective date of cancellation, and provisions to that effect shall be incorporated in the policy, which shall also place upon the company writing the policy the duty to give notice.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.52 PERMIT APPLICATION.

Each applicant for a solid waste collection permit shall state in his application therefor:

(A) The nature of the permit desired, as to collect, transport, or process of solid waste or any combination thereof;

(B) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests;

(C) The number of employees and solid waste collection vehicles to be operated thereunder;

(D) Schedule of fees the applicant plans to charge;

(E) The precise location or locations of solid waste processing or disposal facilities to be used;

(F) Boundaries of the collection area;

(G) Number of businesses collected from; and

(H) Such other information as required by the Director and the city.
(Ord. 89-003, passed 9-2-89)

§ 50.53 ISSUANCE OF PERMIT.

(A) If the application shows that the applicant will collect, transport and process solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the state and this chapter, the Director and the city may issue the permit authorized by this chapter.

(B) The Director and the city shall have the authority to limit the number of annual permits issued under this section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year, and each applicant shall pay a permit fee of $30. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this chapter, the city and Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
(Ord. 89-003, passed 9-2-89)

§ 50.54 DENIAL OF APPLICATION.

If the applicant does not make the modifications pursuant to the notice in § 50.53 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, or processing of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the city and/or the Director, in writing, stating the reason for the denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplications comply with the provisions of this chapter. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.
(Ord. 89-003, passed 9-2-89)

§ 50.55 INSPECTION OF PHASES OF SOLID WASTE MANAGEMENT.

In order to insure compliance with the laws of the Commonwealth, this chapter, and the rules and

regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the city. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where an inspection reveals violation of this chapter, the Director shall issue notice for each violation stating the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which corrections shall be made.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.56 PERMIT SUSPENSION.

In all cases, when the corrective measures have not been taken within the time specified, the Director and/or the city shall suspend or revoke the permit or permits involved in the violations, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.
(Ord. 89-003, passed 9-2-89)

§ 50.57 INJUNCTIVE RELIEF.

In the event a permit is revoked and the person continues to operate, the Director and/or the city may request the action of a court of law to enjoin the acts and to enforce compliance with this chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the city prohibitory or mandatory injunctive relief as the facts may warrant.
(Ord. 89-003, passed 9-2-89)

§ 50.58 APPEAL PROCEDURE.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Director may, within ten days of the act for which redress is sought, appeal directly to the City Commission and Fiscal Court of Scott County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.
(Ord. 89-003, passed 9-2-89)

§ 50.59 DISPLAY OF PERMIT.

All motor vehicles operating under any permit required by this chapter shall display the number or numbers on each side in colors which contrast with that of the vehicle. The numbers shall be clearly legible and not less than three inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

RULES AND REGULATIONS

§ 50.70 ESTABLISHMENT AND ENFORCEMENT.

(A) The Director and the city shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

(1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.

(2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

(3) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

(4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

(5) Storage of solid waste in solid waste containers.

(6) Collection points of solid waste containers.

(7) Collection, transportation, processing and disposal of solid waste.

(8) Records of quantity and type of wastes received at processing and/or disposal facilities.

(9) Handling of special wastes such as sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, and the like.

(B) The City Clerk or other city official who is responsible for preparing utility and other service charge billings for the city, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided.

(C) A copy of any and all rules and regulations made and promulgated under the provisions of this chapter shall be filed in the offices of the city and the Scott County Clerk.
(Ord. 89-003, passed 9-2-89)

§ 50.71 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

(A) Dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the city with or without the consent of the owner of the premises;

(B) Dump or permit the dumping of garbage, refuse, rubbish, or debris on any property within the city limits;

(C) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of the container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

(D) Fail to have solid waste collected as provided in this chapter;

(E) Interfere in any manner with the solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether the equipment or collectors shall be those of the city or county, or those of a solid waste collection agency operating under contract with the city or county;

(F) Burn solid waste, unless an approved incinerator is provided, or unless a variance has been obtained from the appropriate air pollution control agency;

(G) Dispose of dead animals in any container to be collected in the city;

(H) Operate a dump in the city;

(I) To engage in the feeding of food waste to animals for commercial purposes;

(J) Dispose of solid waste at any facility or location which is not approved by the city, the county and the Kentucky Department for Environmental Protection;

(K) Engage in the business of collecting, transporting, processing or disposing of solid waste within the limits of the city and county without a permit from the city and county, or operate under an expired permit, or operate after a permit has been suspended or revoked; or

(L) Violate any section of this chapter or any other rule or regulation promulgated under the authority of § 50.70.
(Ord. 89-003, passed 9-2-89) Penalty, see § 50.99

§ 50.99 PENALTY.

Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than $25 nor more than $500. Each day's violation shall be a separate offense.
(Ord. 89-003, passed 9-2-89)

CHAPTER 51: WATER SHORTAGES

Section

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GENERAL PROVISIONS

§ 51.01 PURPOSE.

The purpose of this chapter is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the city in the event a shortage is declared. Nothing in this chapter shall be construed to interfere with common law riparian or statutory water rights.
(Ord. 1-1988, passed 7-5-88)

§ 51.02 DEFINITIONS.

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

ADVISORY. That conditions exist which indicate the potential for serious water supply shortages.

ALERT. That raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

CUSTOMER. Any person using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

EMERGENCY. That water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

OTHER SOURCES OF WATER. Water that has not been introduced by the city into its water distribution system.

RAW WATER SUPPLIES. All water potentially available to persons in the city.

TREATED WATER. Water that has been introduced by the city into its water distribution system, including water offered for sale. Uses of treated water are classified as follows:

(1) Essential water uses (Class 1): The following uses of water, listed by site or user type, are essential.

(a) Domestic. Water necessary to sustain human life and the lives of domestic pets and livestock and to maintain minimum standards of hygiene and sanitation.

(b) Health care facilities. Patient care and rehabilitation, including related filling and operation of swimming pools.

(c) Water hauling. Limited sales for domestic use as regulated by the City Commission.

(d) Public use.

1. Firefighting;

2. Health and public protection purposes, if specifically approved by health officials and the municipal governing body.

(2) Socially or economically important uses of water (Class 2). The following uses of water, listed by site or user type, are socially or economically important.

(a) Domestic. Voluntary conservation of personal; in-house use including kitchen, bathroom and laundry.

(b) Water hauling. Non-domestic, when other sources are not reasonably available elsewhere.

(c) Commercial and civic use.

1. Commercial car and truck washes;

2. Laundromats;

3. Restaurants, clubs and eating places, with limitations - water only as requested by customers;

4. Schools, churches, motels, and similar commercial establishments.

(d) Outdoor non-commercial watering.

1. Minimal watering of vegetable gardens;

2. Minimal watering of trees where necessary to preserve them.

(e) Outdoor commercial or public watering (using conservation methods and when other sources of water are not available or feasible to use).

1. Agricultural irrigation except for the maintenance of livestock;

2. Watering by arboretums and public gardens of national, state, regional or community significance where necessary to preserve specimens;

3. Watering by commercial nurseries at a minimum level necessary to maintain stock;

4. Watering at a minimum rate necessary to establish or maintain revegetation or landscape plantings required pursuant to law or regulation;

5. Watering of woody plants where necessary to preserve them;

6. Minimal watering of golf course greens.

(f) Recreational. The filling of swimming pools.

(g) Air conditioning.

1. Refilling for start-up at the beginning of the cooling season;

2. Makeup of water during the cooling season;

3. Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair services.

(3) Non-essential (Class 3). Any waste of water, as defined herein, is non-essential. The following uses of water, listed by site or user type, are non-essential.

(a) Public use.

1. Use of fire hydrants (excluding Class I and Class II uses), including use of sprinkler caps, testing fire apparatus and Fire Department drills;

2. Flushing of sewers and hydrants except as needed to ensure public health and safety as approved by health officials and the municipal governing body.

(b) Commercial and civic use.

1. Serving water in restaurants, clubs, or eating places, except by customer request;

2. Failure to repair a controllable leak;

3. Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.

(c) Ornamental purposes. Fountains, reflecting pools and artificial water falls.

(d) Outdoor watering.

1. Use of water for dirt control or compaction;

2. Watering of annual or non-woody plants, lawns, parks, golf course fairways, playing fields and other recreational areas;

3. Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas;

4. Washing down buildings or structures for purposes other than immediate fire protection;

5. Flushing gutters or permitting water to run or accumulate in any gutter or street.

(e) Outdoor commercial or public watering.

1. Expanding nursery facilities, placing new irrigated agricultural land in production, or planting of landscaping except when required by a site design review process;

2. Use of water for dirt control or compaction;

3. Watering of lawns, parks, golf course fairways, playing fields and other recreational areas;

4. Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas;

5. Washing down buildings or structures for purposes other than immediate fire protection;

6. Flushing gutters or permitting water to run or accumulate in any gutter or street.

(f) Recreational uses other than those specified as Class 2.

(g) All commercial and non-commercial washing of motor and other vehicles.

(h) Air conditioning (see also Class 2 purposes). Refilling cooling towers after draining.

WASTE OF WATER. Includes, but is not limited to permitting water to escape down a gutter, ditch or other surface drain, or failure to repair a controllable leak of water due to defective plumbing.

WATER SHORTAGE RESPONSE PHASES. ADVISORY, ***ALERT***, and ***EMERGENCY*** as defined in this section.
(Ord. 1-1988, passed 7-5-88)

§ 51.03 SHORTAGE WATER RATES.

Upon the declaration of a water shortage as provided in §§ 51.15 through 51.17 the governing body of the city shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies. The rates may provide for, but not be limited to:

(A) Higher charges per unit for increasing usage (increasing block rates);

(B) Uniform charges for water usage per unit of use (uniform unit rate);

(C) Extra charges for use in excess of a specified level (excess demand surcharge); or

(D) Discounts for conserving water beyond specified levels.
(Ord. 1-1988, passed 7-5-88)

§ 51.04 PROMULGATION OF REGULATIONS.

During the effective period of any water supply shortage as provided for in §§ 51.15 through 51.17, the Mayor (or City Manager or Water Superintendent), is empowered to promulgate regulations as may be necessary to carry out the provisions of this chapter, any water supply shortage resolution, or water shortage rate ordinance. The regulations shall be subject to the approval of the governing body at its next regular or emergency meeting.
(Ord. 1-1988, passed 7-5-88)

TYPES OF SHORTAGES; DECLARATIONS

§ 51.15 WATER SHORTAGE ADVISORY.

Whenever the governing body of the city finds that a potential shortage of raw water supplies is indicated, it shall be empowered to declare by resolution that a water shortage advisory exists, and that the Water Manager or Superintendent shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Mayor (or his/her agent) is authorized to call upon all water customers to employ voluntary water conservation measures to limit non-essential (Class 3) water use and eliminate the waste of water. This resolution shall be published in the official city newspaper and may be publicized through the general news media or any other appropriate method for making such resolutions public.
(Ord. 1-1988, passed 7-5-88)

§ 51.16 WATER SHORTAGE ALERT.

Whenever the governing body of the city finds raw water supplies to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by resolution that a water shortage alert exists. The city shall continue to encourage voluntary water conservation measures defined under the advisory declaration, and further shall impose a ban on all non-essential (Class 3) water uses for the duration of the shortage until it is declared to have ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines in § 51.15 of this subchapter.
(Ord. 1-1988, passed 7-5-88)

§ 51.17 WATER SHORTAGE EMERGENCY.

Whenever the governing body of the city finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by resolution that a water shortage emergency exists. Essential uses (Class 1) shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all socially or economically important uses (Class 2) shall be banned in addition to the non-essential uses (Class 3). These restrictions shall be considered ongoing until the emergency is ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines in § 51.15 of this subchapter.
(Ord. 1-1988, passed 7-5-88)

VIOLATIONS

§ 51.30 NOTICE OF VIOLATION; FEES.

Any person who violates the provisions of this chapter, who fails to carry out the duties and responsibilities imposed by this chapter, or who impedes or interferes with any action undertaken or ordered pursuant to this chapter shall be subject to the following penalties.

(A) If the Mayor, City Manager, Water Superintendent, or other city official or officials charged with implementation and enforcement of this chapter or a water supply shortage resolution learns of any violation of any water use restriction imposed pursuant to this chapter, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the city who is responsible for the violation or its correction. The notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures.

(1) The city shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body;

(2) If a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(B) A fee of $50 shall be paid for the reconnection of any water service terminated pursuant to division (A). In the event of subsequent violations, the reconnection fee shall be $200 for the second violation and $300 for each additional violation.

(C) Any customer may also be charged with violation of this chapter and prosecuted in Scott District Court.
(Ord. 1-1988, passed 7-5-88) Penalty, see § 51.99

§ 51.99 PENALTY.

Any person so charged and found guilty in Scott District Court of violating the provisions of this chapter shall be guilty of a Class B misdemeanor. Each day of violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of $100 which may not be adjusted by the District Court. In addition, the customer may be required by the court to serve a definite term of confinement in the county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of $300 which may not be adjusted by the District Court. In addition, the customer shall serve a definite term of confinement in the county jail, which shall be fixed by the court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation.
(Ord. 1-1988, passed 7-5-88)

CHAPTER 52: UTILITY RATES

Section

General Provisions

52.01 Water and sewer initial tap-on fees

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Cross-reference:

Connection to and utilization of city water and sewer system within city limits, see § 150.45

GENERAL PROVISIONS

§ 52.01 WATER AND SEWER INITIAL TAP-ON FEES.

Each new connection to the city's water and sewer lines shall require the payment of a one-time fee by the person or entity making such connection for each water and each sewer connection made pursuant to the following schedule:

(A) Residential connection.

Size	***Water***	***Sewer***
5/8" Meter	$600	$600
3/4" Meter	$600	$600
1" Meter	$850	$850
1½" Meter	$1,200	$1,200

(B) Commercial and industrial.

Size	*Water*	*Sewer*
2" Meter	$1,450	$1,450
3" Meter	$2,250	$2,250
4" Meter	$3,500	$3,500

(C) The tap on fee for all connections, both water and sewer, utilizing meters larger than four inches shall be equal to the city's cost.
(Ord. 1996-01, passed 3-11-96; Am. Ord. 1998-017, passed 1-4-99; Am. Ord. 1999-09, passed 11-18-99; Am. Ord. 2000-04, passed 12-12-00; Am. Ord. 2002-01, passed 5-13-02)

WATER RATES

§ 52.15 MONTHLY WATER RATES.

The monthly rates for water service shall be as follows:

(A) *Water connection charges.* A waterworks connection charge shall be made for each water connection with the municipal waterworks system in an amount established by the city.

(B) *Basic monthly water rates.* The following monthly water rates for the water supplied by the waterworks system of the city are hereby established.

(1) The minimum water bill shall be $6.23 per month, and each water customer shall be entitled to 1,000 gallons (or less) of water in each month for the minimum charge.

(2) Subject to the minimum monthly water rate specified above, the following metered charges shall be made for each 1,000 gallons or less of water consumption per month to customers with all size water connections:

Number of Gallons of Water Per Month	*Water Charge Per 1,000 Gallons Per Month*
First 1,000 gallons or less	$6.23 (Minimum monthly charge)
All over 1,000 gallons	$6.23

(Ord. passed 7-17-79; Am. Ord. 1994-04, passed - -94; Am. Ord. 1994-09, passed 8-8-94; Am. Ord. 1997-07, passed 7-7-97; Am. Ord. 2002-07, passed 11-11-02)

§ 52.16 LIABILITY OF PROPERTY OWNER.

(A) The property owner of record shall be liable for the initial deposit for each rental unit of a multi-family residence and the monthly water, sewer and garbage pickup assessment attributed to each rental unit of said property owner which may accrue to the city.

(B) Connection charges, where applicable, shall be the personal obligation of the owners of the respective properties.

(C) The rates and charges for water and sewer service shall be billed to the owners or occupants of the premises, and if the occupant of any premises is not also the owner, both the owner and the occupant shall be responsible for the payment of the water and/or sewer bill, which, if unpaid, shall constitute a lien upon the premises.

§ 52.17 BILLING PROCEDURES; DELINQUENCY.

(A) If a bill is not paid when due, the Superintendent of the waterworks system shall thereupon turn off the water of such user according to the procedures set forth in division (B) below for either water or sewer delinquents and may further enjoin use of the water facilities of the city by the customer until payment in full is made. If any day established as a deadline in this section falls on a Sunday or legal holiday, such deadline shall not expire until the next secular day thereafter. If such water service is cut off by the city, reconnection of such service shall not be made until the owner or user pays all charges and penalties owed plus the amount of any disconnection and reconnection charge.

(B) The city shall disconnect utility service in accord with the following policies:

(1) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid and any deposit required has been made.

(2) All water and sewer bills are due upon receipt. A $10 penalty shall be added to any bill not paid within 15 days. It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. If any portion of any bill remains unpaid for 15 days after such bill has been sent then the city may discontinue service, but only after a written notice has been sent to the customer setting forth the following:

(a) The amount past due and the amount currently due; and

(b) That service will be discontinued if payment of all amounts due is not received by the city within 12 days of the date of the notice; and

(c) That in the event service is discontinued, then service will not be reinstituted until all amounts due, including a reconnection fee in the amount of $25 have been paid in full; and

(d) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint. A request for a hearing must be in writing and received by the city prior to the expiration of the twelve days referred to above. The hearing must be held within five days thereafter.

(3) Requests for delays or waiver of payment because of special hardship conditions will be entertained, in addition to questions to proper and correct billing. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(4) Unless the total amount is paid or a hearing requested within ten days of the above notice, a notice shall be placed on the premises stating that water service shall be terminated in 48 hours unless the full amount due is paid within such time frame. In the event payment is not received then service shall be terminated.

(5) A deposit of $75 shall be required before service to a new customer is instituted. Such deposit shall be refunded upon the customer's request to terminate service, unless any amounts remain unpaid, in which event the deposit will be applied to the unpaid amounts.
(Ord. 1995-04, passed 6-12-95; Am. Ord. 1995-07, passed 7-10-95; Am. Ord. 2001-04, passed 6-11-01)

§ 52.18 DISCONNECTION AND RECONNECTION FEES; RETURNED CHECKS.

(A) Water disconnection fee shall be set at a rate of $12.50 per each disconnection.

(B) Water reconnection fee shall be set at a rate of $12.50 per each reconnection.

(C) Returned check fee shall be set at $15 per returned check.
(Ord. 1994-06, passed - -94)

SEWER CHARGES

§ 52.30 DEFINITIONS.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in the subchapter or as used in the rules and regulations adopted by the city to implement the provisions of this subchapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND or ***BOD***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 200°C, expressed in milligrams per liter.

CHEMICAL OXYGEN DEMAND or ***COD.*** The ***CHEMICAL OXYGEN DEMAND*** of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods."

CITY. The City of Stamping Ground, Kentucky or any duly authorized officials actions in its behalf.

EQUIPMENT. All movable, non-fixed items necessary to the wastewater treatment process.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

OPERATION AND MAINTENANCE EXPENSES. All annual operation and maintenance expenses including replacement related directly to operating and maintaining the sewage works.

PERSON. Any individual, firm, company, association, society, corporation, or group.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWAGE. Sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions and free from storm water, surface water and industrial wastes.

SEWAGE. The spent water of a community. The preferred term is ***WASTEWATER***.

SEWAGE WORKS. All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and wastewater treatment plant.

SEWERAGE SYSTEM. The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.

SEWER CHARGES. Comprised of the user charge and a separate amount for debt service and user charges shall mean a system of charges levied on users of a treatment works for the cost of operation and maintenance (including replacement) of such works. In addition, each user shall pay an amount sufficient to pay principal and interest (debt service) on any revenue bonds, and/or loans, payable from the revenues of the sewage works, proportional to the equipment and real property necessary for wastewater treatment for each user. Prior to three months after the end of the fiscal year of each year, the city shall prepare an accounting of operation and maintenance expenses, replacement costs and debt service for the immediately preceding calendar year, and the City Council shall, upon receiving said accounting, effect any change in the monthly sewer charges necessary to produce revenue proportionate to costs for each user.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

SURCHARGE. A charge for sewerage services in addition to the basic user and debt service charges.

(1) ***STRENGTH-OF-WASTES SURCHARGE.*** The extra user charges for sewerage service assessed users whose sewage is of such a nature that it imposes upon sewage works a burden greater than that covered by the basic user charge.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

WASTEWATER TREATMENT PLANT. The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
(Ord. 190, passed 12-5-77)

§ 52.31 CHARGES BASED ON WATER USAGE.

(A) *Water obtained from the city.* The sewer charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the city's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property as the quantity is measured by the water meter or meters therein used by the city, except as herein otherwise provided.

(B) *Water obtained from other sources.* Where the property obtains any part or all the water used from sources other than the city, the owner or the tenant may be required by the city to install and maintain at his own expense a meter or meters acceptable to the city for the purpose of measuring the quantity of water obtained from these other sources, or the city may determine the quantity of such water by whatever means and methods it may find practicable.

(C) *Exempt water - general.* Where a significant portion of the metered water does not and cannot enter the sewerage system either directly or indirectly and where the quantity of water entering the premises averages more than 20,000 gallons per month, the person having charge of the property may request permission from the city to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually entered the sewerage system; when appropriate, the city reserves the right to determine by whatever means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the user charge shall be applied to the quantity of water that can or actually does enter the public sewers.

(D) *Metering the sewage.* The city may require a user to install and maintain at his own expense an approved device to measure directly the volume of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered water consumption records. Any non-residential user whose monthly water consumption is 2,000 gallons or more may be required to install a meter. The city shall inspect and approve such installations and no such service, once installed, shall be removed without the city's approval.

(E) All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers.
(Ord. 190, passed 12-5-77)

§ 52.32 CHARGES.

(A) *Sewer tap charges.* The charge for sewer taps, all sizes, shall apply within the city and outside the city, for each property connected and served, payable in advance.

(B) *Building permit fee to include water and sewer tab.* All permits approved for new buildings shall be accompanied by the sewer tap fee where sewers are available.

(C) *Charges.* For the use of and the service rendered by said sewage works, sewer charges shall be collected from the owners of each and every lot, parcel of real estate or building that is or could be connected to the city sewerage system or otherwise discharges sanitary sewage, industrial wastes, water

or other liquids, either directly or indirectly, into the sewerage system of the city, which sewer charges shall be payable as hereinafter provided and shall be in an amount determinable as follows: Monthly user charge, debt service and total sewer rate: $5.50 per 1,000 gallons.

(D) The minimum monthly charge for any user shall be $5.50.

(E) In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other wastes into the city's sewerage system either directly or indirectly, its use of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times $5.50 shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(F) Where a metered water supply is used for fire protection as well as for other uses, the city may, in its discretion, make adjustments in the minimum charge and in their user charge as may be equitable.

(G) For the service rendered to the city, the city shall be subject to the same sewer charges hereinabove provided or to sewer charges established in harmony therewith.

(H) The user charges and debt service charges set forth in § 52.16(C) shall be changed, as necessary, annually, or individually by the Council in accordance with § 52.15.

(I) All sewer bills shall be due upon receipt and subject to the same requirements and procedures of § 52.17 except that, in addition to any fees or penalties set forth therein, the following shall apply. In the event a sewer customer is a water customer of the county municipal water and sewer service and such sewer customer's water service has been terminated for failure to pay city sewer charges, then such customer's sewer service shall not be permitted to resume until such customer has paid to the city a reconnect fee of $30 and any fees due the county municipal water and sewer service.
(Ord. 190, passed 12-5-77; Am. Ord. 1996-01, passed 3-11-96; Am. Ord. 1996-03, passed 6-3-96; Am. Ord. 1999-09, passed 11-18-99; Am. Ord. 2002-06, passed 11-11-02)

§ 52.33 STRENGTH OF WASTE SURCHARGE.

(A) *Liability for surcharge.* Each industrial or non-industrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on both the biochemical oxygen demand (or on the chemical oxygen demand where BOD cannot be determined), the suspended solids content of the wastes, and the total Kjeldahl nitrogen content of the waste, if these wastes have a concentration greater than the following:

(1) A biochemical oxygen demand of 225 milligrams per liter; or where BOD cannot be determined, then, in lieu of BOD, a chemical oxygen demand of 450 milligrams per liter.

(2) A suspended solids content of 265 milligrams per liter.

(3) A total Kjeldahl nitrogen content of 45 milligrams per liter.

(B) *Computation of surcharge.* The surcharge shall be determined as follows:

The excess pounds of BOD (or COD) suspended solids and total Kjeldahl nitrogen will each be computed by first multiplying the customer's billing sewage volume measured in units of 1,000 gallons

for the current billing period by the factor 0.008337 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids and total Kjeldahl nitrogen respectively in the customer's sewage and (b) the allowed concentrations set out in division (A) of this section. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge to be established in division (C) of this section.

(C) *Rates of surcharge.* The rate of surcharge for each of the aforementioned constituents shall be as follows:

(1) For biochemical oxygen demand (BOD) : _____ cents per pound

(2) For chemical oxygen demand (COD) where BOD cannot be determined: _____ cents per pound

(3) For suspended solids: _____ cents per pound

(4) For total Kjeldahl nitrogen: _____ cents per pound

(D) *Revision of rates of surcharge.* Prior to three months after the end of the fiscal year of each year, the city shall make a comparison of the calculated unit costs for removing BOD, suspended solids and Kjeldahl nitrogen from the wastewater treatment plant influent during the previous calendar year with the unit charge currently in effect in order that the city may determine whether the current rates of surcharge are adequate or should be changed.
(Ord. 190, passed 12-5-77; Am. Ord. 1999-09, 11-18-99)

§ 52.34 BILLING.

(A) *Billing period; discontinuing service.* Sewer charges for sewerage service shall be prepared and billed by the city and shall be due and payable on a monthly basis the first day of the succeeding month, provided that there shall be added to any bill, remaining unpaid on the tenth of the month, a penalty of 5%, and upon failure to pay any bill by the 20th of the month, the Treasurer shall discontinue the water service, and failing to do so shall be personally liable for any amount lost by such failure. In the event the water service is so discontinued the Treasurer shall deduct the amount due the city from the water deposit, if any, made by the customer and shall refund any balance to the customer. No service so discontinued shall be reinstated until and unless the customer posts the water deposit, if required, and pays a fee of $5. Customers desiring to discontinue the service shall notify the city and remain liable there for until such notice is given.

(B) *Liability for payment.* The sewer charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the city's collection records to ascertain whether such charges have been paid.

(C) *First billings.* The sewer charges and surcharges fixed in this subchapter shall be extended to cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the sewer charges for such

billing shall be made in keeping with standard practice. Subsequent sewerage service billings shall be for periods coinciding with the billing periods established by the city. If such sewer charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month.
(Ord. 190, passed 12-5-77)

§ 52.20 BYLAWS, RULES AND REGULATIONS.

The city shall, in accordance with the Statutes of Kentucky, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the city's sewage works, for the regulation, collection and refunding of the sewer charges for sewerage service and, in general, for the implementation of the provisions of this subchapter.
(Ord. 190, passed 12-5-77)

CHAPTER 53: WATER SYSTEM AND SEWER SYSTEM IMPROVEMENT SPECIFICATIONS

Section

53.01 Adoption by reference
53.02 Waste water disposal; grease traps

§ 53.01 ADOPTION BY REFERENCE.

(A) The city hereby adopts, and incorporates herein by reference as allowed by KRS 83A.060(5) in full the Water System and Sewer System Improvement Specifications Manual of the Georgetown Municipal Water and Sewer Service. A copy of the aforesaid Manual is and shall be attached and incorporated herein by reference as if fully set forth.

(B) However, notwithstanding the foregoing incorporation by reference, at each place in the attached incorporated Manual, where the word or name Georgetown Municipal Water and Sewer Service appears, shall instead be read the name, Stamping Ground Water System and Sewer System. Further, at each place in the attached incorporated Manual where the phrase or words new sewer system appears shall be read the words new and existing sewer system.
(Ord. 1997-04, passed 7-7-97)

§ 53.02 WASTE WATER DISPOSAL; GREASE TRAPS.

All buildings where food is prepared for individuals that do not reside in such building, or where food is prepared for sale shall install and maintain grease traps in all water disposal pipes or lines connected to the city ground sewer.
(Ord. 1998-016, passed 12-7-98)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. BICYCLES, MOTORCYCLES, AND GOLF CARTS

74. TRAFFIC SCHEDULES

75. STREET-LEGAL SPECIAL PURPOSE VEHICLES

CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Definitions
70.02 Required obedience to traffic directions
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Traffic-Control Devices

70.15 Signal legends
70.16 Establishment and maintenance of traffic-control devices
70.17 Obedience to signals
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70.19 Unauthorized signals or markings
70.20 Device to be legible and in proper position
70.21 Temporary disregard of devices by police officer

70.99 General penalty

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

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

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

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

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

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

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

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

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

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

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

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

STREET. Every public way, including alleys.

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

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

§ 70.02 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

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

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

(C) Every person propelling any pushcart or riding a bicycle or an animal on any roadway, and every person driving any animal on any roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.
Penalty, see § 70.99

§ 70.03 POWERS AND DUTIES OF POLICE DEPARTMENT.

It shall be the duty of the Police Department to direct all traffic in conformance with this traffic code and to enforce the traffic regulations as set forth in this traffic code, to make arrest for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

§ 70.04 AUTHORITY FOR ENFORCEMENT.

Authority to direct and enforce all traffic regulations of this city in accordance with the provisions of this traffic code and to make arrests for traffic violations is given to the Police Department, and, except in case of emergency, it shall be unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal.
Penalty, see § 70.99

§ 70.05 TEMPORARY REGULATIONS.

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

§ 70.06 OPERATION OF EMERGENCY VEHICLES; APPLICATION OF SPEED LIMIT.

The speed limits, as set forth in § 71.05 and Chapter 74, Schedule I shall not apply to any emergency vehicle, however emergency vehicles shall not be driven in a reckless manner.
(Ord. 196, passed 5-7-79) Penalty, see § 70.99

§ 70.07 LICENSE PLATE READER CAMERAS.

(A) It is the policy of the Stamping Ground City Commission to authorize the Stamping Ground Police Department to utilize LPR (License Plate Reader) technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

(B) The Stamping Ground Police Department shall implement detailed policies and procedures regarding the operation and use of LPR technology to provide guidance for the capture, storage, and use of digital data obtained using LPR technology.

(C) The Stamping Ground Police Department may use LPR technology to help solve crimes and recover stolen vehicles by using LPR technology to capture computer-readable images of license plates, which will allow law enforcement agencies to compare plate numbers against those of stolen cars, cars driven by people suspected of being involved in criminal activities, missing persons, AMBER alerts, and assisting in criminal investigations. In doing so, the Stamping Ground Police Department may use LPR technology to capture still images of the rear of a vehicle passing by the camera, including the license plate, make and model of the vehicle. The image may be collected and stored for 30 days and then deleted unless identified as part of a criminal investigation.

(D) The use of LPR technology for traffic violation enforcement, revenue collection, or facial recognition is prohibited.

(E) The use of LPR technology to capture images of pedestrians walking is prohibited.

(F) All installation and maintenance of LPR equipment, as well as LPR data retention and access, shall be managed as determined by the Stamping Ground Police Chief or designee. The Police Chief will assign a supervisor to administer the day-to-day operation of the LPR equipment and data.

(G) The Stamping Ground Police Department shall use LPR systems only for legitimate law enforcement and public safety purposes. Information gathered or collected, and records retained by department LPR system cameras will not be accessed or used for any purpose other than legitimate law enforcement or public safety purposes.

(H) The LPR administrator shall ensure that LPRs are not deployed or used to enforce the law in any discriminatory manner that is prohibited by the United States Constitution and laws, the Commonwealth of Kentucky Constitution and laws, or City of Stamping Ground Ordinances.

(I) Officers shall not use, or allow others to use, the LPR equipment or database records for any unauthorized purpose.

(J) Except when done pursuant to a court order such as a search warrant, it is a violation of this section to utilize the LPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plates are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(K) The LPR system shall not be used to harass and/or intimidate any individual or group.

(L) The LPR system or associated scan files or hot lists shall not be used for any personal purpose. (Ord. 2023-001, passed 1-17-23)

TRAFFIC-CONTROL DEVICES

§ 70.15 SIGNAL LEGENDS.

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

(A) Green alone or "Go": Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(B) Steady yellow alone or "Caution" when shown following the green or "Go" signal: Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicular traffic facing a steady yellow signal may enter and clear the intersection.

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

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

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

(F) "Yield Right-of-Way": Vehicular traffic facing the "Yield Right-of-Way" sign shall bear the primary responsibility of safely entering the primary intersecting or merging right-of-way. All traffic facing the sign shall yield the right-of-way to all vehicles and pedestrians within such primary intersecting or merging right-of-way. No vehicle facing a "Yield Right-of-Way" sign shall enter the merging or intersecting right-of-way at a speed in excess of 15 miles per hour, except that this speed limit shall not apply to vehicles entering an expressway.

(G) Lane lights: When lane lights are installed over any street for the purpose of controlling the direction of flow of traffic, vehicular traffic shall move only in traffic lanes over which green arrows appear. However, when flashing amber lights appear above a lane all left turns shall be made from that lane. Where red arrows appear above such lanes, vehicles shall not move against them. If flashing amber lights show above a lane, that lane shall be used only for passing and for left turns unless a sign at such place prohibits such turn.

Penalty, see § 70.99

Statutory reference:

Traffic-control signals, see KRS 189.338

§ 70.16 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

The city shall establish and maintain all official traffic-control devices necessary within the city. All traffic-control devices, including signs, shall be employed to indicate one particular warning or regulation, shall be uniform, and as far as possible shall be placed uniformly. All traffic-control devices and signs shall conform to required state specifications.

§ 70.17 OBEDIENCE TO SIGNALS.

(A) It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with the provisions of this traffic code or of a traffic barrier or sign erected by any of the public departments or public utilities of the city, or any electric signal, gate, or watchman at railroad crossings, unless otherwise directed by a police officer. However, the type and the right to or necessity for the barrier or sign must be approved by the city.

(B) All signs, signals, markings, or barriers shall have the same authority as the personal direction of a police officer.
Penalty, see § 70.99

§ 70.18 INTERFERENCE WITH SIGNALS.

No person shall without authority attempt to or in fact alter, deface, injure, knock down, or remove any official control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.
Penalty, see § 70.99

§ 70.19 UNAUTHORIZED SIGNALS OR MARKINGS.

(A) It shall be unlawful for any person to place, maintain, or display on or in view of any street any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, any traffic sign or signal bearing any commercial advertising. Nothing in this section shall be construed as restricting any public department or public utility of the city in any emergency or temporarily from marking or erecting any traffic barrier or sign whose placing has been approved by the city.

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

§ 70.20 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall

be enforceable against an alleged violator if at the time and place of the alleged violation the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 70.21 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

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

§ 70.99 GENERAL PENALTY.

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

CHAPTER 71: TRAFFIC RULES

Section

Operation Generally

71.01 Obstructing traffic
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OPERATION GENERALLY

§ 71.01 OBSTRUCTING TRAFFIC.

(A) It shall be unlawful to operate any vehicle or permit it to remain standing in any street in such manner as to create an obstruction thereof.

(B) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any traffic-control signal which may be located at the intersection or crosswalk.

(C) Any intersection deemed by the city to be of special or critical importance to the movement of traffic shall be marked in a distinctive manner as to indicate its importance. Should the operator of any vehicle enter any intersection so marked when there is insufficient room on the other side of the intersection to accommodate the vehicle, the indication of any traffic-control signal notwithstanding, he shall be deemed to have violated this division rather than division (B) above.
Penalty, see § 71.99

§ 71.02 REVERSE OR U TURNS.

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

§ 71.03 BACKING VEHICLES.

It shall be unlawful for the operator of any vehicle to back the vehicle at any intersection for the purpose of executing a turning movement. A vehicle from any parking position shall be backed by the operator in such manner as to proceed on the same side of the roadway in the lawful direction of travel.
Penalty, see § 71.99

§ 71.04 VEHICLES CROSSING SIDEWALKS.

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

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.
Penalty, see § 71.99

§ 71.05 [RESERVED].

ACCIDENTS

§ 71.15 DUTY OF OPERATOR.

It shall be the duty of the owner of, operator of, or passenger in any motor vehicle which is involved in an accident in which any person is injured or property damaged to stop immediately and ascertain the extent of the injury or damage and render such assistance as may be needed.
Penalty, see § 71.99
Statutory reference:
Duty in case of accident, see KRS 189.580

§ 71.16 ACCIDENT REPORT.

The operator, owner, or passenger involved in an accident resulting in the injury or death of any person, or an accident in which property is damaged, shall immediately report the accident or property damage to the Police Department.
Penalty, see § 71.99

PROHIBITIONS

§ 71.25 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.

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

(B) A person shall not willfully operate any vehicle on any highway in such a manner as to injure the highway.

(C) A person shall not willfully operate any vehicle on any highway in such a manner as to injure vehicles or equipment located in or near a highway work zone.

(D) A person shall not operate any vehicle in a reckless or negligent manner as to endanger persons or property in or near a highway, or in or near a highway work zone.

(E) In addition to any other penalty, an operator who violates division (C) or (D) of this section shall be subject to revocation of his or her operator's license under KRS 186.560.
(KRS 189.290) Penalty, see § 71.99

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

(A) Upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights visible under normal conditions from a distance of 500 feet to the front of the emergency vehicle; or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel

to, and as close as possible to, the edge or curb of the highway clear of any intersection, and stop and remain stopped until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

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

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

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

(E) The provisions of division (F) of this section shall apply to any driver approaching a stationary:

(1) Emergency vehicle or public safety vehicle, when the emergency vehicle or public safety vehicle is giving a signal by displaying alternately flashing yellow, red, red and white, red and blue, or blue lights; or

(2) Disabled vehicle, when the vehicle is displaying some type of warning signal, such as emergency flashers, flares, or retroreflective signals.

(F) The driver of a vehicle that is approaching a vehicle in division (E) of this section shall, while proceeding with due caution:

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

(a) The person is driving on a highway having at least four lanes with at least two lanes proceeding in the same direction as the approaching vehicle; and

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

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

(G) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.
(KRS 189.930) Penalty, see § 71.99

§ 71.27 SMOKE EMISSION OR OTHER NUISANCE.

Every vehicle when on a highway shall be so equipped as to make a minimum of noise, smoke, or other nuisance, to protect the rights of other traffic, and to promote the public safety.
(KRS 189.020) Penalty, see § 71.99

PARADES

§ 71.40 DEFINITIONS.

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

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

PARADE PERMIT. A permit required by this subchapter.

§ 71.41 PERMIT REQUIRED.

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

(B) This subchapter shall not apply to:

(1) Funeral processions; or

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

Penalty, see § 71.99

§ 71.42 APPLICATION FOR PERMIT.

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

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

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

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

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

(3) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point, and the termination point;

(6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

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

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

(13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.

(C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Commission.
Penalty, see § 71.99

§ 71.43 STANDARDS FOR ISSUANCE OF PERMIT.

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

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

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

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

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

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.
Penalty, see § 71.99

§ 71.44 NOTICE OF REJECTION OF PERMIT.

The City Commission or any authorized city official shall act on the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after filing thereof. If the City Commission or authorized city official disapproves the application, it shall mail to the applicant within the three days, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of its action stating the reasons for denial of the permit.

§ 71.45 APPEAL PROCEDURE WHEN PERMIT DENIED.

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

§ 71.46 ALTERNATIVE PERMIT.

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

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

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

(A) The City Commission;

(B) The City Attorney;

(C) The Police Chief and the Fire Chief;

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

§ 71.48 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

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

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

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

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

§ 71.49 DUTIES OF PERMITTEE.

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

§ 71.50 PUBLIC CONDUCT DURING PARADES.

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

(B) Driving through parades. No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
Penalty, see § 71.99

Cross-reference:

Parking on parade routes, see § 72.07

§ 71.51 REVOCATION OF PERMIT.

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

§ 71.99 PENALTY.

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

(B) Whoever violates § 71.05 or Chapter 74, Schedule I shall be subject to a fine in accordance with the schedule of fines established under KRS 189.394.

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

CHAPTER 72: PARKING REGULATIONS

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72.99 Penalty

Statutory reference:

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

PARKING GENERALLY

§ 72.01 OBSTRUCTIONAL PARKING; DOUBLE PARKING.

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

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

(C) It shall be unlawful for any person to stop or park any vehicle in front of any place that involves the parking of Police, EMS or Fire Department vehicles, apparatus or other emergency equipment involved in responding to a police or fire call or emergency, or where such apparatus or equipment is kept or housed.
(Am. Ord. 2026-004, passed 7-9-26) Penalty, see § 72.99

§ 72.02 MANNER OF PARKING.

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

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

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

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

(E) It shall be unlawful for the operator of any vehicle to so park the vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one vehicle.
Penalty, see § 72.99

§ 72.03 LIMITATIONS OF STOPPING AND PARKING.

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

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

(B) On a sidewalk.

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

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

(E) Within an intersection or crosswalk.

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

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

(H) On any controlled access highway.

(I) Within a highway tunnel.

(J) Within 15 feet of a fire hydrant.

(K) In an area between the roadways of a divided highway.
(KRS 189.450(5))

(L) Within five feet of a fire plug.
(Ord. 196, passed 5-7-79)

(M) No person shall move a vehicle not lawfully under his control into any such prohibited area.
(KRS 189.450(6)) Penalty, see § 72.99

§ 72.04 RESTRICTIONS AND PROHIBITIONS ON DESIGNATED STREETS.

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

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

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

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

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

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

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

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

§ 72.05 PARKING RESTRICTED TO ALLOW STREET CLEANING.

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

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

(A) It shall be unlawful for anyone to park in any one place any vehicle on any of the public ways or streets of the city for a period of 24 hours or longer. Any vehicle left parked in any one place on any of the public ways or streets of the city for a period of 24 hours or longer shall be deemed abandoned, and shall be subject to all existing regulations of the city pertaining to abandoned motor vehicles.

(B) In areas designated with signage as a city parking lot, parking shall be prohibited from the hours of 11:00 p.m. to 5:00 a.m., unless otherwise authorized by the City Commission.
(Am. Ord. 2026-004, passed 7-9-26) Penalty, see § 72.99
Cross-reference:
Removal of abandoned vehicles, see § 72.21 et seq.

§ 72.07 PARKING ON PARADE ROUTE.

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

(B) It shall be unlawful to park or leave unattended any vehicle in violation of the signs or directions.
Penalty, see § 72.99
Cross-reference:
Parades, see §§ 71.40 through 71.51

§ 72.08 PARKING ON OFF-STREET FACILITY.

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

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

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon

that the property or parking lot or facility is privately owned and that unauthorized vehicle will be removed at the owner's expense before exercising the authority granted in division (B).
Penalty, see § 72.99

Statutory reference:

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

§ 72.09 OWNER RESPONSIBILITY.

If any vehicle is found illegally parked in violation of any provisions of this subchapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.
Penalty, see § 72.99

§ 72.10 PARKING IN PARKS.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot, or tot lot within the city not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any park or playground where at least two wheels of the motor vehicle are resting on the roadway.
Penalty, see § 72.99

§ 72.11 PARKING VEHICLE FOR REPAIR, DISPLAY, SALE OR STORAGE.

No person shall place or leave any automobile, truck, tractor, farm machinery, or vehicle of any kind on any public way for the purpose of work, repairing, display, sale or storage.
(Ord. 196, passed 5-7-79) Penalty, see § 72.99

§ 72.12 PARKING WITH HANDICAPPED PERMITS.

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

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

§ 72.13 PARKING OF TRUCKS, TRAILERS, EQUIPMENT AND DISABLED AUTOMOBILES.

The parking of trucks, trailers, equipment and disabled automobiles is prohibited upon any streets of the city.
(Ord. 196, passed 5-7-79) Penalty, see § 72.99

§ 72.14 PARKING OF UNLICENSED; IMPROPERLY LICENSED; OTHER IMMOBILE VEHICLES.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***IMMOBILE.*** In a condition so as to make it illegal to operate the vehicle upon the public ways.

(2) ***IMPROPERLY LICENSED.*** Having a license, but an invalid license so as to make it illegal to operate the vehicle upon the public ways.

(3) ***PARKING.*** The leaving of a vehicle unattended upon any street, pavement, curb, shoulder or right-of-way within the corporate limits of the city.

(4) ***UNLICENSED.*** Not having a state or other license as would make it legal to operate the vehicle upon the public ways.

(B) The parking of unlicensed, improperly licensed and otherwise immobile vehicles upon the streets of the city is hereby prohibited.
(Ord. 167, passed 5-6-63) Penalty, see § 72.99

IMPOUNDING

§ 72.20 IMPOUNDMENT OF VEHICLES AUTHORIZED; REDEMPTION.

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

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

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

§ 72.21 [RESERVED].

§ 72.22 SALE OF VEHICLE.

Any person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has complied with the notification requirements of KRS 281.928 shall have a lien on the motor vehicle for the applicable and reasonable charges assessed in accordance with KRS 281.926 and KRS 281.932 as long as it remains in his or her possession. If after a period of 45 days, the applicable and reasonable charges assessed in accordance with KRS 281.926 and KRS 281.932 have not been paid, the motor vehicle may be sold to pay the charges after the owner and any lienholder have been notified by certified mail at the addresses specified in KRS 281.928(1) ten days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens, unless released by any existing lienholder pursuant to KRS 376.275(1)(c).
(KRS 376.275(3))

SNOW EMERGENCY

§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.

Whenever the City Commission or any authorized city official finds that falling snow, sleet, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever it is found on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that parking be prohibited, the Commission or city official is authorized to announce a parking prohibition, to become effective at a time specified by it. After the effective time of the prohibition no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the City Commission or any authorized city official has not announced prior to 11:00 p.m. that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain parked until 7:00 a.m. following the fall. The prohibition of parking announced by the City Commission or any authorized city official under the authority of this section shall remain in effect until the Commission or city official announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this section shall no longer be in effect.
Penalty, see § 72.99

§ 72.36 TERMINATION OF EMERGENCY.

Whenever the City Commission or any authorized city official shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, the Commission or city official is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If an announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

§ 72.37 SNOW EMERGENCY ROUTES.

The term ***SNOW EMERGENCY ROUTE*** shall mean any route designated by the City Commission or any authorized city official. On any street or highway designated as a snow emergency route, special signs shall be posted to this effect.

§ 72.99 PENALTY.

Any person receiving a citation for any parking violation in the city shall be guilty of a violation and shall be fined as set forth in this section.

(A) Handicapped parking - $75.00.

(B) Blocking alley - $15.00.

(C) Blocking driveway - $15.00.

(D) Parking prohibited - $15.00.

(E) Fire lane - $25.00.

(F) Fire hydrant - $25.00.

(G) Double parking - $15.00.

(H) Improper parking - $15.00.

(I) Yellow curb - $15.00.

(J) Wrong way on one way street - $20.00.

(K) Tow zone - $15.00.

(L) Loading zone - $15.00.

(M) Parking in excess of allowed time - $15.00.

(N) Other violations not specified above - $25.00.

(Am. Ord. 2001-02, passed 3-12-01; Am. Ord. 2026-004, passed 7-9-26)

CHAPTER 73: BICYCLES, MOTORCYCLES, AND GOLF CARTS

Section

Bicycles and Motorcycles

73.01 Operation of bicycles
73.02 Operation of motorcycles, motorscooters and power-driven vehicles
73.03 Skating and coasting
73.04 Clinging to vehicles

Golf Carts

73.10 Use of golf carts on city streets

73.99 Penalty

Cross-reference:

Required obedience to traffic directions, see § 70.02(C)
Street-legal special purpose vehicles, see Chapter 75

BICYCLES AND MOTORCYCLES

§ 73.01 OPERATION OF BICYCLES.

(A) No person shall operate a bicycle on the sidewalks of the city unless such person yields the right-of-way to pedestrians on the sidewalk and complies with applicable safety regulations.

(B) No operator of any bicycle shall carry another person on such bicycle.
(Am. Ord. 2022-005, passed 10-18-22) Penalty, see § 73.99

Statutory reference:

Bicycles; safety regulations and standards, see KRS 189.287

§ 73.02 OPERATION OF MOTORCYCLES, MOTORSCOOTERS AND POWER-DRIVEN VEHICLES.

(A) No operator of any motorcycle, motorscooter, or power-driven vehicle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(B) No operator of a motor vehicle, motorcycle, motorscooter, or power-driven vehicle shall operate the vehicle in any public park, except on a roadway or in a parking area.

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

(D) No operator of a motor vehicle, motorcycle, motorscooter, or power-driven vehicle shall operate the vehicle on the sidewalks of the city.

(E) The term ***POWER-DRIVEN VEHICLE*** means a vehicle powered by any means other than human physical exertion but does not include a hover board, power wheels, or a wheelchair or similar vehicle necessary for the transportation of an individual who is unable to walk because of a physical disability. (Am. Ord. 2022-005, passed 10-18-22; Am. Ord. 2022-006, passed 11-15-22) Penalty, see § 73.99

Statutory reference:

Regulations for operating and riding on motorcycles, see KRS 189.285

§ 73.03 SKATING AND COASTING.

Except on streets which may be declared from time to time as "play streets" by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.
Penalty, see § 73.99

§ 73.04 CLINGING TO VEHICLES.

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

(B) No person shall ride on the projection, running board, or fenders of any vehicle.
Penalty, see § 73.99

GOLF CARTS

§ 73.10 USE OF GOLF CARTS ON CITY STREETS.

(A) Pursuant to this chapter it is lawful to operate a golf cart on a designated public street or roadway, provided:

(1) The Police Department has established a system for the inspection and permitting of golf carts pursuant to this chapter and a permit for operation of the golf cart has been issued by the city;

(2) The golf cart displays a permit that identifies that the golf cart is within compliance of this chapter and is thereby allowed to be operated upon those streets or roadways identified herein;

(3) The golf cart is inspected by a certified inspector designated by the Scott County Sheriff's Office and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this division shall be $5 if the inspection occurs at the Sheriff's Office or $10 per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the Sheriff's Office;

(4) The establishment of permit and inspection procedures is subject to the approval of the Police Department.

(B) A person may operate a golf cart on a public roadway if:

(1) The posted speed limit of the designated public roadway is 35 miles per hour or less;

(2) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than 35 miles per hour;

(3) The operator has a valid operator's license in his or her possession;

(4) The golf cart is being operated between sunrise and sunset; and

(5) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.

(C) A golf cart operating on a public roadway shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(D) Any person operating a golf cart on a public roadway under the provisions of this section shall be subject to the traffic regulations of KRS Chapter 189.

(E) A golf cart operating on a public roadway designated by a local government is not considered to be a motor vehicle and is exempt from:

(1) Title requirements of KRS 186.020;

(2) Vehicle registration requirements of KRS 186.050; and

(3) Emissions compliance certificates pursuant to KRS 224.20-720.

(F) The Transportation Cabinet may prohibit the operation of a golf cart on a public roadway that crosses a state-maintained highway under its jurisdiction if it determines that such prohibition is necessary in the interest of public safety.

(G) The provisions of this chapter shall not apply to a golf cart that is not used on a public street or roadway except to cross a street or roadway while following a golf cart path on a golf course.

(H) Any person violating the provisions of this chapter shall, upon conviction of a first offense, be fined not less than $100 nor more than $250. Any person convicted of a subsequent violation of this chapter within two years of a prior conviction under this chapter, shall be fined not less than $250 nor more than $500.
(Ord. 2024-0001, passed 2-20-24)

§ 73.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a violation and shall be fined not more than $50.

CHAPTER 74: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

No person shall operate a vehicle, by whatever means propelled, on a city street at a speed greater than 15 miles per hour. The City Commission may establish a different speed limit for a specific street or streets for a special event or for specific circumstances. This chapter is not intended to apply to county or state roads within the city where the speed limit of such road or roads is established by county ordinance or the Commonwealth of Kentucky Transportation Cabinet.
(Am. Ord. 2022-004, passed 10-18-22) Penalty, see § 71.99

CHAPTER 75: STREET-LEGAL SPECIAL PURPOSE VEHICLES

Section

75.01 Definitions
75.02 Designated highways
75.03 Exceptions
75.04 Prohibitions
75.05 Compliance with state law
75.06 Operation

Cross-reference:

Bicycles, motorcycles, and golf carts, see Chapter 73

§ 75.01 DEFINITIONS.

The definitions set forth in KRS 186.077 and as may be amended in the future by the Kentucky General Assembly, are adopted and incorporated by reference as if set forth fully herein. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HIGHWAY. As defined in KRS 186.010 and every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic.
(Ord. 2025-008, passed 9-29-25)

§ 75.02 DESIGNATED HIGHWAYS.

Street-legal special purpose vehicles shall be allowed to the extent permitted by the Act on all publicly maintained highways that are located within the jurisdictional limits of the city except as described herein.
(Ord. 2025-008, passed 9-29-25)

§ 75.03 EXCEPTIONS.

Street-legal special purpose vehicles shall not be allowed to operate:

(A) On any highway, or portion thereof, located outside the jurisdictional limits of the city, unless otherwise allowed by ordinance of the Fiscal Court of Scott County;

(B) On any highway, or portion thereof, where the United States Department of Agriculture prohibits special purpose vehicles.
(Ord. 2025-008, passed 9-29-25)

§ 75.04 PROHIBITIONS.

(A) Street-legal special purpose vehicles are prohibited from traveling a distance greater than 20 miles on a highway displaying centerline pavement markings.

(B) Mini-trucks shall not be operated as street-legal special purpose vehicles on a highway that has been constructed pursuant to a federal highway program.
(Ord. 2025-008, passed 9-29-25)

§ 75.05 COMPLIANCE WITH STATE LAW.

Operators of street-legal special purpose vehicles shall comply with all provisions of KRS 186.077 and all other applicable provisions of Kentucky Revised Statutes.
(Ord. 2025-008, passed 9-29-25)

§ 75.06 OPERATION.

Street-legal special purpose vehicles may only be operated on a highway by individuals possessing a valid operator's license.
(Ord. 2025-008, passed 9-29-25)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. STREETS AND SIDEWALKS

92. NUISANCES

93. FIREWORKS; FIRE PREVENTION

94. LITTERING

95. FAIR HOUSING

96. HAZARDOUS MATERIALS

97. STAMPING GROUND CODE ENFORCEMENT BOARD

CHAPTER 90: ANIMALS

Section

General Provisions

90.01 Definitions
90.02 Animals running at large
90.03 Cruelty to animals in the second degree
90.04 Dyeing or selling dyed chicks or rabbits
90.05 Abandoning domestic animals prohibited
90.06 Destruction of abandoned and suffering animal
90.07 Prohibition of hogs and pigs within city limits
90.08 Animal waste disposal

Dogs

90.15 Short title
90.16 Purpose
90.17 Definitions
90.18 Dogs running at large
90.19 Noise disturbance
90.20 Investigation of complaints
90.21 Impoundment
90.22 Reclaiming impounded dog; charges

Keeping of Vicious Dogs

90.30 Definitions
90.31 Dog Kennels
90.32 Keeping of vicious dogs
90.33 Confining of vicious dogs
90.34 Maintenance of area of dogs

90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ABANDON. Shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100(4))

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

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

§ 90.02 ANIMALS RUNNING AT LARGE.

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

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by the animal upon the premises of another.
Penalty, see § 90.99

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

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

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a four legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

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

(3) Kills any animal other than a domestic animal killed by poisoning. This section shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

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

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

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

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see KRS 525.125

Torture of a dog or cat, see KRS 525.135

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

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

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

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his or her agent

at his or her last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.
(KRS 257.100)

§ 90.07 PROHIBITION OF HOGS AND PIGS WITHIN CITY LIMITS.

(A) The keeping of hogs and pigs within city limits is hereby prohibited and declared to be unlawful.

(B) A violation of this section shall subject the offender to a fine not less than $25.00 and not more than $500.00 and each day such violation shall continue shall be deemed a separate offense.
(Ord. 1998-09, passed 10-5-98)

§ 90.08 ANIMAL WASTE DISPOSAL.

The custodian of every animal shall immediately remove any excreta deposited by his or her animal(s) on public walks, streets, recreation areas, or private property belonging to another.
(Ord. 2018-03, passed 9-4-18)

DOGS

§ 90.15 SHORT TITLE.

This subchapter is entitled "Stamping Ground Dog Ordinance" and may be referred to as "Dog Ordinance". Certified copies of Ordinance 194, passed 2-5-79 are on file with the Mayor's office.
(Ord. 194, passed 2-5-79)

§ 90.16 PURPOSE.

The purpose of this subchapter is the control of animals, the abatement of a public nuisance and the promotion of the general welfare through the establishment of dog regulations in the city. This subchapter seeks the general welfare by eliminating the unleashed dog, which at the passage of this subchapter are freely roaming the streets of the city. This subchapter, by eliminating these roaming dogs, will protect the health, safety and property of the residents of the city.
(Ord. 194, passed 2-5-79)

§ 90.17 DEFINITIONS.

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

AT LARGE. Off the premises of the owner or keeper and not under the control of the owner or keeper, a member of the owner or keeper's immediate family or an agent of the owner or keeper either by leash, cord, chain or otherwise. ***AT LARGE*** does not include a hunting dog, which, while not on a leash, cord, chain or otherwise, is subject to the master's command.

DOG. Any member of the canine family, six months of age or over, male or female.

OWNER or ***KEEPER.*** Any person or persons, firm, association or corporation owning, keeping or harboring a dog.
(Ord. 194, passed 2-5-79)

§ 90.18 DOGS RUNNING AT LARGE.

It shall be unlawful for any owner or keeper of any dog to permit the dog to run at large, unless accompanied by the owner or keeper. Any dog not accompanied by the owner or keeper may be impounded.
(Ord. 194, passed 2-5-79) Penalty, see § 90.99

§ 90.19 NOISE DISTURBANCE.

It shall be unlawful for any owner or keeper to keep or harbor any dog that barks or yelps or otherwise makes such noise as to disturb the peace and quiet of the neighborhood.
(Ord. 194, passed 2-5-79) Penalty, see § 90.99

§ 90.20 INVESTIGATION OF COMPLAINTS.

Any complaint lodged with the Animal Control Office concerning a violation of this subchapter shall be investigated by the Animal Control Officer.
(Ord. 194, passed 2-5-79)

§ 90.21 IMPOUNDMENT.

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

§ 90.22 RECLAIMING IMPOUNDED DOG; CHARGES.

(A) The owner or keeper may reclaim any dog that has been impounded upon proof that the dog is currently licensed, has a rabies inoculation, and payment of all costs and charges incurred by the county for impounding and maintenance of the dog. Any dog not reclaimed within seven days, shall be eligible for adoption or other disposition.

(B) The following charges shall be paid to the county for the impounding of any dog.

Cost of impounding or pick-up	$2
Cost of maintenance	$.50 per day

(Ord. 194, passed 2-5-79)

CONFINING OF VICIOUS DOGS

§ 90.30 DEFINITIONS.

KENNEL. The keeping of more than five (5) adult dogs for the purpose of breeding and sale and/or household pets.

ADULT DOGS. Dogs in excess of six (6) months of age.
(Ord. 1998-03, passed 3-31-98)

§ 90.31 KENNELS.

(A) No person or entity shall keep or maintain a kennel within the city limits.

(B) This section shall not apply to any kennel in existence at the time of enactment of this section. However, any kennel in existence at the time of enactment of this section that at any period hereafter ceases to be a kennel may not thereafter claim the benefit of this exemption and shall thereafter be prohibited.
(Ord. 1998-03, passed 3-31-98)

§ 90.32 KEEPING OF VICIOUS DOGS.

(A) A ***VICIOUS*** dog is defined to include:

(1) Any dog with a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

(2) Any dog which chases or approaches a person upon the streets, sidewalks or any public place in a menacing fashion or apparent attitude of attack.

(3) Any dog owned or harbored primarily or in part for purposes of fighting, or any dog trained for lighting; or

(4) Any dog which attacks a human being or domestic animal without provocation.

(B) It shall be unlawful for any person to keep or harbor within the city a dog that shall bite or fiercely attack any person while outside of its owners yard or enclosure.

(C) This section shall not apply where a person shall break into or enter, without permission, the premises or enclosure of such dog and be pursued therefrom and attacked or bitten by the dog.
(Ord. 1998-03, passed 3-31-98)

§ 90.33 CONFINING OF VICIOUS DOGS.

(A) It shall be unlawful for any person to keep or harbor withing the city a dangerous or vicious dog unless it is at all times kept securely chained or enclosed in such a manner that it cannot escape from the owner's premises. Such enclosure must have a minimum dimensions of five (5) feet by ten (10) feet per dog and must have secure sides and a secure top. If it has no concrete, cement or asphalt bottom, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog. A vicious dog shall be transported to or from the indoors and securely enclosed and locked outdoor pen or shelter only if such dog is muzzled and restrained by a suitable chain or leash not exceeding six (6) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with is vision or respiration but will prevent the dog from biting any person or animal.

(B) Vicious dogs shall be permitted off the owner's or harborer's property only if such dogs are muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent the dog from biting any person or animal.
(Ord. 1998-03, passed 3-31-98)

§ 90.34 MAINTENANCE OF AREA OF DOGS.

(A) Dogs that are housed constantly in a building or other enclosed structure, that building or structure must be connected to the city sewer. Said sewer connections will require specialized equipment (i.e., filters, grinders, pretreatment settling tank) to protect city wastewater treatment facility.

(B) Dogs waste products must be removed daily from area where dogs remain at-large in confined enclosures outside or in areas where dogs are chained, to protect the health of the residents of the city. Confinement area must be kept clean and odor free.
(Ord. 1998-03, passed 3-31-98)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than $500 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than $500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than $100 nor more than $500. (KRS 436.600)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Excavations and Construction

91.01 Opening permit required
91.02 Application and cash deposit
91.03 Restoration of pavement
91.04 Barriers around excavations
91.05 Warning lights
91.06 Sidewalk construction

Road and Bridge Projects

91.15 Public hearing required
91.16 Notice requirements; public may testify
91.17 Effect of testimony
91.18 Hearing to be held prior to construction
91.19 Separate hearing for each project not required
91.20 Exemptions from hearing requirement

Obstructions

91.30 Unloading on street or sidewalk
91.31 Street and sidewalk obstruction
91.32 Materials on street or sidewalk
91.33 Removal of ice and snow
91.34 Prohibition of horses on sidewalks

91.99 Penalty

Cross-reference:

Property and building numbering system, see §§ 150.30 through 150.34

EXCAVATIONS AND CONSTRUCTION

§ 91.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized city official, to make any opening in any street, alley, sidewalk, or public way of the city unless a permit to make the opening has been obtained prior to commencement of the work.

Penalty, see § 91.99

§ 91.02 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the City Commission or other authorized city official. Application shall be made on a form prescribed by the City Commission, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the City Commission or other authorized city official, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 91.03 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the City Commission or other authorized city official, and in accordance with rules, regulations, and specifications approved by the City Commission.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the city may proceed without notice to make the fill and restoration and the deposit referred to in § 91.02 shall be forfeited. Thereupon the deposit shall be paid into the appropriate city fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the city for restoration services performed by it. If the amount of the services performed by the city should exceed the amount of the deposit, the City Clerk or other proper administrative officer shall proceed to collect the remainder due from the permittee.

§ 91.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.
Penalty, see § 91.99

§ 91.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of the obstruction or excavation, and if the space involved exceeds 50 feet in extent, at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.
Penalty, see § 91.99

§ 91.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the authorized city official to supervise construction or repair of sidewalks within the city. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the specifications to the City Commission for approval. When the specifications are approved, the City Commission shall advertise for proposals to do all the work which may be ordered by the city in construction and repair of sidewalks, and shall contract therefor for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The City Commission may make separate contracts for the different kinds of work with different parties.

Statutory reference:

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

Sidewalks; ramps for wheelchairs, see KRS 66.660

ROAD AND BRIDGE PROJECTS

§ 91.15 PUBLIC HEARING REQUIRED.

Before the city expends state derived tax revenues on a municipal highway, road, street, or bridge it shall provide an opportunity to the public to provide input in a public meeting for which notice has been given under KRS 61.823(2) to (4) with regard to the project and to priorities for use of tax moneys for road and bridge purposes.

(KRS 174.100)

§ 91.16 NOTICE REQUIREMENTS; PUBLIC MAY TESTIFY.

Before the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall include the topic as a specific item on the public meeting agenda and shall allow any person to speak with regard to any proposed project, any project which he or she feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(KRS 174.100 (1))

§ 91.17 EFFECT OF TESTIMONY.

The city shall not be bound by the comments and input provided at the meeting but shall give due consideration to them.

(KRS 174.100 (2))

§ 91.18 HEARING TO BE HELD PRIOR TO CONSTRUCTION.

The city shall not begin construction on a road or bridge project wherein state derived tax revenues are involved until the meeting as provided herein has been held.
(KRS 174.100 (3))

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate meeting for each project. A single meeting encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the meeting, shall meet the requirements of this subchapter.
(KRS 174.100 (4))

§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.
(KRS 174.100 (5))

OBSTRUCTIONS

§ 91.30 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.
Penalty, see § 91.99

§ 91.31 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.
Penalty, see § 91.99

§ 91.32 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.
Penalty, see § 91.99
Cross-reference:
Littering on streets or sidewalks, see Ch. 94

§ 91.33 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.
Penalty, see § 91.99

§ 91.34 PROHIBITION OF HORSES ON SIDEWALKS.

(A) No person shall allow a horse under his or her control to be upon a sidewalk within the city's boundary.

(B) Any person violating this section shall be deemed guilty of a violation and subject to a fine of not less than $25 and not more than $500.
(Ord. 2006-01, passed 4-4-06)

§ 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

General Provisions

92.01 Definitions
92.02 Common law and statutory nuisances
92.03 Certain conditions declared a nuisance
92.04 Abatement procedure
92.041 Alternative abatement procedure
92.042 Civil penalties for violation under nuisance abatement
92.05 Nuisance created by others
92.06 Suspension of license
92.07 Junked, wrecked, or inoperable vehicles on private property

Noise Regulations

92.20 Purpose
92.21 Prohibited noises
92.22 Exemptions

92.99 Penalty

Statutory reference:

Private nuisances, see KRS 411.500 - 411.570

GENERAL PROVISIONS

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

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

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

NUISANCE. Public nuisance.

SCRAP METAL. Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether 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 such 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 Kentucky as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.
Penalty, see § 92.99

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous 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 public streets, public ways, or other adjacent property by the falling thereof or of parts thereof.

(B) 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.

(C) Diminution in value of other property. Any condition or use of premises or of building exterior which is visible from other property or a public right-of-way and is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, including, but not limited to, the keeping of the following:

(1) Ashes, rubbish, garbage, lumber, bricks, cinder blocks, insulation material, building debris, refuse or waste of any kind, whether liquid or solid;

(2) Abandoned, discarded, or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

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

(E) Weeds and grass. The excessive growth of weeds, grass, or other vegetation. The owners or occupants of property in the city are required to cut weeds, grasses, and other vegetation, and remove dead weeds, grasses and vegetation and otherwise clear their property, including sidewalks, and to keep the same cut, mowed, and cleared to avoid excessive growth of weeds and grass so that the danger of pollen and insect pests may be minimized and the appearance of the area is not adversely affected. Unless otherwise provided, ***EXCESSIVE*** shall mean growth to a height of 12 inches or more. It is provided, however, that nothing herein is to be construed as interfering with normal and usual farming practices occurring on agricultural land within the city.

(F) 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.

(G) Trees and shrubbery obstructing streets, sidewalks, fire hydrants and drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction, or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage or fire hydrants.

(H) 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.

(I) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.
(Am. Ord. 2012-001, passed 2-7-12) Penalty, see § 92.99

§ 92.04 ABATEMENT PROCEDURE.

(A) It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance, health hazard, or source of filth to develop thereon.

(B) Whenever a nuisance situation is discovered, the authorized city official shall give 15 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) 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 this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in division (D) of this section. The lien may be enforced by judicial proceeding. In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the city may bring a civil action

against the owner and shall have the same remedies as provided for the recovery of a debt owed. The failure of the city to comply with state law, and the failure of a lien to take precedence over previously filed liens as provided in division (D) of this section, shall not limit or restrict any remedies that the city has against the owner of the property.

(D) The lien provided in division (C) of this section shall not take precedence or priority over a previously recorded lien if:

(1) The city failed to provide the lien holder a copy of the determination in accordance with state law; or

(2) The lien holder received a copy of the determination as required by state law and the lien holder corrected the violations or paid the fines, penalty charges, and costs incurred in remedying the violation.

§ 92.041 ALTERNATIVE ABATEMENT PROCEDURE.

(A) *Notice to abate.* The Code Official or any other city officer or agent authorized by the City Commission may serve or cause to be served a notice upon the owner of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter. Such notice shall describe the nuisance so maintained and shall demand abatement of such nuisance within ten days of notice, unless such nuisance constitutes an immediate danger to health and well-being of the community, on which case the notice shall demand abatement within 24 hours of the notice. The notice shall also include the following:

(1) A statement to the effect that if the nuisance is not abated within the prescribed time, the city will proceed to abate the nuisance.

(2) A statement to the effect that the cost of abatement constitutes a lien against the property in favor of the city.

(3) A statement to the effect that if the city is required to abate the nuisance, the Code Official will send a bill for the cost of the abatement, to include an administrative cost, to the property owner, and if the bill is not paid within seven days following the mailing of the bill, that a lien for the cost of the abatement will be placed against the property. The property owner shall further be informed that in the event the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill.

(4) A statement to the effect that civil penalties of not less than $100 nor more than $1,000 may be imposed if two or more notices to abate a nuisance have been issued to the same owner of the same property, within a 12 month period and that civil penalties so imposed will be added to the bill for the cost of abatement.

(5) The procedure established by Section 111 of the Property Maintenance Code, Means of Appeal shall govern the appeal from notices to abate nuisances under this section of notices of the imposition of civil penalties. Appeals under this section shall be within ten days of the service of the notice

from which the appeal is taken rather than 20 days for violations of the Property Maintenance Code. The Board appointed pursuant to subsection 111 of the code shall hear appeals of actions taken pursuant to Nuisance Abatement.

(B) *Services of notices.* The service of notices to abate shall be governed by the procedures provided in Section 107 of the Property Maintenance Code.

(C) *Abatement by the city.* If the owner so served does not abate the nuisance or file a notice of appeal within ten days, the city may proceed to abate such nuisance, keeping an account of the expense of abatement. The expense of the abatement with an administrative fee of $75 shall be charged to and paid by the property owner. The ten-day period provided for it in this subsection shall commence:

(1) On the day following service (where notice is personally served);

(2) On the third day following mailing (where notice is served by mail); or

(3) On the third day following the second day of publication (where notice is by publication.)

(D) *Lien.* The city shall have a lien against the property for its costs incurred in such nuisance abatement plus an administrative fee of $75. This lien shall be superior to and have priority over all other lines on the property, except state, county, school board, and city taxes pursuant to state law. This lien shall be evidenced by a notice of lien claimed, filed in the County Clerk's Office, which notice shall include the affidavit of the Code Official, setting forth the property in question, the amount of the city's cost of abatement, the date of abatement, and that the notice provisions of this section were complied with before abatement. The code official shall bill the property owner of such premises at least once following abatement. No lien claimed shall be filed against the property until seven days have elapsed after the bill is sent. If the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill. A copy of the notice of the lien shall be mailed to the owner of the premises, or, if the owner of the property cannot be ascertained according to the provisions of the Section 107 of the code, published. The failure of the clerk to record such notice of lien claimed, the failure to mail the owner a copy of such notice or the publishing of the notice, or the failure of the owner to receive such notice shall not affect the right of the city to enforce its lien for such charges as provided by law.

(E) *Property to be sold.* The property subject to a lien for unpaid nuisance abatement charges may be sold for nonpayment of those charges according to law.

(F) *Court proceedings.* The city attorney may be authorized and directed by the City Commission to institute such proceedings, in the name of the city, in any court having jurisdiction over such matter, against any property for which a bill for nuisance abatement remains unpaid for seven days after it is mailed. If the property is the subject of litigation, the proceedings may be initiated immediately upon the mailing of the bill.

(G) *Release of Lien.* The Mayor is hereby authorized and directed to execute a release of the lien provided for in division (D) upon payment in full of the nuisance abatement cost evidenced by the lien or upon conclusion of court proceedings resulting in the sale of the property regardless of whether any portion of the costs were paid from the proceeds of the sale. The lien release shall be filed in the county clerk's office.

(H) *Unenforceable liens.* The city attorney is authorized to determine that liens shall not be filed for the cost of nuisance abatement if the cost of nuisance abatement is less than $500 or less and the cost of collection of the lien would be greater than the amount secured by the lien. The city attorney is authorized to determine whether the city should intervene in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law. All liens are ratified and adopted as an act of the City Commission.
(Ord. 2004-008, passed 8-3-04)

§ 92.042 CIVIL PENALTIES FOR VIOLATIONS UNDER NUISANCE ABATEMENT.

(A) Any owner who violates any provision in Chapter 92 and has been previously issued two or more notices to abate a nuisance on the same property within a 12 month period, may be assessed civil penalties of not less than $100 nor more than $1,000, pursuant to the civil penalty guidelines as set forth herein. Notice of assessment of a civil penalty for a violation of Chapter 92 shall be made in the manner specified in § 92.04 or § 92.041.

(B) Civil penalties assessed for violations of Chapter 92 shall be based on the number of notices to abate issued within a 12 month period and the number of times the city has been required to abate the nuisance(s), as follows:

No. of notices to abate by owner within 12 months:	Penalty amount:	No. of notices to abate by city within 12 months:	Penalty amount:
2	$ 100	2	$ 200
3	$ 200	3	$ 400
4	$ 300	4	$ 600
5	$ 500	5	$ 800
6	$ 600	6	$ 1,000

(Ord. 2004-008, passed 8-3-04)

§ 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 92.06 SUSPENSION OF LICENSE.

(A) Whenever it is brought to the attention of the City Commission that a nuisance exists and the City Commission deems that there is an immediate threat to the public health, safety, or welfare, the City

Commission may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

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

(C) Upon application of the licensee, the City Commission may remove the suspension upon such terms as it may direct.

§ 92.07 JUNKED, WRECKED, OR INOPERABLE VEHICLES ON PRIVATE PROPERTY.

(A) Any person who is the owner, lessee, tenant, occupant, or one otherwise in charge or in control of premises located on private property shall not permit any wrecked, junked, partly dismantled, or otherwise inoperable motor vehicle, or any motor vehicle not licensed pursuant to KRS 186.020 to be parked, placed, of located on such premises for more than ten days. Any motor vehicle herein described that is parked, placed, or located on aforementioned premises for longer than ten days shall be declared a public nuisance and subject to abatement.

(B) This section shall not apply to:

(1) Historic motor vehicles which are registered and licensed pursuant to KRS 186.043; or

(2) Any vehicle housed in an enclosed building; or,

(3) Any vehicle parked, placed or located on the premises which is screened from public view pursuant to KRS 190.354.

(C) The abatement of a public nuisance shall be as follows:

(1) *Notice to abate.* The city shall serve, or cause to be served, a notice upon the owner(s) or occupants of any premises upon which any motor vehicle, as described in division (A) above, is located in violation of the provisions of this section. The notice shall describe the nuisance and shall demand abatement within five days of the notice. The notice shall also contain the following statements in effect:

(a) The city shall abate the nuisance if it is not corrected within five days;

(b) An estimate of the cost of removing or correcting the nuisance;

(c) The cost of abatement shall constitute a lien against the real property and the property removed in favor of the city;

(d) The city shall send a bill for the cost of abatement, including administrative costs, to the property owner or occupant after the city has abated the nuisance; and

(e) A notice of lien shall be placed against the property removed and the real property if the bill for the cost of abatement is not paid within two weeks following its being mailed.

(2) *Service of notice.* The notice shall be personally served upon the owner(s) or occupants of the subject property, or shall be mailed to the last known address of the owner(s) as shown on the property tax rolls.

(3) *Calculating time period.* The five-day time period for notice shall begin as follows:

(a) On the day following service when notice is personally served; or

(b) On the third day following mailing when notice is mailed.

(4) The city may act under this section by and through the City Clerk, the Chief of Police, or any other individual authorized by the City Commission.

(5) The provisions of §§ 72.20 through 72.22 shall apply to any property removed pursuant to this section.

(D) Any person or entity in violation of any provision of this section shall pay a fine of not less than $25 but not more than $250. Each day such violation exists shall be deemed a separate offense.
(Ord. 2006-006, passed 10-3-06)

NOISE REGULATIONS

§ 92.20 PURPOSE.

(A) The purpose of this subchapter is:

(1) To preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise; and

(2) To prevent ***NOISE***, which is:

(a) Prolonged or unsuitable for the time and place; and

(b) Detrimental to the peace and good order of the community.

(B) It is the goal of this ordinance to allow all residents of our city to peacefully coexist in a manner, which is mutually respectful of the interests and rights of others.
(Ord. 2011-008, passed 10-4-11)

§ 92.21 PROHIBITED NOISES.

(A) It shall be unlawful for any person to make or cause to be made, or allow to be made by an animal in his or her possession, any loud or unreasonable noise as defined in this subchapter. Unreasonable noise disturbs, injures or endangers the peace or health of another or the health, safety, or welfare of the

community. Such noise constitutes the disturbance of the peace and a public nuisance. ***LOUD AND UNREASONABLE NOISE***, for the purpose of this subchapter, is defined as noise that is plainly audible to a reasonable person of normal sensitivities using his or her unaided hearing faculties as such times and distances proscribed below. To be plainly audible does not require the listener to be able to determine specific characteristics of the noise, e.g. the words of a song being played, but only that the listener hears the noise, e.g. the boom of the song's base.

(B) The following are prohibited:

(1) Animals and birds. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. (For the purpose of this ordinance, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for ten minutes or intermittently for 30 minutes unless provoked.) This division shall be enforced during regular business hours. An animal noise disturbance shall be deemed to exist if the noise is plainly audible:

(a) From the source of the noise through the walls separating dwelling units within the same multi-family building;

(b) From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates.

(2) Radios, television sets, musical instruments, phonographs, and similar devices, including motor vehicle sound equipment. The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to be plainly audible:

(a) From the source of the noise through the walls separating dwelling units within the same multifamily building;

(b) From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates.

(3) Engines and mechanical devices near residential district. Operation or use between the hours of 10:00 p.m. and 7:00 a.m. of any gasoline powered engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine or mechanical device or other contrivance or facility unless such engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at a distance of 50 feet from such structure, or within ten feet of any residence. This section shall not apply to the operation of a properly licensed motor vehicle properly operated on a city, county, or state street or road.

(4) Motor vehicles. Racing the engine of any motor vehicle or needlessly bringing to a sudden start or stop of any motor vehicle.
(Ord. 2011-008, passed 10-4-11) Penalty, see § 92.99

§ 92.22 EXEMPTIONS.

Noise from the following sources is exempt from the prohibition specified above:

(A) Governmental activities. Governmental vehicles and equipment while in use for municipal purposes, including, but not limited to, safety signals, warning devices, snow removal, public events, law enforcement, emergency construction or repair work. Events conducted by or permitted by the city must comply with all conditions of such permits with respect to noise control issues.

(B) Special events. Special events permitted by the appropriate agency, e.g., Buffalo Daze.

(C) Outdoor gatherings, festivals, public dances, shows and sporting events, provided the events are conducted pursuant to a permit issued by the Mayor.

(D) Sounds created by church bells or chimes, or any church activities.

(E) Any outdoor school functions.
(Ord. 2011-008, passed 10-4-11)

§ 92.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and shall be fined not more than $500 for each offense. Each day's continued violation shall constitute a separate offense.

(B) Authority to enforce this §§ 92.20 through 92.22 is given to the Police Department.

(B) The penalty for violation of §§ 92.20 through 92.22 is as follows:

(1) First offense. For the first offense a warning.

(2) Second offense. For the second offense within 12 months, a fine of $25.

(3) Third and subsequent offenses. For the third and subsequent offenses within 12 months, a fine of $50.

(C) (1) Payment of fines; penalty for nonpayment. Within seven days from the date of the issuance of the citation, any person cited pursuant to §§ 92.20 through 92.22 shall:

(a) Pay to the city the civil penalty prescribed; or

(b) Request a hearing before the city commission by delivering to the city clerk a written request for a hearing within seven days of the citation. The hearing shall be held at the next scheduled regular City Commission meeting.

(2) Failure to pay the citation or request a hearing within the required seven days shall result in the City Commission determining that:

(a) The person cited to have waived his or her right to a hearing;

(b) The citation and fine to be proper under §§ 92.20 through 92.22; and

(c) The assessment of an administrative fee in an amount equal to the original citation fine, but not exceeding $50.

(D) All fines shall be payable to the City of Stamping Ground.
(Am. Ord. 2011-008, passed 10-4-11)

Cross-reference:

Civil penalties for violations, see § 92.042

CHAPTER 93: FIREWORKS; FIRE PREVENTION

Section

Fireworks

93.01 Definitions; legality of items
93.02 Sale or use prohibited; exception for public display
93.03 Consumer fireworks; restrictions on sale
93.04 Bond or liability insurance requirement
93.05 Exempted sales and uses
93.06 Destruction of fireworks

Fire Prevention

93.20 Blasting permit
93.21 Storage of flammables and other matter

93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) As used in this subchapter, the term ***FIREWORKS*** means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "consumer fireworks" as defined in division (B) of this section or "display" fireworks as defined in division (D) of this section and as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations. "Fireworks" does not include:

(1) Exception number 1: Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

(2) Exception number 2: Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

(3) Exception number 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.
(KRS 227.700)

(B) As used in this subchapter, ***CONSUMER FIREWORKS*** means fireworks that are suitable for use by the public, designed primarily to produce visible effects by combustion, and comply with the

construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this chapter. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. ***CONSUMER FIREWORKS*** are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. pts. 1500 and 1507, are classified as Division 1.4G explosives by the U.S. Department of Transportation and include the following:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick-sparkler or wire sparkler. These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with DOT regulations.

(b) Cylindrical fountain. Cylindrical tube containing not more than 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

(e) Wheel. A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

(h) Toy smoke device. Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(2) Aerial devices.

(a) Sky rockets and bottle rockets. Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(b) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) Helicopter, aerial spinner. A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) Roman candles. Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

(e) Mine, shell. Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition). Upon ignition, ''stars,'' components producing reports containing up to 130 milligrams of explosive composition per report, or other devices are propelled into the air. The term ''mine'' refers to a device with no internal components containing a bursting charge, and the term ''shell'' refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term ''cake'' refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground.

(f) Aerial shell kit, reloadable tube. A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed one and three-fourths inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of

shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission;

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced.

(b) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.
(KRS 227.702)

(C) Items listed below are classified as ***NOVELTIES*** and ***TRICK NOISEMAKERS*** and are not classified as consumer fireworks by the U.S. Department of Transportation, and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(1) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

(4) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(a) Party popper. Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) Booby trap. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d) Trick match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.
(KRS 227.704)

(D) As used in this subchapter, the term ***DISPLAY FIREWORKS*** means pyrotechnic devices or large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. pts. 1500 and 1507, and are classified as class B explosives by the U.S. Department of Transportation.
(KRS 227.706)

(E) Legality of items.

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

(2) Items described in division (D) are not legal for retail sale but are legal under permits granted pursuant to this chapter for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.

(3) Items described in division (C) are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.
(KRS 227.708)

§ 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

No person, firm, co-partnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode, any display fireworks, except for the following:

(A) The City Commission or other authorized city official may to grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals. Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person. ***COMPETENT DISPLAY OPERATOR*** shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) License and have participated as an assistant in firing at least five public displays. A "competent display operator" is also an employee possessor. A permit under this division shall be issued only to a competent display operator holding an ATF license. At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, assigned by the local

authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the state fire marshal or local fire chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 – Code for Fireworks Display (adopted edition). Permits shall be filed with the State Fire Marshal at least 15 days in advance of the date of the display. After this privilege is granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this division shall be transferable. For the purpose of this section, "public display of fireworks" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors. Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least eighteen (18) years of age. The Commissioner of the Department of Housing, Buildings and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this division. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division.

(B) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives if the sale is to the person holding a display permit as outlined in division (A) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.

(C) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

(D) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(E) The use of fuses and railway torpedoes by railroads.

(F) The sale and use of blank cartridges for use in a show or theater or for signal or ceremonial purpose in athletics or sports.

(G) The use of any pyrotechnic device by military organizations.

(H) The use of fireworks for agricultural purposes under the direct supervision of the U.S. Department of the Interior or any equivalent or local agency.

(I) Nothing in this section shall prohibit a person, firm, co-partnership, nonprofit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in § 93.01(B) and as permitted pursuant to § 93.03.
(KRS 227.710) Penalty, see § 93.99

§ 93.03 CONSUMER FIREWORKS; RESTRICTIONS ON SALE.

(A) Except as provided in § 93.02, the consumer fireworks described in § 93.01(B) may be offered for sale, sold at retail, or kept with the intent to sell, only if the requirements of this section are met.

(B) Any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks described in § 93.01(B) shall register annually with the State Fire Marshal's office in accordance with KRS 227.715 and display its registration certificate in a conspicuous location at the site.

(C) Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection Association) – Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition).

(D) No person or business shall give, offer for sale, or sell any consumer fireworks listed in § 93.01(B) to any person under 18 years of age.
(KRS 227.715(6) - (8)) Penalty, see § 93.99

§ 93.04 BOND OR LIABILITY INSURANCE REQUIREMENT.

No permit shall be issued under § 93.02 unless the applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than $1,000,000. However, the City Commission or other appropriate city official or the State Fire Marshal may require a larger amount if in their judgment the situation requires it, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employees or subcontractors.
(KRS 227.720) Penalty, see § 93.99

§ 93.05 EXEMPTED SALES AND USES.

Nothing in this chapter shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, or shells or cartridges, used as ammunition in firearms, or blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.
(KRS 227.730)

§ 93.06 DESTRUCTION OF FIREWORKS.

(A) The State Fire Marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the State Fire Marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this chapter. After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.

(B) After a period of 60 days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or "display" designation shall require the notification of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The State Fire Marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five business days of the seizure.

(C) Before any seized fireworks may be disposed of:

(1) If the owner of the seized fireworks is known to the State Fire Marshal, the State Fire Marshal shall give notice by registered mail or personal service to the owner of the State Fire Marshal's intention to dispose of the fireworks. The notice shall inform the owner of the State Fire Marshal's intent. The State Fire Marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or

(2) If the identity of the owner of any seized fireworks is not known to the State Fire Marshal, the State Fire Marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the State Fire Marshal's intention to dispose of the fireworks. The notice shall be published once each week for three consecutive weeks. If no person claims ownership of the fireworks within ten days of the date of the last publication, the State Fire Marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten days of the date of the last publication, a hearing as set out in division (A) of this section shall be held.

(D) Nothing in §§ 93.01 through 93.06 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.
(KRS 227.750)

FIRE PREVENTION

§ 93.20 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the City Commission or other authorized city official. The City Commission or other authorized city official, before granting such permit may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.
Penalty, see § 93.99

§ 93.21 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.
Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating the provisions of §§ 93.02 or 93.04, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not more than $1,000, or imprisoned for not more than 30 days, or both. (KRS 227.990 (4))

(B) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than $500.

CHAPTER 94: LITTERING

Section

94.01 Throwing litter from vehicle
94.02 Tracking foreign matter on streets
94.03 Hauling loose material
94.04 Sweeping litter into gutters
94.05 Litter on private property

94.99 Penalty

§ 94.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.
Penalty, see § 94.99

§ 94.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit upon any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.
Penalty, see § 94.99

§ 94.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.
Penalty, see § 94.99

§ 94.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
Penalty, see § 94.99

§ 94.05 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.
Penalty, see § 94.99

§ 94.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than $500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

CHAPTER 95: FAIR HOUSING

Section

95.01 Definitions
95.02 City policy
95.03 Application of regulations
95.04 Discrimination in the sale or rental of housing
95.05 Discrimination in the financing of housing
95.06 Discrimination in the provision of brokerage services
95.07 Exemption
95.08 Administration
95.09 Education and conciliation
95.10 Enforcement
95.11 Investigations; subpoenas; giving of evidence
95.12 Enforcement by private persons
95.13 Interference, coercion or intimidation
95.14 Prevention of intimidation in fair housing cases

95.99 Penalty

§ 95.01 DEFINITIONS.

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 95.04, 95.05, or 95.06.

DWELLING. Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

FAMILY. Includes a single individual.

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

TO RENT. Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
(Ord. passed 12-9-89)

§ 95.02 CITY POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.
(Ord. passed 12-9-89)

§ 95.03 APPLICATION OF REGULATIONS.

(A) Subject to the provisions of division (B) below and § 95.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to all dwellings except as exempted by division (B) below.

(B) Nothing in § 95.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided that:

(a) The private individual owner does not own more than three single-family houses at any one time;

(b) In the case of the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this division shall apply only with respect to one sale within any 24-month period;

(c) A bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time;

(d) The sale or rental of any single-family house shall be excepted from the application of this chapter only if the house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of the facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent, salesman, or person and without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of § 95.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
(Ord. passed 12-9-89)

§ 95.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 95.03, and except as exempted by § 95.03(B) and 95.07, it shall be unlawful to:

(A) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicapped status.

(B) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status.

(C) Make print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or handicapped status, or an intention to make any such preference, limitation, or discrimination.

(D) Represent to any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of the loan or other financial assistance, because of the race, color, religion, or national origin of the person or of any person associated with him in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given. Nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 95.03(B).
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicapped status.
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to persons, unless membership in the religion is restricted on account of race, color, or national origin. Nothing in this chapter shall prohibit a private club, not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.08 ADMINISTRATION.

(A) The authority and responsibility for administering this chapter shall be vested in the Mayor of the city.

(B) The Mayor may delegate any of these functions, duties, and powers to employees of the city or to boards of employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The Mayor shall by rule prescribe rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner which will further the purposes of this chapter and shall cooperate with the Mayor to further such purposes.
(Ord. passed 12-9-89)

§ 95.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the Mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and enforcement.
(Ord. passed 12-9-89)

§ 95.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Mayor. Complaints shall be in writing and shall contain such information and be in such form as the Mayor requires. Upon receipt of a complaint, the Mayor shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the Mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Mayor decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. No employee of the Mayor shall make public any information in violation of this provision.

(B) A complaint under division (A) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(C) If within 30 days after a complaint is filed with the Mayor, the Mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Mayor will assist in this filing.

(D) If the Mayor has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the Mayor shall immediately terminate all efforts to obtain voluntary compliance.
(Ord. passed 12-9-89)

§ 95.11 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.

(A) In conducting an investigation, the Mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Mayor shall first comply with the

provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Mayor may issue subpoenas to compel access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Mayor may administer oaths.

(B) Upon written application to the Mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Mayor to the same extent and subject to the same limitations as subpoenas issued by the Mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(C) Witnesses summoned by subpoena of the Mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent, shall be paid by him.

(D) Within five days after service of a subpoena upon any person, the person may petition the Mayor to revoke or modify the subpoena. The Mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the Mayor or other person at whose request it was issued may petition for its enforcement in the state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(F) No person shall willfully fail or neglect to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Mayor. No person shall, with intent thereby to mislead the Mayor, make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Mayor pursuant to his subpoena or other order, or willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or willfully mutilate, alter, or by any other means falsify any documentary evidence.

(G) The City Attorney shall conduct all litigation in which the Mayor participates as a party or as amicus pursuant to this chapter.
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 95.03 through 95.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue any civil case brought pursuant to this section or § 95.10(D) from time to time before bringing it to trial, if the court believes that the conciliation efforts of the Mayor are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Mayor and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated prior to the

issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, emcumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees.
(Ord. passed 12-9-89)

§ 95.13 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 95.03 through 95.06. This section may be enforced by appropriate civil action.
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.14 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

No person shall, whether or not acting under color of law, by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with:

(A) Any person because of his race, color, religion, sex, national origin, familial status or handicapped status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or handicapped status in any of the activities, services, organizations, or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
(Ord. passed 12-9-89) Penalty, see § 95.99

§ 95.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than $500.

(B) Any employee of the Mayor who shall make public any information in violation of § 95.10 or shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both.

(C) Whoever violates any provision of § 95.11(F) shall be guilty of a misdemeanor and shall be fined not more than $500 or imprisoned not more than one year, or both.

(D) Any person who violates § 95.14 shall be deemed guilty of a misdemeanor and shall be fined not more than $500, or imprisoned for not more than 12 months, or both. In addition to the criminal penalty imposed hereunder, any person convicted of violating § 95.14 shall be subject to a civil penalty of up to $10,000, if any bodily injury or death resulted from the violation.
(Ord. passed 12-9-89)

CHAPTER 96: HAZARDOUS MATERIALS

Section

96.01 Purpose
96.02 Applicability
96.03 Definitions
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96.05 Administering agency
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96.08 Authorized release
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§ 96.01 PURPOSE.

(A) This chapter is adopted by the City Commission for the purpose of protecting public health/safety and the environment in the county, through timely response and remediation efforts by properly trained individuals for incidents requiring action by existing/future local, state and/or federal requirements.

(B) This chapter also provides a mechanism for local agencies to recoup response costs from persons responsible for the release.
(Ord. 1996-06, passed 8-5-96)

§ 96.02 APPLICABILITY.

Pursuant to authority of KRS 67.093 (7), the provisions of this chapter shall apply to all persons who manufacture, use, store, or transport hazardous materials within the city, when in the event of an unauthorized release of a hazardous material:

(A) In which the safety of local residents and/or irreversible damage to the environment is imminent without immediate action;

(B) The responsible party has refused to act in a reasonable time or the responsible party is not known through existing reporting or record keeping requirements;

(C) The responsible party would be required by existing local, state, and/or federal regulation(s) to report, contain and remediate the hazardous material release (cause a release of a "Reportable Quantity" (RQ) of a hazardous material).
(Ord. 1996-06, passed 8-5-96)

§ 96.03 DEFINITIONS.

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

AUTHORIZED RELEASE. A release of hazardous materials in accordance with an appropriate permit granted by a local, state or federal agency having primary jurisdiction over such release.

CONSUMER PRODUCT. A meaning stated in 15 USC 2052.

COSTS. Includes all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to costs incurred for personnel, equipment and the use thereof, materials, supplies, services, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material.

EMPLOYEE. Any person who works, with or without compensation, in a workplace.

EMPLOYER. Any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees.

ENVIRONMENT. The navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within the city. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this chapter.

FACILITY. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owed treatment container), tank, motor vehicle, truck trailer, rolling stock, or aircraft, or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included.

HAZARDOUS MATERIALS. Any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 USCA, Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR 302, "List of Hazardous Materials and Reportable Quantities," as amended, published by the U.S. Environmental Protection Agency (EPA), and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed;

NORMAL APPLICATION OF PESTICIDES. Application pursuant to the label directions for application of a pesticide produce registered under section 30 or section 24 of the Federal Insecticide,

Fungicide, and Rodenticide Act as amended (7 USC 135 et seq.) (FIFRA), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIFRA, or pursuant to an exemption granted under section 18 of FIFRA.

OIL. Oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

PERSON. Any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency or political subdivision thereof, the United States Government, or any other commercial or legal entity.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to:

(1) With respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine; and,

(3) The normal application of fertilizers and pesticides.

REMEDIAL ACTION. Any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment.

REMOVAL. The cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons.

REPORTABLE QUANTITY. That quantity:

(1) ***LISTED HAZARDOUS MATERIALS.*** The quantity appearing in column "RQ" for each hazardous material listed in:

(a) ***LIST OF HAZARDOUS MATERIALS AND REPORTABLE QUANTITIES.*** 40 CFR 302, as amended;

(b) ***EXTREMELY HAZARDOUS SUBSTANCES.*** Designated in 40 CFR 355 under SARA Title III.

(2) ***PETROLEUM OR PETROLEUM PRODUCTS.*** The reportable quantities are 25 gallons or more of a petroleum product within a 24-hour period and 75 gallons or more of diesel fuel in a 24-hour period or any amount that creates a visible sheen on surface waters.

(3) ***RELEASES TO SANITARY SEWER SYSTEM.*** Notwithstanding any other provision of this section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of the Georgetown Sewer Use Ordinance or other sewer system operating in the city shall be deemed to be released in reportable quantities.

RESPONSE. Any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment.

VESSEL. Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.
(Ord. 1996-06, passed 8-5-96)

§ 96.04 PROHIBITED ACTS.

(A) *Notice upon discovery.* When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity hereinbefore established for such material occurs or is imminent on any facilities of any kind within the city, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the Georgetown/Scott County Emergency Communications Center.

(B) *Emergency telephone number.* The notice required to be given by this section may be given by telephoning "911" (or such other emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies (LEPC, Fire Department with jurisdiction, Local DES, Ambulance Service, and the like as required).

(C) *Duty to control releases.* The notice required to be given by this section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the Emergency Communication Center, especially if such efforts may result in the containment of the release and/or the abatement of any hazard to life and/or property.

(D) *Duty to report to other agencies.* No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.
(Ord. 1996-06, passed 8-5-96) Penalty, see § 10.99

§ 96.05 ADMINISTERING AGENCY.

The purpose of this chapter is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government through protocols and standard operating procedures.
(Ord. 1996-06, passed 8-5-96)

§ 96.06 RESPONSE AUTHORITY.

(A) The Georgetown/Scott County Disaster and Emergency Services Operation (DES) shall have authority to coordinate response to any release or threatened release of hazardous materials in the city.

(B) The Fire Chief of the jurisdiction in which such release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of DES is to give technical advice and assistance to the Fire Chief.

(C) DES or the Fire Chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (for example County Judge/Executive or his administrative assistant, Mayor, City Administrative Officer, City Coordinator) if § 96.02(B) of this chapter applies. If in the opinion of the executive authority, the seriousness of the situation warrants, the Chief Executive Officer of the jurisdiction (County Judge/Executive or Mayor) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this section shall then be vested in such Chief Executive Officer. In such event, the Chief Executive Officer may authorize DES, the Fire Chief, or other appropriate person to exercise all or part of the response authority provided by this section until further notice.

(D) All local emergency response personnel shall cooperate with and operate under the direction of the Chief Executive Officer of the jurisdiction, the Fire Chief, DES, or other person then exercising response authority under this section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such release or threatened release.

(E) The person exercising response authority under this section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.

(F) The person exercising response authority under this section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof.
(Ord. 1996-06, passed 8-5-96)

§ 96.07 LIABILITY FOR COSTS.

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal or other remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

(A) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

(B) Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

(C) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials;

(D) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of release of hazardous materials.
(Ord. 1996-06, passed 8-5-96)

§ 96.08 AUTHORIZED RELEASE.

There shall be no liability under this chapter for any release permitted by local, state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law regulations, permit requirements, or ordinances of the jurisdiction in which such release occurs.
(Ord. 1996-06, passed 8-5-96)

§ 96.09 CONTRACTUAL INDEMNIFICATION: SUBROGATION.

(A) No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator if any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this chapter. Nothing in this section shall bar any arrangements to insure, hold harmless or indemnify a party to such agreement for any liability under this chapter.

(B) Nothing in this section, including the provisions of division (A) of this section, shall bar a cause of action that an owner or operator or any other person subject to liability under this chapter, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.
(Ord. 1996-06, passed 8-5-96)

§ 96.10 DISCLAIMER OF LIABILITY.

This chapter shall not create liability on the part of the administering agency or on the part of the response authority for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this chapter, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.
(Ord. 1996-06, passed 8-5-96)

§ 96.11 SEVERABILITY.

If any provision or section of this chapter or the enforcement of such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect or render invalid or unenforceable any other provision or section.
(Ord. 1996-06, passed 8-5-96)

CHAPTER 97: STAMPING GROUND CODE ENFORCEMENT BOARD

Section

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§ 97.01 TITLE.

This chapter shall be known and may be cited as the "Stamping Ground Code Enforcement Board." (Ord. 17-01, passed 1-10-17)

§ 97.02 DEFINITIONS.

The definitions set forth in KRS 65.8805 and KRS 65.8840 are incorporated as though set forth fully herein.
(Ord. 17-01, passed 1-10-17)

§ 97.03 CODE ENFORCEMENT BOARD CREATED.

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 a Stamping Ground Code Enforcement Board, which is the Local Governments of Scott County Joint Code Enforcement Board created by the Agreement (hereinafter the "Code Enforcement Board" or "Board"). The Code Enforcement Board shall be composed of the number of members as set forth in the Agreement.
(Ord. 17-01, passed 1-10-17)

§ 97.04 JURISDICTION.

The Code Enforcement Board shall have jurisdiction over and shall enforce Chapter 150 on building regulations and Chapter 92 on nuisances, and all other chapters of this code hereafter adopted or amended which specifically provide for enforcement by citation officers, code enforcement officers or the Code Enforcement Board in the manner set forth in this chapter.
(Ord. 17-01, passed 1-10-17)

§ 97.05 POWERS OF THE CODE ENFORCEMENT BOARD.

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

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

(C) The Code Enforcement Board shall have the power to:

(1) Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with the requirements of KRS 65.8801 to 65.8839 and ordinances of the local government or local governments creating the board;

(2) Conduct hearings, or assign a hearing officer to conduct a hearing, to determine whether there has been a violation of any ordinance that the board has jurisdiction to enforce;

(3) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Board, or by an assigned hearing officer, may be served by any code enforcement officer;

(4) To take testimony under oath. The Chairperson or assigned hearing officer shall have the authority to administer oaths for the purpose of taking testimony;

(5) To make findings of fact and issue orders necessary to remedy any violation of any ordinance that the Board has jurisdiction to enforce;

(6) To impose civil fines as authorized on any person found to have violated an ordinance over which the Board has jurisdiction.
(Ord. 17-01, passed 1-10-17)

§ 97.06 APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL FROM OFFICE; OATH, AND COMPENSATION.

(A) Members of the Code Enforcement Board shall be appointed, and shall serve such terms as set forth in the Agreement and KRS 65.8801 to KRS 65.8839.

(B) All members of the Code Enforcement Board must, before entering into office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(C) Any member of the Code Enforcement Board appointed by the Mayor shall be compensated as determined by the City Commission, and for actual expenses.

(D) No member of the Code Enforcement Board may hold any elected or appointed office, whether paid or unpaid, or any position of employment with the unit of local government that has created the Code Enforcement Board.
(Ord. 17-01, passed 1-10-17)

§ 97.07 ORGANIZATION OF CODE ENFORCEMENT BOARD; QUORUM.

(A) The Code Enforcement Board shall, upon the initial appointment of its members, and annually thereafter, elect a Chair from among its members. The Chairperson shall be the presiding officer and a full voting member of the Code Enforcement Board. If the chairperson is not present at a meeting, the Code Enforcement Board shall select one of its members to preside in place of and exercise the powers of the Chairperson.

(B) The Code Enforcement Board shall hold regular meetings at least monthly on a schedule to be determined by the Code Enforcement Board. Meetings other than established regular meetings shall be special meetings held in accordance with the Kentucky Open Meetings Act.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the applicable state statutes and the Kentucky Open Meetings Act.

(D) The presence of at least a majority of the Code of Enforcement Board's entire membership shall constitute a quorum. The affirmative vote of a majority of the members constituting a quorum shall be necessary for any official action to be taken. Any member of the Code of Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself from voting on the matter and shall not be counted for purposes of establishing a quorum.

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

(F) All meetings and hearings of the Code Enforcement Board shall be open to the public.

(G) The cost of clerical and administrative personnel for the proper conduct of the duties of the Code of Enforcement Board shall be paid in accordance with the agreement.
(Ord. 17-01, passed 1-10-17)

§ 97.08 ENFORCEMENT PROCEEDINGS.

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

(B) When a code enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of a local government ordinance, the officer is authorized to issue a citation by:

(1) Personal service to the alleged violator;

(2) Leaving a copy of the citation with any person 18 years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued;

(3) Mailing a cop of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or

(4) If, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in divisions (B)(1) through (B)(3) of this section is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

(C) The citation issued by the code enforcement officer shall contain, in addition to any other information required by rule of the Board:

(1) The date and time of issuance;

(2) The name and address of the person to whom the citation is issued;

(3) The date and time the offense was committed;

(4) The address where the offense was committed;

(5) The facts constituting the offense;

(6) The section of the code or the number of the ordinance violated;

(7) The name of the code enforcement officer;

(8) When the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, a statement so indicating;

(9) If applicable, the time period within which the person must remedy the violation;

(10) A specific statement of the remediation necessary;

(11) A statement that, if the person fails to remedy the violation within the time period specified, the city may abate the violation and bill the person for abatement costs plus an administrative fee of $100;

(12) When specifically authorized by the ordinance or code being violated, that the citation and any applicable penalties will be waived if the violation is remedied within the time period specified by the ordinance, which period shall be set forth in the citation;

(13) A statement that the city shall possess a lien on property owned by the person for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs;

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

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

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

(17) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within seven days of the date the citation is issued, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board or hearing officer to contest the citation and that the determination that a violation was committed shall be final, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court; and

(18) A statement that contesting the citation shall serve to toll the city's abatement of the violation except where the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(D) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the Board. The code enforcement officer, hearing officer, or Code Enforcement Board may also elect to provide notice of the issuance of the citation to any lienholder with an interest in the subject premises.

(E) Notices of violation or citations involving motor vehicles shall be sent to the property owner or other person having control or management of the premises or property, and the motor vehicle owner if known.

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

(G) When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either paying the civil fine set forth in the citation or filing written notice with the City Clerk requesting a hearing to contest the citation. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court. Notice of the final order shall be provided to the cited violator by:

(1) Regular first-class mail;

(2) Certified mail, return receipt requested;

(3) Personal delivery; or

(4) Leaving a copy of the order at that person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.

(H) Notwithstanding the provisions of division (G) of this section, whenever a hearing before an administrative body is required by law for a particular violation, remedy or abatement action, or when, in the opinion of a code enforcement officer or the City Attorney, such a hearing is necessary or advisable, the code enforcement officer or the City Attorney may request such a hearing before the Board, and the Board shall schedule the hearing and provide notice to the person to whom the citation is issued in accordance with the provisions of this section.

(I) Citations shall be payable as set forth in the agreement.

(J) *Notice of violation.*

(1) Unless the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, a notice of violation shall be issued in lieu of a citation for violation of any ordinance subject to enforcement under this chapter, where any of the following is true:

(a) The property upon which the violation exists has not been the subject of a citation or notice of violation within the same calendar year; or

(b) The owner of the property has not been issued a citation or notice of violation within the same calendar year; or

(c) The alleged violator has not been issued a citation or notice of violation within the same calendar year.

(2) The notice of violation shall be in writing and shall give notice of:

(a) The date and time of issuance;

(b) The name and address of the person to whom the citation is issued;

(c) The date and time the offense was committed;

(d) The address where the offense was committed;

(e) The facts constituting the offense;

(f) The section of the code or the number of the ordinance violated;

(g) That the person must remedy the violation within five calendar days or a citation will be issued.

(3) A notice of violation shall be delivered in the same manner as a citation, as specified in § 97.08(B) of this chapter.

(4) A notice of violation is not appealable.

(5) If a notice of violation is not remedied within five calendar days, the code enforcement officer is authorized to issue a citation.
(Ord. 17-01, passed 1-10-17; Am. Ord. 19-0006, passed 11-19-19)

§ 97.09 HEARING, NOTICE AND FINAL ORDER.

(A) When a hearing has been requested, the Board, through its clerical and administrative staff, shall schedule a hearing.

(B) Not less than seven days before the date of the hearing, the Board shall notify the requester of the date, time and place of the hearing. The notice may be given by regular first class mail, certified mail, return receipt requested, by personal delivery, or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice. The Board may also elect to provide notice of hearing to any lienholders with an interest in the subject premises.

(C) Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court. Notice of the final order shall be provided to the cited violator in the manner set forth in KRS 65.8828(5).

(D) All testimony shall be taken under oath and recorded. The Board or assigned hearing officer shall take testimony from the code enforcement officer, the alleged violator and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) Each case that is the subject of a hearing may be presented by an attorney selected by the local government or by a member of the administrative staff of the local government. An attorney may either be counsel to the Board or may represent the local government by presenting cases at the hearing, but in no case shall an attorney serve in both capacities.

(F) The Board or the assigned hearing officer shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and ordering the offender to do either or both of the following:

(1) Pay a civil fine up to the maximum authorized by ordinance; or

(2) Remedy a continuing violation in order to avoid the imposition of a fine as authorized by ordinance.

(G) Every final order of the Board or the assigned hearing officer shall be reduced to writing, which shall include the findings and conclusions of the Board, and the date the order was issued. A copy of the order shall be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order of the Board is issued, the order shall be delivered to that person by regular first-class mail; certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.
(Ord. 17-01, passed 1-10-17)

§ 97.10 APPEALS; FINAL JUDGEMENT.

(A) Within seven days of the entry of a final order issued by the hearing officer, the order may be appealed by the alleged violator to the Board, which shall review the record created before the hearing officer and determine whether there is substantial evidence on the record to support a finding by the hearing officer that a violation was committed. If the Board determines that there is not substantial evidence on the record, it shall issue an order dismissing the citation. If the Board determines that there is substantial evidence on the record that a violation was committed, it shall issue a final order upholding the order entered by the hearing officer. The failure to file an appeal within seven days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this section shall be required to exhaust the administrative remedy of appeal to the Code Enforcement Board before appealing to District Court as authorized under KRS 65.8831.

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

(C) A judgment of the Scott District Court may be appealed to the Scott Circuit Court in accordance with the Rules of Civil Procedure.

(D) If no appeal of the final order of the Board is filed within the time allowed in division (A) of this section, the Board's order shall be deemed final for all purposes.
(Ord. 17-01, passed 1-10-17)

§ 97.11 ABATEMENT.

(A) All violations of ordinances and codes enforced under this chapter shall be remedied by the violator within the time period specified in the specific ordinance or code, unless the code enforcement officer determines that a shorter or longer time is warranted. In the absence of a specified time period, the time period for remedy of a violation shall be seven days. Upon request of a violator and for good cause shown, the code enforcement officer, Board or hearing officer may grant an extension of the remediation period, which shall serve to toll the incurrence of any initial or additional penalties. The time period for the violation to be remedied shall not be less than 24 hours following issuance of the citation, unless the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible. The time period shall commence upon the issuance of a citation in accordance with § 97.08(B) of this chapter.

(B) If the property owner so served does not abate the violation within the applicable time period, the city may proceed to abate such violation, keeping an account of the expense of abatement. The abatement costs, including necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety, and welfare in accordance with any local government ordinance, shall be charged to and paid by the property owner. In addition to the abatement costs, the property shall be assessed a $100 administrative fee.

(C) Filing of notice to contest a citation in accordance with § 97.08(G) of this chapter shall serve to toll the city's abatement of the violation, unless the code enforcement officer has reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible. In the event the Board or a hearing officer determines that the violation contested did occur, the Board or hearing officer may order that the abatement proceed immediately or within a specified time period not to exceed 30 days.

(D) The code official shall bill the property owner of such premises at least once following abatement. No lien claimed shall be filed against the property until seven days have elapsed after the bill is sent. If the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill. (Ord. 17-01, passed 1-10-17; Am. Ord. 19-0006, passed 11-19-19)

§ 97.12 LIENS, FINES, CHARGES AND FEES.

(A) The city shall possess a lien on property owned by the person found by a final, non-appealable final order as defined by KRS 65.8805(8), or by a final judgment of the court, to have committed a violation of a city ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance, including abatement costs. An affidavit of the code enforcement officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 65.8801 to 65.8839. The lien:

(1) Shall be recorded in the office of the County Clerk;

(2) Shall be notice to all persons from the time of its recording and shall bear interest until paid;

(3) Subject to KRS 65.8836, shall take precedence over all other liens, except state, county, school board, and city taxes;

(4) Shall continue for ten years following the date of the nonappealable final order, or final judgment of the court; and

(5) May be enforced by judicial proceedings, including an action to foreclose.

(B) A copy of the notice of the lien shall be mailed to the owner of the premises. However, the failure to mail the owner a copy of such notice or the failure of the owner to receive such notice shall not affect the right of the city to enforce its lien for such charges as provided by law.

(C) In addition to the remedy prescribed above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city or the Board in connection with the enforcement of the applicable code.

(D) (1) The City Attorney is authorized to bring a civil action for the collection of delinquent liens and other costs incurred by the city, and the city shall have the same remedies as provided for the recovery of a debt. The City Attorney is granted authority to reduce or waive penalties or release a lien upon a showing by he violator of error by the city, insolvency of the violator, or good cause for failure to remedy the violation, or if the City Attorney determines the penalties exceed the value of the property. Good cause shall include but not be limited to:

(a) Death, incapacity or unavoidable absence of the property owner;

(b) Circumstances beyond the control of the violator, such as weather, fire or natural disaster, prevented the violator from remedying the violation; or

(c) Remedying the violation within the required time period would have been unreasonable or cost prohibitive.

(2) Failure of a violator to receive a notice of violation or citation shall not be considered good cause absent a showing by the violator that circumstances beyond his or her control prevented the violator from receiving the notice or citation and that the same circumstances prevented the violator from knowing the violation existed.

(3) The City Attorney is further authorized to make a determination that a lien not be filed if the cost of the lien and collection is greater than the amount of the lien, when intervening in existing litigation is not cost effective or when the lien would not be enforceable as a matter of law. The City Attorney is also authorized to release any existing liens that meet the above criteria.

(E) *Lienholder notification system.* Pursuant to KRS 65.8835 - 65.8836, the city shall obtain and maintain priority over previously filed liens in accordance with the following provisions:

(1) Individuals and entities, including but not limited to lienholders, may register with the Board to receive electronic notification of final orders entered pursuant to this chapter.

(2) In order to receive the notification, the registrant shall submit the following information to the appropriate officer established pursuant to the agreement:

(a) Name;

(b) Mailing address;

(c) Phone number; and

(d) Electronic mailing address.

(3) A registrant may use the electronic form provided by the Board to submit the information required by division (2) of this section. It shall be the responsibility of the registrant to maintain and update the required contact information with the Board. The Board shall inform a registrant of any

evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

(4) At least once per month and not more than once per week, the Board shall send electronic mail notification of all final orders entered pursuant to this section since the last date of notification to each party registered pursuant to this section. The notification shall provide an electronic link to the code enforcement database located on the Board website. The database shall include the following information regarding each final order:

(a) The name of the person charged with a violation;

(b) The physical address of the premises where the violation occurred;

(c) The last known mailing address for the owner of the premises where the violation occurred, if, in the exercise of reasonable diligence, it is ascertainable;

(d) A copy of the full citation;

(e) A copy of the full final order; and

(f) The status of the final order regarding its ability to be appealed pursuant to this chapter.

(5) If an appeal is filed on a final order pursuant to this chapter, the Board shall send electronic mail notification to all registrants.

(6) At the same time notification is required in division (E)(4) of this section, the Board shall update its code enforcement database to reflect the issued final order, and shall post the notification required by division (4) of this section containing an updated link to the code enforcement database on the Board website.

(7) The Board shall maintain the records created under this section for ten years following their issuance.

(F) *Lien priority.*

(1) A lienholder of record who has registered pursuant to § 97.12(E) of this chapter may, within 45 days from the date of issuance of notification under § 97.12(E) of this chapter:

(a) Correct the violation, if it has not already been abated; or

(b) Pay all civil fines assessed for the violation, and all charges and fees incurred by the city in connection with enforcement of the chapter, including abatement costs.

(2) Nothing in this section shall prohibit the Board or the city from taking immediate action if necessary.

(3) The lien provided by this chapter shall not take precedence over previously recorded liens if:

(a) The Board failed to comply with the requirements of § 97.12(E) of this chapter for notification of the final order; or

(b) A prior lienholder complied with division (1) of this section.

(4) A lien that does not take precedence over previously recorded liens under division (3) of this section shall, if the final order remains partially unsatisfied, continue to take precedence over all other subsequent liens except liens for state, county, school board and city taxes.

(5) The city or the Board may record a lien before the 45 day period established in division (1) of this section expires. If the lien is fully satisfied prior to the expiration of the 45 day period, the city or the Board shall release the lien in the County Clerk's office where the lien is recorded within 15 days of satisfaction.

(6) Failure of the Board or the city to comply with this chapter, or failure of a lien to take precedence over previously filed liens as provided in division (3) of this section, shall not limit or restrict any other remedies the city or the Board has against the property of the violator.
(Ord. 17-01, passed 1-10-17; Am. Ord. 19-0006, passed 11-19-19)

§ 97.13 DUE PROCESS AND RIGHT OF ENTRY.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused or the person having charge or control cannot be located, the code official shall utilize the procedures set forth in this chapter to obtain an Administrative Search Warrant, unless a lawful exception to the requirement for a warrant exists.
(Ord. 17-01, passed 1-10-17)

§ 97.14 STOP WORK ORDER.

A code enforcement officer may order the immediate cessation of any construction or reconstruction work being done in violation of any ordinance or being done on property that is in violation of any ordinance. The stop work order shall be issued in conjunction with or in supplement to a citation for the violation. Work shall not resume until the violation has been remedied and any applicable fees and fines have been paid
(Ord. 17-01, passed 1-10-17)

§ 97.15 ADMINISTRATIVE SEARCH WARRANT.

(A) *Definition.* An ***ADMINISTRATIVE SEARCH WARRANT*** is a written order of a judge or other officer authorized by statute to issue search warrants that commands the search or inspection of any property, place or thing, and the seizure, photographing, copying, or recording of property or physical conditions found. An administrative search warrant authorizes an officer to enter any premises to conduct any inspection, sampling, and other functions required or authorized by law to determine compliance with the provisions of an ordinance, code, or other regulation including, but not limited to, those relating to the use, condition, or occupancy of property or structures.

(B) *Who may apply for warrant.*

(1) Whenever a law requires or authorizes an inspection or investigation of any place or thing, the administrative officer charged to enforce that law, acting in the course of his or her official duties, may apply for an administrative search warrant. For this purpose, administrative officer includes a building

inspector, code enforcement officer, Fire Chief, their deputies, or other duly authorized representative, as the case may be.

(2) Before filing an application for an administrative search warrant, the administrative officer shall consult with legal counsel as to its legality in both form and substance.

(C) *Contents of application.* The application shall:

(1) Be supported by an affidavit sufficient under Section 10 of the Kentucky Constitution and be sworn to before an officer authorized to administer oaths as provided in the Kentucky Rules of Criminal Procedure or other applicable law;

(2) State the applicant's status in applying for the warrant, the ordinance or regulation requiring or authorizing the inspection or investigation, and the nature, scope and purpose of the inspection to be performed;

(3) Describe the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(4) State:

(a) That, for the purpose of making an inspection, access to the property has been sought from and refused by the regulated party; or

(b) That, after making a reasonable effort, the applicant has been unable to locate the regulated party; or

(c) That the facts or circumstances reasonably show that the purposes of the inspection or investigation might be frustrated if entry were sought without first procuring a warrant; and

(5) State the basis upon which sufficient cause exists to search or inspect for violations of the ordinance or regulation specified.

(D) *Grounds for issuance.*

(1) An administrative search warrant may be issued upon a showing that probable cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied. Probable cause may be shown by:

(a) Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection and that those standards are satisfied with respect to the location;

(b) A reasonable administrative inspection program exists regarding the condition of the property and that the proposed inspection comes within that program;

(c) A health, public protection or safety ordinance, regulation, rule, standard or order and that specific evidence of a condition or nonconformity exists with respect to the particular location; or

(d) An investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

(2) A copy of the administrative search warrant and supporting affidavit shall be retained by the issuing officer and filed by such officer with the clerk of the court to which the warrant is returnable.

(E) *Contents of warrant.* The warrant:

(1) May direct its execution and return by the administrative officer charged to enforce the ordinance or regulation specified in the application;

(2) Shall specify the property, place, structure, premises, vehicle or records to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(3) May contain a direction as to the time and manner of its execution; and

(4) Shall command the return to the appropriate court of any evidence of ordinance violations found, or of any property seized pursuant thereto, or a description of such property seized, to be dealt with according to law.

(F) *Execution and return.*

(1) Unless otherwise prescribed in the warrant, the officer executing an administrative search warrant shall make return thereof to the appropriate court within a reasonable time of its execution. The return shall show the date and hour of service.

(2) Except as provided in the following sentence, in executing a search warrant the person authorized to execute it shall before entry make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show him or her the warrant or a copy thereof upon request. In executing a search warrant, the personal authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in the preceding sentence, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition, but shall orally announce their credentials and authority to execute the warrant prior to entry.

(3) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place. The return shall be accompanied by any photographs, copies or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this section.

(4) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and may request that a peace officer assist in the execution of the warrant.
(Ord. 17-01, passed 1-10-17)

§ 97.16 CODE ENFORCEMENT OFFICER.

Any person designated by the Code Enforcement Board as a code enforcement officer, citation officer, or code official, or is otherwise empowered by the Code Enforcement Board or the agreement to issue citations or notices of violation, shall have the power and authority to issue citations and notices of violations within the city for matters as to which the Code Enforcement Board has jurisdiction.
(Ord. 17-01, passed 1-10-17)

§ 97.17 REMEDIES NOT EXCLUSIVE.

Nothing in this chapter shall prohibit the city from enforcing any provision that is subject to enforcement under this chapter in a judicial proceeding. Any provision of the code to the contrary is hereby repealed.
(Ord. 17-01, passed 1-10-17)

§ 97.18 HEARING OFFICER.

(A) The Code Enforcement Board may assign a hearing officer to conduct hearings in accordance with the procedures set forth in KRS 65.8828.

(B) Any member of the Board, including the chair, may be assigned as a hearing officer. In the event a Board member is assigned as a hearing officer, he or she shall not participate in the Board's hearing, deliberation or decision of the appeal.

(C) An individual that is not a member of the Board may be assigned by the Board as a hearing officer as long as the individual does not hold any elected or appointed office or position of employment with the city or any jurisdiction participating in an interlocal agreement for joint enforcement through the Board.

(D) Any person assigned to be a hearing officer by a Code Enforcement Board shall have experience or shall have received training in the code enforcement process and basic procedural due process, as specified in the ordinance creating the Code Enforcement Board. The experience or training shall include, at a minimum, acquired knowledge regarding a party's fundamental due process right to:

(1) Be accompanied and advised by counsel at the hearing;

(2) Present evidence and witnesses on his or her behalf at the hearing;

(3) Examine the evidence opposing the party; and

(4) Confront and cross-examine the witnesses opposing the party.

(E) An assigned hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence to the hearing to which the officer is assigned.

(F) Any hearing conducted by a hearing officer under this section shall conform to the procedural requirements of KRS 65.8828(1) to (5).

(G) The hearing officer shall make written findings of facts and conclusions of law, and enter a final order consistent with the authority granted to the Board under KRS 65.8828(4).

(1) The findings of fact, conclusions of law, and final order shall be forwarded within 24 hours of entry to the alleged violator in the manner required by KRS 65.8828(5) and to the Board.

(2) A final order issued by a hearing officer under this division may be appealed by the alleged violator to the Board. The appeal shall be filed in writing to the Board within seven days of the receipt of the final order. The failure to file an appeal within seven days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this division shall be required to exhaust the administrative remedy of appeal to the Board before appealing to District Court as authorized under KRS 65.8831.
(Ord. 19-0006, passed 11-19-19)

§ 97.99 PENALTIES.

Unless otherwise stated therein, the penalty for violation of any ordinance or code provision enforced by the Board under this chapter shall be as follows:

(A) (1) The maximum civil fine that may be imposed for each violation if the citation is contested is $2,000.

(2) The Code Enforcement Board or hearing officer, when hearing an appeal, shall have the discretion to decrease or increase a penalty based on a totality of the circumstances analysis, which may include, among other factors, the merits of the appeal, costs associated with conducting the hearing, facts surrounding the violation, and other mitigating or aggravating circumstances.

(B) If the citation is not contested, civil fines will be imposed according to the following schedule:

(1) For a first Class 1 Violation within the same calendar year, where the violation is remedied within the time period required by this chapter or for which no remediation is required, there shall be no fine.

(2) For a first Class 1 Violation within the same calendar year, where the violation is not remedied within the time period allowed by this chapter, the penalties shall be as set forth in division (4) of this section.

(3) The maximum civil fine that may be imposed for each violation if the citation is not contested is $1,000.

(4) Class 1 Violation: The initial fine shall be $50. For each seven days or portion thereof beyond the remediation date that the violation remains unremedied, $50 shall be added to the initial fine until the violation is remedied by the responsible person or is abated by the city or until the total fine reaches $500.

(5) Class 2 Violation: The initial fine shall be $100. For each seven days or portion thereof beyond the remediation date that the violation remains unremedied, $100 shall be added to the initial fine until the violation is remedied by the responsible person or is abated by the city or until the total fine reaches $1,000.

(6) Class 3 Violation: The initial fine shall be $200. For each seven days or portion thereof beyond the remediation date that the violation remains unremedied, $200 shall be added to the initial fine until the violation is remedied by the responsible person or is abated by the city or until the total fine reaches $1,000.
(Ord. 17-01, passed 1-10-17; Am. Ord. 19-0006, passed 11-19-19)

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

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§ 110.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES, OR PROFESSIONS.

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of the city without first applying for and obtaining a license from the City Clerk or other duly authorized issuing authority.

§ 110.02 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the City Clerk in writing upon forms to be furnished by the City Clerk and shall contain:

(1) The name of the applicant and of each officer, partner, or business associate;

(2) His present occupation and place of business;

(3) His place of residence for five years next preceding the date of application;

(4) The nature and location of the intended business or enterprise;

(5) The period of time for which the license is desired;

(6) A description of the merchandise to be sold, if for a vendor;

(7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.
Penalty, see § 110.99

§ 110.03 LICENSE FEE.

(A) The license fee shall be for each category as follows:

Chain stores, Grocery stores	$150
Factories	200
Waste management companies	150
Funeral homes	100
Physicians	100
Delivery services	50
Attorneys and accountants	50
Rental property consisting of five (5) or more units	150
Rental property consisting of more than one but less than five (5) units	50
Mobile home parks	200
Realtors	50
Tree trimmers and yard services	50
Services	50
Producer/seller of agricultural product	0
Any and all other trades, businesses, or professions not set forth in any of the above categories	50

(B) The term ***PRODUCER/SELLER*** means an individual or entity that sells an agricultural product within the city where that same individual or entity also grew or produced the item offered for sale within the Commonwealth of Kentucky.
(Ord. 1995-02, passed 5-16-95; Am. Ord. 2009-001, passed 3-3-09; Am. Ord. 2012-002, passed 5-10-2012)

§ 110.04 STANDARDS; ISSUANCE OF LICENSE.

(A) Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the City Clerk shall forthwith deposit the fee in the General Fund of the city and issue to the applicant a proper license certificate signed by the City Clerk and any other appropriate city official. If for any reason the license is not issued, the license fee shall be returned to the applicant.

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

(C) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

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

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

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

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 110.05 DATE AND DURATION OF LICENSE.

(A) A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond the fiscal year (July 1 to June 30). However, at any time after June 1 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee will be required of licensees irrespective of the date of issue of the license.

(B) In no event shall a license be granted to any business or any person for a longer time than one year.

§ 110.06 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred.
Penalty, see § 110.99

§ 110.07 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the license.
Penalty, see § 110.99

§ 110.08 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the City Commission at any time for conditions or considerations which, had they existed at time of issuance, would have been valid grounds for its

denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the City Commission may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

§ 110.09 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the City Commission from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the City Clerk who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The City Clerk shall notify the City Commission of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the City Commission members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the City Commission present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

§ 110.10 EXEMPTIONS.

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from municipal licensing and/or license taxes pursuant to state or federal law.

§ 110.99 PENALTY.

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

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

111.01 Definitions
111.02 License requirement
111.03 Application procedure
111.04 Standards for issuance
111.05 Revocation procedure
111.06 Standards for revocation
111.07 Appeal procedure
111.08 Exhibition of identification
111.09 Exemption for specific event

111.99 Penalty

§ 111.01 DEFINITIONS.

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

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

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

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

PEDDLER.

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

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

A person who is a peddler is not an itinerant merchant.

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

§ 111.02 LICENSE REQUIREMENT.

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

(B) The fee for the license required by this chapter shall be as set forth in § 110.03.

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

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 111.99

§ 111.03 APPLICATION PROCEDURE.

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

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of the individual;

(c) The permanent address of the individual;

(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;

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

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

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

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

(1) A description of the applicant;

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

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

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

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

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.
Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

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

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

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

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

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

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

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

(A) Any fraud or misrepresentation contained in the license application; or

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

(C) Any violation of this chapter; or

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the 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 such 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 such hearing shall be given to the person in the same manner as provided in § 111.05.

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

§ 111.08 EXHIBITION OF IDENTIFICATION.

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

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during the time as he is engaged in the business licensed.
Penalty, see § 111.99

§ 111.09 EXEMPTION FOR SPECIFIC EVENT.

A license shall not be required, and the provisions of City of Stamping Ground Code of Ordinances Chapter 110 and 111 shall not apply, to a person, persons, or organization engaged in the sale of goods, activities or services at an event which has been approved as exempt by the Stamping Ground City Commission. The exemption shall apply only for the sale of goods, activities or services at the event which has been approved as exempt. The exemption shall apply to a single occurrence of the event only and each time the event occurs a separate approval by the city Commission shall be required in order for the exemption to apply.
(Ord. 2014-004, passed 5-8-14)

§ 111.99 PENALTY.

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

CHAPTER 112: PAWNBROKERS

Section

112.01 Definitions
112.02 Bond
112.03 Register to be kept; daily reports
112.04 Receipt to be given for each article; sale of article
112.05 Maximum interest, resale price
112.06 Receipt to be given for payment of loan
112.07 Prohibited activities
112.08 Enforcement

112.99 Penalty

§ 112.01 DEFINITIONS.

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

PAWNBROKER. Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.
(KRS 226.010)

§ 112.02 BOND.

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by the City Commission, in the penal sum of $1000. This bond shall be conditioned that he will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.
(KRS 226.020)

§ 112.03 REGISTER TO BE KEPT; DAILY REPORTS.

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles by the pawnbroker from the general public. The register shall:

(1) Be reported to an online, internet-based transaction recording service accessible to law enforcement agencies;

(2) Show the dates and the amounts of all loans or purchases by the pawnbroker from the general public, and the name of all persons who have left any property that has been pawned or sold, and:

(a) A driver's license number;

(b) Another state or federally issued picture identification card number; or

(c) If the identification specified in divisions (a) or (b) is not available, a Social Security number may be accepted;

(3) At all times be available to the inspection of any law enforcement officer of this state when in the discharge of his or her official duty; and

(4) Contain a full description of all property purchased by the pawnbroker from the general public or received on deposit as collateral or security. When requested by law enforcement and pertaining to an investigation, a photograph of the merchandise shall be made available to law enforcement if the property is still in the possession of the pawnbroker. For purposes of this section "full description" includes, but is not limited to:

(a) Make;

(b) Model;

(c) Color;

(d) Size;

(e) Manufacturer;

(f) Vintage; and

(g) Distinguishing marks or characteristics.

(B) When secondhand merchandise is sold to a pawnbroker, the merchandise shall be held for a minimum of 12 days before being resold.

(C) Prior to the release of property to a representative of law enforcement, the law enforcement representative shall provide to the pawnbroker a case report or other documentation that the item has been reported as stolen.
(KRS 226.040)

(D) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports. (KRS 226.070)
Penalty, see § 112.99

§ 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 112.03(A) to be kept in his register. He shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying the person that, unless he redeems the article within ten days from the date of mailing of the notice, the article will be sold.
(KRS 226.050) Penalty, see § 112.99

§ 112.05 MAXIMUM INTEREST, RESALE PRICE.

Any pawnbroker as defined in § 112.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed one-fifth of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by § 112.03, and for other expenses, losses, and incidental costs associated with servicing such loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.
(KRS 226.080) Penalty, see § 112.99

§ 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.
(KRS 226.090) Penalty, see § 112.99

§ 112.07 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.
(KRS 226.030) Penalty, see § 112.99

§ 112.08 ENFORCEMENT.

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.
(KRS 226.100)

§ 112.99 PENALTY.

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and, upon conviction, be fined not less than $50 nor more than $500, and his license may be forfeited to the city. (KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 112.03(B) shall be guilty of a violation and shall be fined not less than $20 nor more than $100. (KRS 226.990(3))

CHAPTER 113: INSURANCE COMPANIES

Section

113.01 Imposition of license fee
113.02 Amount of fee for companies issuing life insurance
113.03 Amount of fee for companies issuing policies other than life insurance
113.04 Due date; interest
113.05 Written breakdown of collections

§ 113.01 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.
(Ord. passed - -87)

§ 113.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 6% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.
(Ord. passed - -87)

§ 113.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 6% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2) and 18A.228 or, premiums received by any state employee benefit fund created pursuant to KRS Chapter 18A for the purpose of providing health benefits to state employees.
(Ord. passed - -87)

§ 113.04 DUE DATE; INTEREST.

All license fees imposed by this chapter shall be due no later than 30 days after the end of each

calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).
(Ord. passed - -87)

§ 113.05 WRITTEN BREAKDOWN OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city a written breakdown of all collections in the preceding calendar year for the following categories of insurance:

(A) Casualty.

(B) Automobile.

(C) Inland marine.

(D) Fire and allied perils.

(E) Health.

(F) Life.
(Ord. passed - -87)

CHAPTER 114: ALCOHOLIC BEVERAGE CONTROL

Section

114.01 Purpose and scope
114.02 License requirements
114.03 City Alcoholic Beverage Control Administrator
114.04 Application and maintenance of license
114.05 Hours of sale
114.06 Conditions, prohibitions and restrictions
114.07 Minors
114.08 Consumption on premises prohibited
114.09 Malt beverage keg registration
114.10 Enforcement
114.11 Mandatory responsible beverage service training
114.12 Signs and advertising
114.13 Sidewalk café permit
114.14 Miscellaneous provisions

114.99 Penalty

§ 114.01 PURPOSE AND SCOPE.

(A) This chapter shall be known as the "Alcoholic Beverage Control Ordinance" of the City of Stamping Ground, Kentucky (hereinafter referred to as the "city").

(B) The purpose of this chapter is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization under KRS Ch. 241 through 244.

(C) The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the alcoholic beverage control laws (KRS Ch. 241 through 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

(D) This chapter shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance of the city, or of any statues of the state relating to violations pertaining to alcoholic beverages.

(E) The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Ch. 241 through 244) and all amendments and supplements thereto, are adopted so far as applicable to this chapter except as otherwise lawfully provided herein.
(Ord. 19-007, passed 12-30-19)

§ 114.02 LICENSE REQUIREMENTS.

(A) *City licenses.* For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for

each of the state licenses described in KRS 243.070. The fee for each city license shall be as set out in the schedule set forth below. In the event KRS 243.070 shall hereafter be amended to authorize additional city licenses, the fee for each city license shall be the maximum fee provided in the statute as amended.

(1) Distiller's license, per annum - $500;

(2) Rectifier's license:

(a) Class A, per annum - $3,000; and

(b) Class B (rectifier), per annum - $960.

(3) Wholesaler's license, per annum - $3,000;

(4) Quota Retail Package license, per annum - $1,000;

(5) Quota Retail Drink license, per annum - $1,000;

(6) Non-Quota Type 1 Retail Drink license, per annum - $2,000;

(7) Non-Quota Type 2 Retail Drink license, per annum - $1,000;

(8) Non-Quota Type 3 Retail Drink license, per annum - $300;

(9) Special Temporary license, per event - $166;

(10) Special Temporary Alcohol Auction license, per event - $100;

(11) Caterer's license, per annum - $800;

(12) Bottling House or Bottling House Storage license, per annum - $1,000;

(13) Brewer's license, per annum - $500;

(14) Microbrewery license, per annum - $500;

(15) Malt Beverage Distributor's license, per annum - $400;

(16) Non-Quota Retail Malt Beverage Package license, per annum - $200;

(17) Non-Quota Retail Malt Beverage Drink license, per annum - $200;

(18) Limited Restaurant license, per annum - $1,200;

(19) Limited Golf Course license, per annum - $1,200;

(20) Qualified Historic Site, per annum - $1,030;

(21) Authorized Public Consumption license, per annum - $250;

(22) Special Sunday sales permit - $5.00;

(23) THC infused alcoholic beverages license, per annum - $100; and

(24) Sample/tasting license (permit) - $0.

(B) The fee for each of the first five supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.

(C) The holder of a Non-Quota Retail Malt Beverage Package license may obtain a Non-Quota Type 4 Malt Beverage Drink license for a fee of $50. The holder of a Non-Quota Type 4 Malt Beverage Drink license may obtain a Non-Quota Retail Malt Beverage Package license for a fee of $50.

(D) *Certain special licenses defined.*

(1) *Limited Restaurant license*. A Limited Restaurant license may be issued pursuant to KRS Ch. 243, if said restaurant meets the definition of a "limited restaurant" as set forth in KRS 241.010(37) it is a facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least 70% of its gross income from the sale of food, and which maintains seating capacity of either 100 or 50 persons for dining.

(2) *Limited Golf Course license.* A Limited Golf Course license may be issued pursuant to KRS Ch. 243 if an establishment meets the following conditions: a golf course with nine, or 18, holes that meets United States Golf Association criteria as a regulation golf course. A Limited Golf Course license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premise.

(3) *Non-Quota Type 1 Retail Drink license.* A Non-Quota Retail Drink license may be issued to, and in the, following as defined by KRS to: a convention center or a convention hotel complex; a horse racetrack; an automobile racetrack; a railroad system; a commercial airlines system or charter flight system, a qualified historic site and a state park.

(4) *Non-Quota Type 2 Retail Drink license.* A Non-Quota Retail Drink license may be issued pursuant to and as defined by KRS to the following: (a) a hotel that contains at least 50 sleeping units, and which maintains 50% of its gross food and drinks sales are from the sale of food; (b) a restaurant that maintains 50% of its gross food and drinks sales are from the sale of food; (c) an airport;(d) a riverboat; (e) a distiller; or (f) a business located within, or adjacent to, an entertainment destination center licensed premises.

(5) *Non-Quota Type 3 Retail Drink license.* A Non-Quota 3 Retail Drink license may be issued pursuant to and defined by KRS to the following: (a) a private club in existence for longer than one year prior to the license application and which excludes the general public; (b) a dining car; and (c) a bed and breakfast.

(6) *Non-Quota Type 4 Retail Malt Beverage Drink license.* A Non-Quota Type 4 Retail Malt Beverage Drink license may be issued pursuant to and as defined in KRS to the following: a holder of a quota retail drink license; a holder of a microbrewery license; a holder of a small farm winery license; and any other business wishing to sell malt beverages by the drink for consumption on the premises. A Non-Quota Retail Malt Beverage Drink license shall not be issued to any premises from which gasoline and lubricating oil are sold, or from which the servicing and repair of motor vehicles is conducted, unless there is maintained in inventory for sale on the premises at retail not less than $5,000 of food, groceries and related products valued at cost.

(7) *Special Temporary license.* A Special Temporary license may be issued only as set forth in KRS 243.260 and 804 KAR 4:250. Such a license may be issued to any regularly organized fair, exposition, racing association, organized civic or community sponsored event, or charitable event as defined by applicable law. This license shall authorize the licensee to exercise the privileges of a Quota Retail Drink licensee and a Non-Quota Type 4 Malt Beverage Drink licensee at designated premises for a specified and limited time, which shall not exceed 30 days and which shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine Quota Retail Drink License or a Non-Quota Retail Malt Beverage Drink license shall apply also to a Special Temporary licensee as described in this section.

(E) Expiration of license; proration of fees. All city licenses, except temporary licenses, shall begin on July 1 of any year and shall expire on June 30 of the following year as set forth in KRS 243.090 and 804 KAR 4:390. Any licenses issued after January 10 any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half the amount of the full fee for an annual license of that type.

(F) *Payment of license fees; delinquency.* No licensee shall enter into or begin operating any business for which a license is required by this chapter until the license fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten days after it becomes due shall result in a penalty equal to 50% of the license fee. Any licensee failing to pay the fees, including penalties, within ten days after such fees are due may be subject to revocation of the license and to other penalties as provided in this chapter.

(G) *Refund of fees.*

(1) Should any licensee under this chapter be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the Commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.

(2) In the event a violation of this chapter occurs that results in the suspension or revocation of the license, the city shall not be required to refund any portion of the license fee.

(H) *Regulatory license fee.*

(1) (a) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each licensee who has a local license issued by the City ABC Administrator. The city's regulatory license fee shall be 5% of gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be 5% of gross sales. The regulatory license fee shall be 5% on gross retail sales of package malt beverages.

(b) After the first year, the City Commission shall adopt with the budget for each subsequent fiscal year, such annual rate for the regulatory license fee that shall fully reimburse to the city for the cost of actual additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the city for the prior year. Should the city fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed in this ABC chapter until such time as the City Council shall adjust the fee.

(2) Payment of said regulatory fee shall be remitted to the City ABC Administrator, who shall transmit all fees to the City Clerk, or his or her designee, for deposit into the appropriate designated account. The city may use said fees as permitted by law, including but not limited to, any cost of additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other fees or licenses permitted by law, except that a credit against a regulatory license fee in the city shall be allowed in an amount equal to any license fee shall be based on paperwork required by the local and/or state ABC Administrator, which may include but is not limited to tax returns and financial statements. Said paperwork and payment will be due according to the schedule set forth by the Mayor, or his or her designee, which may be set at, but is not limited to, time periods consisting of a monthly or quarterly billing by the local ABC Office and/or the city.

(3) Failure to pay such remittance within ten days of the due date constitutes a violation and shall subject a licensee to suspension or revocation.

(4) Penalty for failure to file a return and pay remittance by the due date is 50% of the regulatory fee for each 30 days or fraction thereof. The total late filing penalty shall not exceed 75% of the regulatory fee; provided, however, that in no case shall the penalty be less than $20.

(5) Interest at the rate of 8% per annum will apply to any late payments.

(I) *Disposition of fees and any other type of payment to the city.* The City ABC Administrator shall transmit all fees and any other types of payment made to the city, upon collection, to the City Clerk, or his/her designee, for deposit into the appropriate designated account.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) *Alcoholic Beverage Control Administrator.*

(1) Pursuant to KRS 241.160 and KRS 241.170, there is hereby created the office of the City of Stamping Ground Alcoholic Beverage Control Administrator.

(2) Pursuant to KRS 241.170 the City Alcoholic Beverage Control Administrator shall be appointed by the Mayor. The City Alcoholic Beverage Control Administrator shall be entitled to such compensation, if any, as may be established by the City Commission.

(3) The City Commission may from time to time appoint such additional personnel, such as Alcoholic Beverage Control investigator(s), as is necessary to assist him or her in the administration of this chapter.

(4) The City ABC Administrator shall have the same duties and functions regarding local license applications and renewals as the State Department of Alcoholic Beverage Control ("Department") with respect to state licenses. The City ABC Administrator shall have the same duties and functions regarding local license penalization as the Alcoholic Beverage Control Board ("Board") with respect to state license penalization.

(5) To prevent potential conflicts of interests, no person shall be a City ABC Administrator, an investigator, or an employee of the city, under the supervision of the City ABC Administrator, who would be disqualified to be a member of the Board under state law set forth in KRS 241.100.

(6) The City ABC Administrator shall have authority delegated by the Mayor, and as authorized under KRS Ch. 241 to 244. The City ABC Administrator, and his investigators, shall have jurisdiction coextensive with the boundaries of the city.

(7) The City ABC administrator and his investigators shall have available at all reasonable times for their inspection all books and records required to be maintained by licenses under KRS 244.150 and the City ABC Administrator shall receive copies of all reports submitted by licensee to the Department.

(8) The City ABC Administrator, before entering upon his or her duties, shall take the oath as prescribed in Section 228 of the Constitution. The ABC Administrator and any employee delegated or assigned to the ABC Administration may also be asked to execute a bond in such penal sum as the city deems necessary unless said person if already covered under the city's active bonds as required under KRS in regards to officials and employees of the city.

(9) In accordance with state ABC laws and regulations, the number of retail package licenses, by the drink licenses, and other licenses as may be designated in the future, are limited by population size of the city and therefore, the specific amount of licenses available is determined by the State ABC Board, however, if permissible under state law, these limits may be revised from time to time by the City ABC Administrator and a vote of approval by the City Commission.

(B) *Appeals.*

(1) Appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing a notice of appeal with the Board within 30 days after the decision or order of the City ABC Administrator is mailed or delivered by personal service. The notice of appeal shall specify the City Administrator by name and shall identify the decision or order, or part of the decision or order,

being appealed. The notice shall contain a certificate that a copy of the notice has been served on the City ABC Administrator and shall be accompanied by a copy of the decision or order being appealed. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from decisions or orders of the City Administrator shall be governed by KRS Chapter 13B.

(2) As provided by law no appealed City ABC Administrator order or decision, or resulting State Board order, shall become effective or final until all Board appeals, court appeals, or appeal times shall have been exhausted. When a Board order becomes final and effective, the City ABC Administrator, shall enter such orders and take such action as required by the final order of the Board.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.04 APPLICATION AND MAINTENANCE OF LICENSE.

(A) *Advertisement.* Before an application for a license shall be considered, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in the newspaper used by the city for legal notices under KRS 424.120. The notice shall include the following:

(1) The advertisement shall state the name and address of the applicant and the name and address of each principal owner, partner, member, officer, and director if the applicant is a partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law. All advertisements shall state the location of the proposed premises for which the licenses sought, and the type of business and type of license for which application is made.

(2) The applicant shall attach to the application a newspaper clipping of the advertisement.

(B) *Form of application.*

(1) All licenses granted under this chapter shall be approved by the City ABC Administrator, and shall be in accordance with state ABC format. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the Kentucky ABC Board and/or the city, both of which may be amended and supplemented from time to time by each respective agency

(2) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought, as required by the Kentucky Revised Statutes, the State Department, and the city, including as follows:

(a) Name and address;

(b) Nature of interest;

(c) Whether or not a citizen of the United States;

(d) Date of birth;

(e) Date of residence was established in Kentucky, if a resident of Kentucky;

(f) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this chapter;

(g) Extent of stock or company ownership;

(h) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province;

(i) A Kentucky criminal background check of the owner and store manager (if separate people) shall be attached to the application; and

(j) The application for license shall be accompanied by a $50 filing fee, payable by check, money order, or other means approved by the city.

(3) Each application shall be accompanied by a check or money order for the license fee. In addition to the above specified information, the applicant shall file, with the application, responses to any additional questions as may be posed or prescribed by the City ABC Administrator. The City Council has adopted a statement of guidelines and priorities for the issuance of licenses within this chapter to determine the extent to which applications may further, or impede, the objectives of those guidelines.

(4) The license application can be picked up at City Hall or by contacting the City ABC Administrator.

(C) *Other conditions.* In addition to any other inquiries, conditions or considerations required or permitted by law:

(1) The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his or her place of business shall have been approved by a licensed building inspector, and any and all other inspections required by the Kentucky Building Code or other applicable law, including health inspections, fire inspections, and plumbing inspections as applicable to each business.

(2) No license to sell alcoholic or malt beverages may be granted or renewed to any person who is delinquent in thy payment of any property taxes, both real and personal, any other taxes due to the city, fees of any type, or charges due to any department of the city at the time of issuing the license, nor may any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any of the above delinquent payments due and owing to the city. Further, if a licensee becomes delinquent in the payment of any of the above at any time during the license period, the license to sell alcoholic or malt beverages may be subject to revocation or suspension.

(3) No person, whether applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the City ABC Administrator, or any member of the city's staff, or any state ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This division is not intended to stifle expressions of opinion; however, it is intended to make clear that the ABC Administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a city or state ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this chapter. Nothing in this chapter shall be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the chapter and applicable statutes allow for such payments in settlement.

(D) *Form of license*. All city licenses shall be in such form as may be provided by the ABC Administrator, but at the least shall contain:

(1) The name and address of the licensee;

(2) The number of the license;

(3) The type of license;

(4) A description by street and number, or otherwise, of the licensed premises;

(5) The expiration date of the license; and

(6) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(E) *Change of information.*

(1) If after a license has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the City ABC Administrator within ten days of the change.

(2) Since a number of licenses issued by the city are in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the City ABC Administrator. The City ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(3) As used with regard to a partnership, corporation, LLC or other business organization herein, the word "change" is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any person secures 10% of the outstanding ownership or stock. Transfer of more than 10% of the total ownership or stock shall require a new license.

(4) The following information shall be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

(a) Name and address;

(b) Nature of interest;

(c) Whether or not a citizen of the United States;

(d) Date of birth;

(e) Date residence was established in Kentucky, if a resident of Kentucky. If a resident, indicate when residence was established;

(f) Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other business organization holding a license under this act;

(g) Extent of stock or company ownership; and

(h) Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

(5) This information shall be filed with the City ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten days of any change of required information, and shall be accompanied by a Kentucky state or other county of origin criminal background check of the new person.

(F) *Renewal of license.*

(1) Every year, except in the case of the temporary licenses, each licensee shall renew its license. All renewal licenses must be on file with the City ABC Administrator no less than 30 days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, city or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or

involuntary, or loss of lease through failure of landlord to renew exiting lease; provided that said licensee shall file a written verified statement no less than 20 days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not by payable until application is made for the transfer of said license to a new location.

(2) The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(G) *Lost or destroyed license.* When a license shall be lost or destroyed without fault on the part of the licensee or his or her agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator after the Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of ten dollars for the duplicate license.

(H) *Revocation or suspension.*

(1) Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of other provisions of KRS Ch. 241 to 244, or any rule or regulation of the State Board, or of the Kentucky Department of Revenue, relating to the regulation of the manufacture, sale, and transportation, or taxation, of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this chapter now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale, and transportation, or taxation, of intoxicating liquors, or any rules or regulations of the city heretofore in existence or authorized by the terms of KRS Ch. 241 to 244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed is disobedience of his or her instructions.

(2) A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.

(3) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

(a) Conviction of the licensee or the licensee's agent, servant, or employee for selling any illegal alcoholic beverages on the licensed premises;

(b) Making any false, material statements in an application or renewal application for a license or supplemental license;

(c) Conviction of the licensee or any of the licensee's agents, servants, or employees of: (1) Two violations of the terms and provisions of KRS Chapters 241 to 244, or any act regulating the manufacture, sale, and transportation of alcoholic beverages within two consecutive years; (2) two misdemeanors directly or indirectly attributable to the use of alcoholic beverages within two consecutive years; or (3) any felony;

(d) Failure or default of a licensee to pay an excise tax or any part of the tax or any penalties imposed by or under the provisions of any statutes, ordinances, or Acts of Congress relative to taxation, or for a violation of any related administrative regulations promulgated by the Department of Revenue;

(e) Revocation of any state license provided in KRS 243.030, 243.040, or permit granted under any Act of Congress relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages;

(f) Setting up, conducting, operating, keeping, or permitting to be setup, operated, or kept on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility. This division shall not apply to: (1) The sale of lottery tickets sold under the provisions of KRS Chapter 154A; (2) The operation of a pari-mutuel system for betting, where authorized by law; (3) The conduct of charitable gaming by a charitable organization licensed or permitted under KRS Chapter 238; or (4) Special temporary raffles of alcoholic beverages under KRS 243.036;

(g) Conviction of the licensee, the licensee's agents, servants, or employees for: (1) The trafficking or possession upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs; (2) Knowingly permitting the trafficking or possession by patrons upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs; or (3) Knowingly receiving stolen property upon the licensed premises; or

(h) Failure to comply with the terms of the City Administrator.

(I) *Proceedings for revocation or suspension of license.*

(1) Upon the verified complaint of any person, or on the initiative of any law enforcement officer, or of the City ABC Administrator, the City ABC Administrator may institute proceedings to revoke or suspend any license granted under this chapter. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is receipted for or claimed.

(2) The specific procedures to be followed in hearings on actions for revocation or suspension shall provide constitutional due process rights to the City ABC license holder.

(3) A decision of the City ABC Administrator revoking or suspending a license may be appealed to Board as provided in KRS 241.200 and KRS 243.550.

(4) Within three days after any order of revocation or suspension of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his or her license to the City ABC Administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, the Chief of Police, at the request of the City ABC Administrator, shall immediately cause one of his or her officers to take physical possession of the license and return it to the City ABC Administrator.

(5) When a license has been revoked or suspended, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his or her stock of alcoholic beverages to an appropriate entity.

(6) Appeal from the decision of the City ABC Administrator revoking or suspending a license shall be to the State Board. The timely filing of an appeal shall stay further proceedings for revocation.

(7) If a license is revoked or suspended by an order of the City ABC Administrator, and the decision is not appealed, the licensee shall suspend all operations authorized under his or her license upon finality and effectiveness of the order. Upon finality of any final order of the State Board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under this license.

(8) If a licensee believes that suspension or revocation of their license was improper because it was made in bad faith by the City ABC Administrator, the licensee may also appeal this decision to the City Commission in writing, using a form provided by the City Clerk, which will then be addressed at the next available regularly scheduled meeting following the submission of the appeal form decision to revoke or suspend the license.

(J) *Transfer or assignment.* No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of $100 shall be made to the City ABC Administrator.

(K) *Refusal of license.*

(1) The City ABC Administrator may refuse to issue a license for any of the following reasons:

(a) Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales or the administration thereof;

(b) If the applicant has done any act for which a revocation of license would be authorized under local, state, or federal law;

(c) If the applicant has made any false material statement in his or her application; or

(d) If the applicant has any outstanding debt that is owed to the city.

(2) An applicant who has been refused a license by the City ABC Administrator may appeal the refusal to the State Board pursuant to KRS 241.200 and KRS 243.550.

(L) *Review of license; books, records and reports.*

(1) Applicants to whom a license is issued pursuant to this chapter shall provide periodic information demonstrating compliance with the conditions of any license, such as, but not limited to, the continuing requirement that a minimum percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. The city shall provide the form schedule to the licensee. The licensee's acceptance of a license to manufacture or traffic in alcoholic beverages shall constitute consent to the filing of the quarterly report. In the case of caterer filing, the quarterly report shall identify each catered event by type of event, date and address of the event, and shall provide a per event breakdown of sales and the ratio of food sales to alcohol sales during the reporting period. This requirement for filing of reports notwithstanding, the city may at any time come upon the premises of any licensee and examine the books and records to determine whether the licensee is in compliance with all parts of this chapter. In the event the conditions of any license requirement are not met during any particular quarter, the City ABC Administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least one year in determining whether or not the food sale percentage requirement has been met.

(2) Every licensee under this chapter shall keep and maintain, upon the licensed premises, adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such city employees who may assist the City ABC Administrator in his or her review.

(3) All persons serving alcohol in a restaurant shall:

(a) Be the state required minimum age for serving alcohol;

(b) Have completed the State of Kentucky ABC approved alcoholic beverage training and the certificate showing completion shall be displayed at the premises along with records kept for inspection upon request; and

(c) Have a state criminal background check.

(M) *Dormancy.*

(1) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Such is the intent of this section. Realizing that a licensee, like other business, may have his or her business interrupted by situations not under his or her control, various exceptions to the dormancy rule have been included in this section.

(2) Any license under which no business is transacted during a period of 90 days shall be deemed inactive and, unless the conditions set forth in division (M)(3) below are proved to the satisfaction of the City ABC Administrator, the license shall be surrendered to the City ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the City ABC Administrator.

(3) The provisions of division (M)(2) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the expiration of 90 days of inactivity, such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business, for any of the specific reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within 12 months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his or her sound discretion.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.05 HOURS OF SALE.

A licensee for distilled spirits, wine and/or malt beverages shall be permitted to sell distilled spirits, wine and/or malt beverages between the hours of 6:00 a.m. until 11:59:59 p.m. Monday through Saturday. On Sundays, alcohol may be sold between the hours of 6:00 a.m. and 11:59:59 p.m., and every business selling on Sunday shall first procure a Sunday sale license, as required under state law.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.06 CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

(A) *Gambling.* No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, quarter pushers, prize redemption machines with programmable payouts, or any device of chance is prohibited and shall not be kept on such premises.

(B) *Radio receiving apparatus.* It shall be unlawful for any licensee licensed under this chapter to have, or maintain, any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in the city as it is now, or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or his or her designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(C) *Security.* The licensee shall be responsible for maintaining security on his or her premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premises. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(D) *Prizes and premiums prohibited.* It shall be unlawful for a licensee to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of malt beverages unless permitted by KRS 244.500.

(E) *Treating prohibited*. It shall be unlawful for the licensee under this chapter to give away any alcoholic beverage to a consumer in any quantity for free or for less than paid or current wholesale cost, unless the licensee holds a sampling license or its license type permits limited free samples (i.e., small farm winery, microbrewery, brewer's), or a bona fide "close out" sale approved by the state administrators.

(F) *Drunkenness.* No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee sell alcoholic beverages to any person who is actually or apparently under the influence of alcoholic beverages, or known to the seller or server to be an habitual drunkard or any person known to the seller or server to have been convicted of drunkenness as many as three times within the most recent 12-month period. No licensee shall permit any person who is actually or apparently under the influence of alcoholic beverages to remain on the licensed premises. As used herein, whether a person is actually or apparently under the influence of alcoholic beverages shall be determined by the licensee or server with specific reference to the principles and guidelines established in mandatory alcohol server training as to the signs of alcohol intoxication. The licensee shall not sell, give, or deliver any alcoholic beverages to any person who appears to a reasonable person to be actually or apparently under the influence of alcoholic beverages, controlled substances, other intoxicating substances, or any of these substances in combination, to the degree that the person may endanger any person or property, or unreasonably annoy persons in the vicinity.

(G) *Underage sales.* The licensee shall not sell, give, or deliver any alcoholic beverages to any person who is under 21 years of age, or permit same.

(H) *Sign requirements; notice to persons under the age of 21.* Per state law, the licensee shall display at all times in a prominent place a sign at least eight inches by 11 inches in 30-point or larger type font which states as follows. Persons under the age of 21 are subject to a fine of up to $100 if they:

(1) Enter licensed premises to buy, or have served to them, alcoholic beverages;

(2) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages; or

(3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(I) *License to be displayed.*

(1) Pursuant to the requirements set forth in KRS 243.895, the licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. All server training certificates shall be displayed in the same manner and location as the ABC license(s). The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(2) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eight inches by 11 inches with gender-neutral language supplied by the Kentucky Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

(J) *Legal transactions for wholesalers, distributors and retail.* No wholesaler or distributor shall sell any alcoholic beverages to any person in the city for any consideration except under cash terms of the wholesaler or distributor at or before the time of delivery. A wholesaler is also permitted to extend credit for 30 days to a retailer for the purchase of distilled spirits and wine.

(K) *Employment restrictions.* No licensee shall knowingly employ in connection with his or her business any person who:

(1) Has been convicted of any felony within the last two years unless permitted by KRS 244.090(2);

(2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two years unless permitted by KRS 244.090(2);

(3) Is under the age of 20 years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute, unless said person is exempt or permitted by KRS 244.090 or KRS 244.087; or

(4) Within two years prior to the date of his or her employment, has had any city license under this chapter revoked for cause.

(L) *Lavatory facilities required.* All retail beer and retail drink licenses shall be required to provide indoor or outdoor lavatory facilities for their customers where such beverages are consumes on the premises.

(M) *Nudity and adult entertainment activities prohibited.* No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premises. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling, jello wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premises in the city.

(N) *Cause for revocation.* Violation of this and any other section shall subject the licensee to penalties provided in this chapter and shall be cause for revocation or suspension of city licenses. (Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.07 MINORS.

(A) Except as specifically authorized under KRS Ch. 241 to 244, no person under the age of 21 may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.

(B) As provided in KRS 244.085 and 804 KAR 5:070, no person under the age of 21, except in the company of a parent or guardian, may enter any premises licensed for the package sale of alcoholic beverages. No person under the age of 21, may enter any premises licensed for drink sales of alcoholic beverages unless permitted by KRS 244.085(5) and 804 KAR 5:070. The prohibition contained in this division shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store, drugstore, and other business types listed in KRS 244.085 and by the State Board in 804 KAR 5:070.

(C) No person shall knowingly permit, aid, assist, induce, cause or otherwise encourage any minor to be in possession of, use or consume alcoholic beverages. All licenses, as set out in this chapter, shall require proof of age of all persons attempting to purchase or consume alcoholic beverages on the licensee's premises.

(D) No person being the owner or occupant or otherwise in possession or control of any property located within the city shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

(E) It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages, or that the minor individuals' possession of alcoholic beverages was exempted by KRS 244.090.
(Ord. 19-007, passed 12-30-19)

§ 114.08 CONSUMPTION ON PREMISES PROHIBITED.

(A) *Consumption at package store prohibited.*

(1) No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises unless it also holds the appropriate drink, tasting, or sampling license, and any person(s) serving have completed their state server certifications. The licensee shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

(2) This restriction regarding on premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS Ch. 243, or where sampling is permitted for a retail distilled spirits and wine licensee under the provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

(B) *Habitual congregating.*

(1) *Definitions.* In addition to the definitions contained in KRS Chapters 241 to 244, as used in this chapter, the following terms are defined as follows:

HABITUAL. Consistent, that is, by frequent practice or use, but not necessarily constant or exclusive.

PACKAGE LIQUOR STORE. A retail establishment selling distilled spirits, wine and malt beverages in package containers pursuant to licenses issued for those purposes.

PUBLIC NUISANCE. Any activity that endangers or interferes with the general use and enjoyment of neighboring property, passers-by or the health, safety and welfare of the public.

VACANT PROPERTY. A vacant lot on which no building or other structure exists or property on which any structure is unoccupied or unused, or which otherwise reflects abandonment by the owner or person with the right of occupancy.

(2) *Licensed premises.* No person or entity operating a package liquor store, whether trafficking in distilled spirits, wine or malt beverages, including retail package beer licensees, shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of the licensed premises so as to constitute a public nuisance.

(3) *Vacant property.* No person or entity being the owner or otherwise in possession or control of any vacant property shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of such property so as to constitute a public nuisance.

(4) It shall be a defense to any prosecution under this section, if a licensed vendor or property owner shall permit the city of post and maintain a legible, painted or printed sign in at least two separate prominent places in such area, in letters of not less than three inches in height, stating that congregating of persons is prohibited and that violators shall be prosecuted for trespass pursuant to KRS 511.080.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.09 MALT BEVERAGE KEG REGISTRATION.

(A) *Definitions.* As used in this section, "keg" is defined as a container designed and capable of holding six or more gallons of malt beverage.

(B) *Malt beverage keg identification tag.* All retail licensees (herein after referred to as "licensee") operating within the city who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a numbered identification tag or other device as provided by the city to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

(1) The purchaser is of legal age to purchase, possess and use the malt beverage;

(2) The purchaser is not purchasing the keg for resale and will not allow any person under the age of 21 to consume the malt beverage;

(3) The purchaser will not remove, obliterate or allow to be removed or obliterated the identification tag;

(4) The purchaser will state the property address where the keg will be consumed and physically located; and

(5) The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

(C) *Keg registration.*

(1) The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other valid form of identification.

(2) The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other enforcement officers.

(3) The keg registration form shall pe forwarded to the city within five working days in all situations when the keg is not returned or is returned with the identification tag removed or obliterated.

(4) The city is authorized to develop appropriate rules and regulations and to develop and make available forms for the identification tags and keg registration forms.

(5) All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the city concerning the provisions of this section.

(D) *Unlawful sales.* It shall be unlawful for any licensee to sell or offer for sale kegs without the identification tags attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the location of the keg. The penalties for violation of this section shall be the penalties as set out in this chapter. In addition, licensees violating this section shall be subject to appropriate alcoholic beverage control administrative remedies.
(Ord. 19-007, passed 12-30-19)

§ 114.10 ENFORCEMENT.

City police officers and the City ABC Administrator and his/her investigator(s) are hereby authorized to enforce this chapter in full.
(Ord. 19-007, passed 12-30-19)

§ 114.11 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

(A) All persons employed in the selling and/or serving of alcoholic beverages shall participate in and complete a server training course by the Kentucky Department of Alcoholic Beverage Control or other city approved alcoholic beverage server training program.

(B) All persons required to complete training shall complete training within 30 days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages all employees must be trained prior to the opening of the business.

(C) Each licensee shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the pertinent training information. Each premises licensed must have at least one person currently certified in responsible beverage service training on duty when alcoholic beverages are being served. A copy of all training certificates shall be posted with the other licenses and certificates that are required to be publicly posted.

(D) All persons completing the training required by this section shall be re-certified not less than once every three years thereafter.

(E) All of the state-approved trainings are located on the state ABC website.

(F) Failure to complete any required trainings and certifications will be considered a violation and will result in the suspension or revocation of the ABC license.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.12 SIGNS AND ADVERTISING.

(A) All signage shall be in compliance with any and all other existing rules, regulations, and ordinances of the City of Stamping Ground, including but not limited to, the Planning and Zoning Ordinance as currently enacted, and/or as may be amended in the future.

(B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(C) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130 and regulations promulgated thereunder.

(D) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or the use of terms such as "high test", "high proof" or "extra strong") or depicting activities that tend to encourage excessive consumption.

(E) No licensee shall erect or allow to be erected any banner that displays any particular brand of alcoholic beverage on the outside of the building or on the property.

(F) Any off-premises signage advertising the sale of alcoholic beverages is prohibited. It shall be unlawful to attach signage advertising alcoholic beverages to the exterior of the building or the exterior premises of the business. This prohibition shall include the use of outdoor umbrellas or other outdoor or patio fixtures that feature the name or logo of an alcoholic beverage or manufacturer of alcoholic beverages.

(G) Signage which refers directly or indirectly to alcoholic beverages will be limited to one sign not over two square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business cards not larger than two and one-half inches in size, setting forth the price at which the licensee offers alcoholic beverages for sale.

(H) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars or cards as a medium of advertising alcoholic beverages.

(I) No licensee shall advertise alcoholic beverages on any municipally owned property, unless the licensee has first obtained approval from the City ABC Administrator via a special event permit. (Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

§ 114.13 SIDEWALK CAFÉ PERMIT.

(A) *Sidewalk café permit.*

(1) Licensees in the downtown business district/area may request a permit to use sidewalk as an adjunct to the primary and adjacent licensed premises to serve food and alcoholic beverages there. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises.

(2) Any licensee/restaurant that is licensed under this chapter and the provisions of the state ABC laws, may, upon application to the local ABC Administrator, ask permission to expand the operation of the business/restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk café"). Licensees who do not serve food shall not be eligible to apply for a sidewalk café permit.

(B) *Conditions for sidewalk café permit.* The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the ABC Administrator may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café where necessary in the judgment of the said Administrator to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing:

(1) No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of 36 inches must be maintained on the public sidewalk at all times. The sidewalk café shall not be permitted in any manner to obstruct the entrance/exit to the restaurant;

(2) No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk café during any period when the sidewalk café is not open and being operated. They shall be removed at the end of each business day at the hour specified in the permit. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved permit. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition;

(3) The use of portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times;

(4) The licensee shall, in addition to all other requirements of law, take reasonable steps to ensure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passers-by or persons who are not of age or who are obviously or apparently intoxicated;

(5) No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests;

(6) No amplified sound shall be used within a sidewalk café. At no time shall any music originating from any part of the premises create a nuisance;

(7) Dancing shall not be permitted or allowed in the sidewalk café;

(8) The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises; and

(9) The permit for sidewalk café may not be assigned or transferred.

(C) *Other requirements applicable to sidewalk cafes.* No sidewalk café permit shall be effective unless the licensee has filed with the City Administrator evidence of insurance, insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk café, in an amount to be established by the City Attorney and the City's Safety Coordinator. The city shall be named an additional insured in the policy required. Such insurance policy shall further provide expressly that it may not be canceled except upon ten days' written notice (or more) filed with the ABC Administrator and the City Attorney.
(Ord. 19-007, passed 12-30-19)

§ 114.14 MISCELLANEOUS PROVISIONS.

In the event that the City ABC Administrator is unable or unwilling to fulfill their duties and obligations or there is otherwise a vacancy in the position, responsibilities and duties related to ABC enforcement shall be temporarily administered by the Chief of Police. In the event that there is no Police Chief, the City Commission shall appoint any other not already appointed, elected, or city-employed person to temporarily administer the ABC laws of the city.
(Ord. 2026-002, passed 4-28-26)

§ 114.99 PENALTY.

(A) In addition to any criminal prosecution instituted in the Scott District Court against an alleged violator, the City ABC Administrator may assess civil fines in lieu of suspension as authorized in KRS 243.480, including the per diem assessments for ongoing violations. Payment of all fines shall be remitted to the City ABC Administrator, who shall then transmit the fines to the City Clerk for deposit in the appropriate designated account.

(B) Any person who violates any of the provisions of this chapter, for which no other penalty is hereby provided, shall be guilty of a misdemeanor and shall for the first offense be fined not less than $100 nor more than $200, or be imprisoned in the county jail for not more than six months or both; and for a second offense, not less than $200 and not more than $500, or imprisoned for not more than 12 months or both. The penalties provided for in this section shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible for the violation may be fined or imprisoned, or both.

(C) Any licensee who violates § 114.05 (Hours of Sale) shall, in addition to other penalties provided by law, be subject to a fine not to exceed $1,000 and suspension of their license. The penalty for a second offense is a fine that shall not exceed $2,000 or confinement in jail not more than six months and the license shall be permanently revoked by the City ABC Administrator.
(Ord. 19-007, passed 12-30-19; Am. Ord. 2026-002, passed 4-28-26)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST MUNICIPAL REGULATIONS

CHAPTER 130: OFFENSES AGAINST MUNICIPAL REGULATIONS

Section

130.01 Curfew for minors
130.02 Discharging firearms

130.99 Penalty

§ 130.01 CURFEW FOR MINORS.

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

(1) ***MINOR.*** Any person under the age of 18 or, as may be otherwise phrased, any person of the age of 17 or under.

(2) ***PARENT.*** Any person having legal custody of a minor:

(a) As a natural or adoptive parent;

(b) As a legal guardian;

(c) As a person who stands ''in loco parentis'';

(d) Or as a person whom legal custody has been given by Order of Court.

(3) ***REMAIN.*** To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street or highway.

(4) ***ALLOW.*** Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian; that is, the parent or guardian must actually know about the child violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the child was violating this section.

(B) (1) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, street or highway within the city at night during the following periods:

(a) 1:00 a.m. to 6:00 a.m. Saturday;

(b) 1:00 a.m. to 6:00 a.m. Sunday;

(c) 11:00 p.m. Sunday to 6:00 a.m. Monday; 10:00 p.m. for ages 13 and under when school is in session;

(d) 11:00 p.m. Monday to 6:00 a.m. Tuesday; 10:00 p.m. for ages 13 and under when school is in session;

(e) 11:00 p.m. Tuesday to 6:00 a.m. Wednesday; 10:00 p.m. for ages 13 and under when school is in session;

(f) 11:00 p.m. Wednesday to 6:00 a.m. Thursday; 10:00 p.m. for ages 13 and under when school is in session;

(g) 11:00 p.m. Thursday to 6:00 a.m. Friday; 10:00 p.m. for ages 13 and under when school is in session.

(2) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street or highway in the city under circumstances not constituting an exception as enumerated in division (C) during the time periods contained in the above division (B).

(C) In the following exceptional cases a minor in or upon any public assembly, building, place, street or highway in the city during the nocturnal hours provided for in division (B) shall not be in violation of this section:

(1) When the minor is accompanied by a parent or guardian;

(2) When accompanied by an adult authorized by a parent or guardian of such minor with written permission from parent or guardian;

(3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where and in what manner said minor will be exercising such First Amendment rights;

(4) In case of reasonable necessity but only after such minor's parent has communicated to the Police Department the facts establishing such reasonable necessity;

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer of the Police Department;

(6) When returning home, by a direct route from, and within one hour of the termination of a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the Police Department;

(7) When authorized by regulation issued by the Mayor in cases of reasonable necessity involving more minors than may be reasonably dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street or highway permitted, and the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The Mayor shall notify the Police Department of said information;

(8) When engaged in a business or occupation which the laws of Kentucky authorize a person under 18 years-of-age to perform;

(9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(10) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle.

(D) (1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian or person having a legal custody.

(2) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian or person having legal custody and then either take the minor to his or her home or direct the minor to proceed immediately to his or her home.
(Ord. 1995-03, passed 6-12-95) Penalty, see § 130.99

§ 130.02 DISCHARGING FIREARMS.

(A) It shall be unlawful for any person to discharge any firearm within the city limits, unless necessary or proper for the protection of person or property.

(B) This section shall not be construed to prohibit a law enforcement officer from discharging a firearm in the performance of the officer's duty.
(Ord. 2023-002, passed 4-5-23) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any parent, guardian or person having legal custody allowing a minor to violate § 130.01(B)(1) shall be subject to a fine of no more than $499 or imprisonment for a period not to exceed six months or both.

(B) The penalty for a violation of § 130.02 shall be a fine not exceeding the amount of $250.
(Ord. 1995-03, passed 6-12-95; Am. Ord. 2023-002, passed 4-5-23)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. FLOOD DAMAGE PREVENTION

152. PLANNING AND DEVELOPMENT

153. ABANDONED URBAN PROPERTY

CHAPTER 150: BUILDING REGULATIONS

Section

General Regulations

150.01 Adoption of International Residential Code
150.02 Adoption of Kentucky Building Code and Kentucky Residential Code

Kentucky Standards of Safety

150.15 Adoption by reference
150.16 Designated enforcement agent
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150.18 Appeal process

Property and Building Numbering System

150.30 Numbering of property required
150.31 Planning and Zoning Commission; postal service to assign numbers
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150.33 Labeling requirements for structures with multiple units
150.34 Responsibility to install; maintain numbers

Structure Requirements

150.45 Connection to and utilization of city water and sewer system within city limits

Property Maintenance Code

150.50 Adoption by reference
150.51 Amendments

GENERAL REGULATIONS

§ 150.01 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.

(A) The 2006 edition of the International Residential Code is hereby adopted by reference and incorporated herein as if fully set forth for the following purposes:

(1) Regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings and townhouses not more than three stories in height in the city; and

(2) Providing for the issuance of permits and collection of fees therefore.

(B) The following sections are hereby revised:

(1) Section R101.1; Insert: City of Stamping Ground, Kentucky

(2) Table R301.2(I); Insert: Attached Climactic and Geographic Design Criteria Table.
(Ord. 2007-007, passed 12-20-07)

§ 150.02 ADOPTION OF KENTUCKY BUILDING CODE AND KENTUCKY RESIDENTIAL CODE.

(A) The 2013 Kentucky Building Code, promulgated in 815 KAR 7:120 and the 2013 Kentucky Residential Code promulgated in 815 KAR 7:125 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, are to be enforced by the City of Stamping Ground, Scott County, as though set forth fully herein.

(B) *Designated enforcement officer.* The Georgetown-Scott County Department of Building Inspection shall be designated as the local enforcement agent/agency for the Kentucky Building Code and Kentucky Residential Code. All Building code inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings and Construction. All electrical inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings and Construction as an electrical inspector.

(C) *Building inspection program.*

(1) Pursuant to KRS 198B.060(8), a building inspection program is hereby established in the City of Stamping ground, Scott County, for application to all buildings subject to 815 KAR 7:120 Kentucky Building Code.

(2) The building inspection program shall include plan review and inspections of structures subject to 815 KAR 7:125 Kentucky Residential Code.

(D) *Permits and fees.* The fees for permits and inspections shall be as provided for in the schedule attached to the ordinance codified herein.
(Ord. 2007-008, passed - -; Am. Ord. 2014-003, passed 1-7-14)

KENTUCKY STANDARDS OF SAFETY

§ 150.15 ADOPTION BY REFERENCE.

The Kentucky Standards of Safety (Fire Prevention Code) as promulgated in 815 KAR 10:040 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshal, is hereby adopted in full as if fully set forth in this code of ordinances. Copies of the above code are available through the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky 40601.
(Ord. 1990-04, passed 1-28-91)

§ 150.16 DESIGNATED ENFORCEMENT AGENT.

The Fire Chief shall be designated as the local enforcement agent for the Standards of Safety as appointed by the City Commission.
(Ord. 1990-04, passed 1-28-91)

§ 150.17 PERMITS AND FEES.

The requirements for permits and required fees shall be established by the City Commission.
(Ord. 1990-04, passed 1-28-91)

§ 150.18 APPEAL PROCESS.

All final decisions of the fire code official of the city shall be appealable to a local appeals board pursuant to the procedures adopted by the City Commission.
(Ord. 1990-04, passed 1-28-91)

PROPERTY AND BUILDING NUMBERING SYSTEM

§ 150.30 NUMBERING OF PROPERTY REQUIRED.

Each parcel of real estate within the city limits shall be assigned a number consistent with the numbering of adjacent and neighboring properties. Parcels upon which there is located more than one principal building or residence shall have numbers assigned to each building. Buildings within which there are more than one principal use or residence shall be assigned a number for each use or unit.
(Ord. 1991-03, passed 11-25-91)
Cross-reference:
Streets and sidewalks, see Ch. 91

§ 150.31 PLANNING AND ZONING COMMISSION; POSTAL SERVICE TO ASSIGN NUMBERS.

All principal building and unit numbers required under § 150.30 shall be assigned by the Planning and Zoning Commission staff in cooperation with the United States Postal Service. Principal buildings do not include garages, sheds, or similar structures.
(Ord. 1991-03, passed 11-25-91)

§ 150.32 SPECIFICATIONS FOR NUMBERS.

Principal building and unit numbers shall be at least four inches in height, easily visible from the street and be displayed in close proximity to the principal entrance and on mail boxes if available and necessary to afford visibility and identification. All numbers shall be of a contrasting color or materials to the surface on which they are displayed. Numbers required under this subchapter shall not be displayed in text, but in arabic numerals.
(Ord. 1991-03, passed 11-25-91) Penalty, see § 150.99

§ 150.33 LABELING REQUIREMENTS FOR STRUCTURES WITH MULTIPLE UNITS.

Structures and complexes with multiple units shall have each major doorway labeled in accordance with §§ 150.30 and 150.32.
(Ord. 1991-03, passed 11-25-91) Penalty, see § 150.99

§ 150.34 RESPONSIBILITY TO INSTALL; MAINTAIN NUMBERS.

It is the responsibility of the property owner or occupant to install and maintain proper numbers. (Ord. 1991-03, passed 11-25-91) Penalty, see § 150.99

STRUCTURE REQUIREMENTS

§ 150.45 CONNECTION TO AND UTILIZATION OF CITY WATER AND SEWER SYSTEM WITHIN CITY LIMITS.

(A) Every and all structures within the city limits which are used, or intended to be used, for living, sleeping, cooking and eating, and every institutional, commercial or business or industrial structure within the city limits shall be connected to and utilize the city water and sewer system. The provision regarding connection to and utilization of the city water system shall not apply to structures utilizing the Georgetown water system as of the date of enactment hereof.

(B) The penalties contained in § 150.99 (D) shall be applicable to any violation of this section. (Ord. 1994-08, passed 7-5-94; Am. Ord. 1999-09, passed 11-18-99)

PROPERTY MAINTENANCE CODE

§ 150.50 ADOPTION BY REFERENCE.

Upon the adoption and effective date of this section, the 1998 International Property Maintenance Code by this reference shall govern the maintenance and continuing condition for all existing structures in the city according to its terms.
(Ord. 2004-008, passed 8-3-04)

§ 150.51 AMENDMENTS.

The following sections shall supersede those which are provided in the printed text of the Property Maintenance Code.

101 GENERAL

PM-101.1 Title: These regulations shall be known as the International Property Maintenance Code of the city referred to as this code.

103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

PM-103.1 General: The City Code Enforcement Officer shall be the Code Official responsible for the enforcement of the provisions of this code. The City Code Enforcement Officer shall be an individual appointed by the City Commission.

104 DUTIES AND POWERS OF THE CODE OFFICIAL

PM-104.6 Notice and Orders: The Code Official may issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with the requirements of this code for the safety, health and general welfare of the public.

PM-104.7 Official Records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and such records shall be open subject to KRS 61.870 et. seq.

106 VIOLATIONS

PM-106.4.1 Civil Penalty: An person, firm or corporation who violates any provisions of this code may be subject to civil penalties of not less than $100 no more than $1,000, pursuant to the civil penalty guidelines as set forth below. The amount of civil penalties shall be determined by the number of reinspections required to correct the violation. The following table provides the penalty for reinspections which reveal uncorrected violation. The higher the number of violations and required reinspection shall result in higher penalties.

Uncorrected Violations	1	2	3	4	5+
1-3	$ 100	$ 150	$ 200	$ 250	$ 300
4-7	$ 150	$ 200	$ 250	$ 300	$ 350
8-10	$ 200	$ 250	$ 300	$ 350	$ 400
11-15	$ 300	$ 350	$ 400	$ 450	$ 500
16-20	$ 400	$ 450	$ 500	$ 550	$ 750
21+	$ 650	$ 700	$ 750	$ 800	$ 1,000

107 NOTICES AND ORDERS

PM-107.2 Form: Such notice prescribed in section PM-107.1 shall be in writing and include the following:

(1) A description of the real estate sufficient for identification;

(2) A statement of the reason or reasons the notice is being issued;

(3) A correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit into compliance with the provisions of this code;

(4) Information regarding the procedure to contest the correction order. This information shall include a statement to the effect that should there be no contest of the correction order within the time allowed, the right to contest that order shall be waived. The statement shall include information that upon the failure to contest the order shall result in a final determination that the referenced violation was committed;

(5) A statement explaining the potential for and the determination of civil penalties of not less than $100 nor more than $1,000 which may be imposed for failure to comply with the correction order.

(6) In cases where a civil penalty is assessed for failure to correct the violation(s), such notices shall include:

(a) The amount of the civil penalty to be imposed;

(b) The procedure for paying the civil penalty or to contest the penalty;

(c) A statement that failure to pay or contest the civil penalty within 20 days of the service of the notice of civil penalty will result in the waiver of the right to a hearing before the board to contest the civil penalty. This statement shall include the information that, the assessment of civil penalty, upon final determination, shall be final;

(d) A statement that if the civil penalty is not paid, the payment of the civil penalty shall be secured by a lien on the property with a notice of that lien in the amount of the civil penalty plus administrative fees will be filed placed against the property. (This section replaces that in the text of the printed code.)

PM-107.3 Method of Service: (The following text shall be added after the listing of methods of service in the text in the printed code.) If the owner of the property cannot be ascertained with reasonable diligence, including references to the Property Valuation records, the official shall make an affidavit to that effect. Upon documenting the official's inability to determine the identity of the owner, the notice may be served by publication in a newspaper the local paper of general circulation for two consecutive publications. If the property owner employs or utilizes a management company or other agent for the maintenance of the property, the owner may designate, in writing on a form provided by and filed with the code enforcement office, the name and address of the company or agent to which notices shall be served. Regardless of the service of notices on agents, the owner retains responsibility for compliance with this code. Notices for condemnation procedures shall also comply with section PM-108.3. In addition to the notice of violation, a separate notice of the assessment of a civil penalty shall also be made in the manner prescribed in sections PM-107.2 and PM-107.3.

108 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1.5 Utility removal: When, in the opinion of the code official, continued utility service could pose a threat to occupants or to the public, the code official may order discontinuance of utility service until such time as necessary repairs have been completed. (This section is added to the text provided in the printed code.)

PM-108.2 Closing of vacant structures: (In addition to the text provided in the corresponding section of the printed code, the following language is added.) There shall be an administrative fee of $75 assessed in addition to the cost of closing the property. The payment of all charges assessed for the closing the property, cost and fees, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

109 EMERGENCY MEASURES

PM-109.5 Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. Legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including an administrative fee of $75, including the placing of a lien against said property. (This text is in lieu of the text in the printed code.)

110 DEMOLITION

PM-110.1 General: The text in the printed code is amended to remove the words "so old,".

PM-110.3 Failure to comply: (The following text is to be added to that in the printed code in place of the phrase, "and the cost of such demolition and removal shall be charged . . . .") The cost of such demolition and removal, including an administrative fee of $100, shall be charged against the real estate upon which the structure is located. The payment of all charges assessed for the demolition and removal closing the property, along with the administrative fee, shall be secured by a lien on the real estate upon which the structure is located. Notice of the lien shall be filed of record as provided elsewhere in the code.

111 MEANS OF APPEAL

PM-111.2 Membership of Board: The phrase reading "experience and training" beginning in line three of that section shall read "experience or training".

304 INTERIOR STRUCTURE

PM-304.15 Insect screens: The effective dates for the provision of insect screens pursuant to this section shall be from April 1 to December 1.

602 HEATING FACILITIES

PM-602.3 Nonresidential structures: The effective dates for the provision of sufficient heat pursuant to this section shall be from October 1 to April 15.

705 FIRE PROTECTION SYSTEMS

PM-705.5.2 Power sources: Existing battery-powered smoke detectors in operational condition shall be acceptable. However, when battery-powered smoke detectors are found to be nonoperational or where no smoke detectors exist, approved hard-wired smoke detectors shall be required. (This section replaces that in the text of the printed code.)
(Ord. 2004-008, passed 8-3-04)

CHAPTER 151: FLOODPLAIN MANAGEMENT

Section

General Provisions

151.01 Floodplain Management adopted by reference

GENERAL PROVISIONS

§ 151.01 FLOODPLAIN MANAGEMENT ADOPTED BY REFERENCE.

The floodplain management provisions of the City of Stamping Ground, Kentucky are hereby adopted by reference in full as if fully set forth in this code of ordinances.
(Ord. 2008-001, passed 6-3-08; Am. Ord. 2014-001, passed 1-7-14; Am. Ord. 2014-002, passed 1-7-14)

CHAPTER 152: PLANNING AND DEVELOPMENT

Section

152.01 Zoning regulations adopted by reference
152.02 Subdivision and development regulations adopted by reference
152.03 Sign regulations adopted by reference
152.04 Board of Adjustment
152.05 Short-term rentals
152.06 Streetlight standards and procedures

§ 152.01 ZONING REGULATIONS ADOPTED BY REFERENCE.

The zoning code of the City of Stamping Ground, Kentucky is hereby adopted by reference in full as if fully set forth in this code of ordinances.
(Ord. passed - - ; Am. Ord. 98-011, passed 11-9-98; Am. Ord. 98-014, passed 12-7-98; Am. Ord. 2004-007, passed 6-1-04)

§ 152.02 SUBDIVISION AND DEVELOPMENT REGULATIONS ADOPTED BY REFERENCE.

The subdivision and development regulations of the City of Stamping Ground, Kentucky is hereby adopted by reference in full as if fully set forth in this code of ordinances.
(Ord. passed - - ; Am. Ord. 98-012, passed 11-9-98; Am. Ord. 98-013, passed 11-9-98; Am. Ord. 98-014, passed 12-7-98; Am. Ord. 2014-08, passed 12-2-14)

§ 152.03 SIGN REGULATIONS ADOPTED BY REFERENCE.

The sign ordinance as recommended for adoption by the Georgetown-Scott County Planning Commission is adopted for the regulation of signs in the City of Stamping Ground, the provisions of which shall be incorporated as part of the Georgetown-Scott County Zoning Ordinance, for implementation and enforcement by the Georgetown-Scott County Planning Commission.
(Ord. 2012-003, passed 7-10-12)

§ 152.04 BOARD OF ADJUSTMENT.

(A) Pursuant to KRS 100.217 and § 5.41 of the Zoning Ordinance of Georgetown, Scott County, Kentucky, the City of Stamping Ground hereby established a Board of Adjustment for all property located within the boundaries of the City of Stamping Ground.

(B) The Stamping Ground Board of Adjustment shall consist of three members and not more than two of whom may be citizen members of the Georgetown - Scott County Planning Commission. The

members shall be appointed by the Mayor subject to the approval of the City Commission. The members shall receive compensation in the amount of $100 per year and may be reimbursed all necessary expenses. The term of office of all members shall be four years with the appointments being staggered.

(C) The Board of Adjustment shall have the powers and duties, and shall follow the procedure, as set forth in § 5.4 of the Zoning Ordinance of Georgetown, Scott County, Kentucky.
(Ord. 2013-003, passed 6-6-13)

§ 152.05 SHORT-TERM RENTALS.

(A) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

CODE ENFORCEMENT BOARD. The Local Governments of Scott County Joint Code Enforcement Board, as established in the Interlocal Agreement of record in the Scott County Clerk's Office, Miscellaneous Book 45, Page 147.

DIRECTOR. The Director of the Georgetown-Scott County Revenue Commission.

HOST. Any person who is the owner of record of real property, or any person who is a lessee of real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

HOSTING PLATFORM. A person or entity that provides a means through which a host may offer a dwelling unit, or portion thereof, for short-term rental use. Most platforms are internet based and allow a host to advertise a dwelling unit as a short-term rental through a website or mobile app.

SHORT-TERM RENTAL. A dwelling or dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days' duration, where no meals are served. One structure may contain multiple units that are rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days' duration, where no meals are served; each separate unit shall be considered an individual short-term rental. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

SHORT-TERM RENTAL ADVERTISEMENT. Any method of soliciting use of a dwelling unit or portion thereof as a short-term rental.

TRANSIENT USER. A person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 30 consecutive days' duration.

UN-HOSTED HOME SHARING (UHS). A type of short-term rental where the entire dwelling unit is rented, leased, or otherwise assigned for a tenancy of less than 30 consecutive days. This does not include hotel or motel rooms, extended stay lodgings, or bed and breakfast establishments.

(B) *Annual registration required*. No person, firm or corporation shall own or operate a short-term rental on any premises within the City of Stamping Ground unless the short-term rental has been registered annually with the Georgetown-Scott County Revenue Commission ("GSCRC").

(1) The Director may refuse to issue or renew the registration of a short-term rental until all outstanding penalties associated with violations of this section that have been assessed against the property owner and/or host are paid in full.

(2) The Director may refuse to issue or renew the registration of a short-term rental until all outstanding fines and liens that have been assessed by the City of Stamping Ground, GSCRC or Georgetown-Scott County Tourism Commission against the subject property are paid in full.

(3) The Director may deny or refuse to renew the registration of any host for violating or failing to comply with any applicable provision of this section.

(4) If the property is subject to two or more substantiated civil complaints or the host is found to have twice violated or failed to comply with any applicable provision of this section with respect to a given property within a 12-month period, the Director may revoke the registration. When the Director revokes a registration pursuant to this division (B)(4), the owner and host shall be notified of the revocation and shall have 30 days in which to request an appeal. Appeals shall be heard by the Code Enforcement Board. If no appeal is requested, the revocation shall become final on the thirty-first day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing and mechanical codes.

(5) When any owner or host has a short-term rental registration revoked, they shall be ineligible to receive any new short-term rental registrations for a period of one calendar year.

(C) *Annual registration; fee*.

(1) Each annual registration for a short-term rental shall be per the procedure established by the Director. The registration form, at a minimum, shall include the following:

(a) The name, address, phone number and email address of the host and an emergency contact, residing or located in Stamping Ground, Kentucky and/or within 25 miles of the short-term rental, who shall be responsible for addressing any maintenance, safety concerns or nuisance complaints. The host shall provide the emergency contact's information to transient users upon arriving at the short-term rental;

(b) Proof of registration and good standing with the Georgetown-Scott County Revenue Commission (GSCRC);

(c) The location of the short-term rental; and

(d) Proof of zoning compliance including, but not limited to, obtaining a conditional use permit where required.

(2) A nonrefundable fee of $25 shall accompany the annual registration form of a short-term rental. Where a host seeks to register multiple short-term rentals, under the same business name and on the same registration form, there shall be no additional fee.

(3) A registration shall expire one year from the date it is issued and shall be renewed annually.

(4) A change in host or ownership of a short-term rental shall invalidate any existing registration. The new host or property owner must apply for a registration in his/her/its name.

(D) *Compliance with federal, state and local laws and regulations*. Each separate short-term rental shall, at all times, maintain compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time, including but not limited to, laws or regulations regarding nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical and other applicable laws.

(E) *Registration with the Georgetown-Scott County Revenue Commission*.

(1) The host shall register with the GSCRC to ensure compliance with all applicable local taxes.

(2) Pursuant to Stamping Ground Code of Ordinances Chapter 110, the host is subject to the City of Stamping Ground business license fee.

(F) *Transient room taxes to be remitted to Georgetown-Scott County Tourism*. Transient room taxes are to be collected and paid by the host to the Georgetown-Scott County Tourism Commission ("GSCTC"). Transient room taxes are ultimately the responsibility of the host, but the collection and remission of all required taxes may be paid by a hosting platform on behalf of host if the short-term rental is created through a hosting platform that has an agreement with the GSCTC for collection and payment of such taxes to the GSCTC.

(G) *Duties of a host*. It shall be the duty of a host under this section to ensure that:

(1) There shall be no more than one contract per short-term rental at a time;

(2) There shall be no signage on the premises of the short-term rental advertising or identifying the short-term rental in residential zoning districts;

(3) The name, telephone number and email address of the emergency contact, as identified in the annual registration, shall be conspicuously posted within the short-term rental; and

(4) Any host using a hosting platform shall include the valid, GSCRC-issued, registration number for the short-term rental in the short-term rental advertisement.

(H) *Advertising on a hosting platform*.

(1) Short-term rentals registered in accordance with this section may be advertised for short-term stays of less than 30 days on a hosting platform. A host and/or property owner that advertises an un-registered short-term rental on a hosting platform is subject to enforcement as stated in this section.

(2) The Director may request that a hosting platform remove any listing or short-term rental advertisement from the platform where the registration number associated with a short-term rental

listing is invalid, expired or has been revoked. The Director shall identify the listing(s) to be removed by the listing URL and displayed registration number (whether valid or invalid) and state the reason for removal. The hosting platform shall remove the listing within ten business days of notification by the Director.

(3) (a) The Director may request that a hosting platform provide the following information to the Georgetown-Scott County Revenue Commission on a monthly basis:

1. The total number of short-term rentals in the City of Stamping Ground that were listed on the platform during the applicable reporting period; and

2. The total number of nights all short-term rental units were rented through the platform during the applicable reporting period.

(b) When requested, these reports shall be due on the last day of each month and shall include information from the preceding month (example: on June 30, the May report shall be due).

(4) (a) Pursuant to KRS 65.8821, the Code Enforcement Board shall have the authority to subpoena information from any hosting platform. Any such subpoena shall:

1. Be submitted in writing by the Code Enforcement Board attesting that the City of Stamping Ground has a reasonable belief, based on evidence, that a short-term rental may be in violation of this section;

2. Be served on the hosting platform via its registered agent;

3. Be related to a specific investigation by the City of Stamping Ground relating to a short-term rental that is identified in the subpoena; and

4. Identify the alleged violations of this section.

(b) The hosting platform shall notify its host of the information requested in the subpoena within ten business days of receiving the subpoena and shall produce records within 21 days of providing notice to the host, except to the extent that the host has sought relief in a court of competent jurisdiction.

(I) *Compliance timeline*. All parties subject to the provisions of this section shall achieve compliance within 90 days of its passage and publication.

(J) *Permitted zones.* The following use table shall establish the zones in which short-term rentals are permitted, conditional uses, or prohibited. Short-term rentals are prohibited in any zoning districts not listed on the table below:

Zoning District*	**Renting Individual Sleeping Rooms (3 or less)**	**Renting Individual Sleeping Rooms (4 or more)**	**Un-Hosted Home Sharing**
A-1	Not Permitted	Not Permitted	Permitted
A-5	Not Permitted	Not Permitted	Permitted

Zoning District*	Renting Individual Sleeping Rooms (3 or less)	Renting Individual Sleeping Rooms (4 or more)	Un-Hosted Home Sharing
R-1A	Not Permitted	Not Permitted	Permitted
R-1B	Permitted	Conditional Use	Permitted
R-1C	Permitted	Conditional Use	Permitted
R-2	Permitted	Conditional Use	Permitted
R-3	Permitted	Conditional Use	Permitted
B-3	Permitted	Permitted	Permitted

*For law-fully non-conforming residential structures, short-term rentals are permitted to the same degree as long-term rentals would be permitted based on the non-conforming status of the building.

(K) *Enforcement and penalties*.

(1) Violation of any provision of this section, other than a violation which would also constitute a criminal offense under any provision of the Kentucky Revised Statutes, shall constitute a civil offense which shall be enforced according to the procedures by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(2) The penalty for violations of this section shall be $100. For each seven days or portion thereof beyond the remediation date that the violation remains unremedied, $100 shall be added to the initial fine until the violation is remedied by the responsible person or is abated by the city or until the total fine reaches $1,000.

(3) Penalties for a violation of any provision of this section will be waived only if the same or similar violation has not occurred on the property within the same calendar year and the violation is remedied within seven days of issuance of the citation or within the time period specified by the code enforcement officer.

(4) In addition to the penalties provided herein, the Director is authorized to pursue remedial civil actions for violations of this section by civil complaint or petition for injunctive relief, declaration of rights or other appropriate proceedings filed in the Scott County, Kentucky Circuit Court.
(Ord. 2023-007, passed 1-2-24)

§ 152.06 STREETLIGHT STANDARDS AND PROCEDURES.

(A) *General provisions*.

(1) No street lighting shall be installed on public streets except in compliance with this section.

(2) Street light easement or pole locations shall be shown on all subdivision plats and development plans as applicable.

(3) Prior to the approval of a Final Development Plan (FDP) or Final Subdivision Plat (FSP) street lighting shall be installed pursuant to this section, or a street light construction fee in an amount equal to the estimated cost of installation plus 25% shall be paid to the City of Stamping Ground for the installation.

(4) The city shall sign a certification on the FDP or FSP referenced to in division (3) above.

(5) If street lights are not installed prior to the FDP or FSP, then installation of lights shall be done by the City of Stamping Ground and paid by the collected fees from the development. Notification to the utility company to install will occur at 80% build-out for a street. In the event an 80% build-out is not accomplished within three years of FDP or FSP, upon certification by the City Police Chief or Fire Chief that the absence of street lights creates an unreasonable risk to the health, safety or welfare of the residents of the development or general public, the city shall install the street lights according to the approved plan.

(6) The city shall accept only two styles of light fixtures for public financial responsibility and maintenance.

(a) Styles accepted by the city are the colonial post top and cobra head. The colonial post top is available only for underground installation. The cobra head is available for both underground and overhead installation. The colonial post top is available for all installations of 9500 lumens or less. The cobra head is available for all lumens levels.

(b) All other styles must receive prior specific written approval from the City. Approval will not be given unless the developer or a properly constituted homeowner's association provides adequate security for the payment of all costs associated with the requested style in excess of the customary cost of the styles approved in division (A)(6)(a) above. Approval of the style shall be within the sole discretion of the city. No entitlement to any other style is granted by this provision. Approval may be denied for any reason.

(7) Light fixtures for local streets shall be 5800 lumens. Fixtures for sub-collector streets shall be 5800 lumens. Fixtures for collector streets shall be 9500 lumens. Fixtures for arterial streets shall be a minimum of 22,000 lumens. All intersections, regardless of category of streets, shall have a minimum of 9500 lumens. These street classifications shall be determined according to the definitions set out in the Georgetown-Scott County Subdivision Regulations.

(8) All light fixtures shall be spaced at intervals of 200 to 250 feet. The specific spacing for a particular installation shall be determined by the anticipated coverage of the particular fixture and lumen level. This spacing may be varied only with approval of the city and Kentucky Utilities. Different spacing may be required by Kentucky Utilities or the city in the event circumstances exist which render the standard spacing inappropriate.

(B) *Previously approved development*. All developments for which a final development plan or final subdivision plat have been approved prior to the effective date of this section, but for which development no street lighting has been installed, shall:

(1) Submit to the city a street lighting plan which provides light fixture locations, lumen levels and fixture style. Any plan which includes a light fixture style other than permitted above shall also provide documentation required in division (A)(6)(b) above. No lighting-related construction shall begin prior to receipt of written approval of a submitted lighting plan. The written approval must be signed by the Mayor.

(2) Within 60 days of receipt of approval of the street lighting plan required in division (B)(1) above, shall install the light fixtures according to that approved plan.

(3) In the event the developer fails to install the approved street lighting plan within the time allotted in division (B)(2) above, the city may grant an extension of time in which to complete installation. No extension of time shall be granted except upon a showing of the developer's good-faith effort to complete the installation and the posting of the developer's bond in the amount of the cost of the installation of the approved street lighting plan, plus 25%, in the Mayor's office, which bond shall secure the cost of the city's installation of the approved street lighting plan in the event of the developer's failure to complete installation according to the plan within the extension granted above. The city's election to call the developer's bond and to undertake installation according to the approved plan shall not preclude the filing of charges in Scott District Court seeking the penalties provided below.

(4) (a) Lighting-related construction begun prior to the effective date of this section and completed no later than 45 days after the effective date of this section shall not be affected by the provisions of this section.

(b) Lighting-related construction begun prior to the effective date of this section but not completed within 45 days after the effective date of this section shall comply with all applicable provisions of this section.

(5) A developer cannot dedicate to the city a street or roadway prior to the installation of street lights.

(C) *Penalties.* Each violation of this section shall be punishable by fine of up to $100 with each day and each fixture constituting a separate violation.
(Ord. 2023-008, passed - -)

CHAPTER 153: ABANDONED URBAN PROPERTY

Section

153.01 Abandoned urban property classified as a separate class of property
153.02 Rate of taxation for abandoned urban property
153.03 Classification of property as abandoned urban property; right to appeal
153.04 Appeal procedure

§ 153.01 ABANDONED URBAN PROPERTY CLASSIFIED AS A SEPARATE CLASS OF REAL PROPERTY.

Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation. For purposes of this chapter, ***ABANDONED URBAN PROPERTY*** shall consist of the properties described in divisions (A) and (B) below.

(A) Any vacant structure or vacant or unimproved lot or parcel of ground in the city that has been vacant or unimproved for a period of at least one year, and that:

(1) Because it is dilapidated, unsanitary, unsafe, vermin-infested or otherwise dangerous to the safety of persons, it is unfit for its intended use;

(2) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin;

(3) Has been tax delinquent for a period of at least three years; or

(4) Is located within a development area established under KRS 65.7049, 65.7051 and 65.7053.

(B) Any property in the city that has been identified as "blighted" or "deteriorated" and certified as such by the City Commission. As used in this division, ***BLIGHTED PROPERTY*** or ***DETERIORATED PROPERTY*** shall mean any vacant structure or vacant, unimproved lot or parcel of ground in a predominantly built-up neighborhood:

(1) Which, because of its physical condition or use, is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with any housing, building, property maintenance, plumbing, electric, fire or related codes;

(2) Which, because of its physical condition, use, or occupancy, is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

(3) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by any housing, building, property maintenance, plumbing, electric, fire or related code, has been designated as unfit for human habitation;

(4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(5) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for use;

(6) Which, by reason of neglect or lack of maintenance, has become a place for the accumulation of trash and debris, or a haven for rodents or other vermin;

(7) Which has been tax delinquent for a period of at least three years; or

(8) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.
(Ord. 2020-0012, passed 12-15-20)

§ 153.02 RATE OF TAXATION FOR ABANDONED URBAN PROPERTY.

The rate of taxation levied upon an abandoned urban property is $0.75 on each $100 of assessed value.
(Ord. 2020-0012, passed 12-15-20)

§ 153.03 CLASSIFICATION OF PROPERTY AS ABANDONED URBAN PROPERTY; RIGHT TO APPEAL.

(A) The city shall each year determine which properties in the city constitute abandoned urban properties and shall prepare, and shall furnish a list of abandoned urban properties located in the city to the City Clerk and the Scott County Property Valuation Administrator prior to January 1 of each year.

(B) Except as otherwise provided herein, a property classified by the city as abandoned urban property as of January 1 shall be taxed as abandoned urban property for that tax year. If the owner repairs, rehabilitates or otherwise returns the property to productive use so that it is no longer abandoned urban property, the owner shall notify the city, which shall, if it finds the property is no longer abandoned urban property, notify the City Clerk and the Scott County Valuation Administrator to strike the property from the list of abandoned urban properties as of the succeeding January 1.

(C) No later than March 1 of each year, the City shall mail by first class mail to the owner(s) of each abandoned urban property, as those name(s) are listed in the records of the Property Valuation Administrator, a notice that the property has been classified as abandoned urban property. The owner of any abandoned urban property who believes that his, her or its property has been incorrectly classified may appeal the classification to the City Commission. The appeal shall be in writing, and shall be made no later than April 1 of that year. The city shall afford the owner the opportunity for a hearing. If the City Commission finds that the property was incorrectly classified as abandoned urban

property, it shall cause the property to be removed from the list of properties so classified. The city shall develop policies and procedures for such appeals. Any interested party may appeal the City Commission's decision to the Scott Circuit Court within 30 days of the City Commission's decision. (Ord. 2020-0012, passed 12-15-20)

§ 153.04 APPEAL PROCEDURE.

(A) Upon receipt of a request for hearing, the City Commission shall set a time and place for the hearing, and shall give the appellant written notice thereof. Unless otherwise requested or agreed to by the appellant, the hearing shall be commenced within 90 days after a request has been filed. At the hearing, the appellant shall be given an opportunity to be heard and to show cause why the notice appealed from should be modified or withdrawn. The failure of the appellant or a legal representative to appear and participate in the hearing shall have the same effect as if no request was filed.

(B) The City Commission shall regulate the course of the proceedings in a manner that will promote the orderly and prompt conduct of the hearing.

(C) To the extent necessary for the full disclosure of all relevant facts and issues, the City Commission shall afford all parties the opportunity to respond, present documentary or tangible evidence, conduct cross-examination, and submit rebuttal evidence.

(D) Any party to a hearing may participate in person or may be represented by counsel.

(E) If a party fails to attend or participate in a hearing, the City Commission may adjourn the proceedings and issue a default order upholding the notice,

(F) All testimony shall be made under oath or affirmation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be accurately and completely recorded. Upon request, any person may receive a copy of the recording, provided, however, that the party making the request shall be responsible for the cost of any transcript or copy.

(G) Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party, or if such practice is authorized by statute. Any party shall have the right, upon reasonable request, to inspect the documentary or tangible evidence relating to a hearing, either in person or through counsel. Copies of documentary evidence may be obtained by parties upon the payment of a reasonable fee for such expense, except where disclosure is protected by state or federal law.

(H) Objections to evidentiary offers may be made by any party and shall be noted in the record.

(I) The City Commission may take official notice of any matter of which a state court may take such notice.

(J) After a hearing, the City Commission may sustain, modify, or withdraw the notice appealed from by a majority vote, and the appellant shall be notified in writing by certified mail of such action. (Ord. 2020-0012, passed 12-15-20)

TABLE OF SPECIAL ORDINANCES

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TABLE I: ANNEXATIONS AND DE-ANNEXATIONS

Ord. No.	*Date*	*Description*
--	- -24	De-annexing certain property beginning at the western city limits at a point in the south side of the right-of-way of the F. & C. Railroad in the farm of J. W. Palmer; thence running with the south side of the right-of-way of the F. & C. Railroad in an easterly direction to the Riley Farm and the east side of the Stamping Ground and Woodlake Pike right-of-way.
--	- -	Annexing certain property beginning at a point on the west side of the Stamping Ground and Woodlake Turnpike, in the center of the track of the F. & C. Railroad, thence in a southerly direction with the west side of the right-of-way of the Stamping Ground and Woodlake Turnpike 162 feet to a corner with Mrs. Sophia Hosley and right-of-way of the turnpike.
--	- -34	Annexing certain property beginning at a point on the west side of the Stamping Ground and Woodlake Street in center of the tract of the F. &. C. Railroad, thence running with the west of the right-of-way of Stamping Ground and Woodlake Street, in a southerly direction approximately 1,000 feet.
--	1-6-36	De-annexing certain property beginning 364 feet west of the right-of-way of Stamping Ground and Woodlake Pike at a point in the center of the F. & C. Railroad track, thence running approximately 1,000 feet with the west line of the Ben Miller property.
--	10-3-38	De-annexing certain property beginning on the east side of the Locust Fork Pike right-of-way at the northwest corner of the Samuel Brothers' lot and thence running northwesterly to the present city limits near Locust Fork Creek.

Ord. No.	*Date*	*Description*
--	7-3-39	Annexing certain property beginning at a culvert in Sebree Drive approximately 400 feet north of U.S. 227 right-of-way.
1993-02	4-6-93	Annexing that certain strip of land running from the line of Robert Glenn Hall on the west, to the center line of the White Oak Pike on the east, running for an average width of 66 feet for a distance of 2,800 feet, more or less.
93-08	8-4-93	Annexing tracts of land described as follows: (1) Tract I - Phipps Tract. Beginning at a point with Thompson in the centerline of Sebree Road containing 35 acres. (2) Tract II - Thompson Tract. Beginning at a point in the centerline of Sebree Road where the Thompson tract and Bob Steele parcels join containing 0.65 acres.
1996-07	9-3-96	Annexing that tract of land lying along the southwest side of KY 227 located about 0.7 miles southeast of the city and about 5.3 miles northwest of US 460.
2005-07	8-9-05	Annexing that certain tract or parcel of land lying and being adjacent to the city, and situated on the southwest side of KY 227.
2014-007	7-1-14	Annexing approximately 12.364 acres, located on the north side of Kentucky Highway 227, Owenton Road, being the Stamping Ground Industrial Park.
2023-003	5-16-23	Annexing approximately 0.547 acres, being a portion of tract 1 of the Bobby and Minnie Thomason property, being located on Sebree Road.
2024-002	3-5-24	Annexing approximately 2.37 acres, located in the vicinity of 129 Mulberry Drive

TABLE II: BOND ISSUES

Ord. No.	*Date*	*Description*
--	- -37	Issuing bonds to the aggregate amount of $3,750, to be known as "Stamping Ground Fire Equipment Bonds," for the purpose of providing fire apparatus, fire truck, hose, ladders and other necessary fire equipment.
1999-08	11-18-99	Issuing bonds in the principal amount of $315,000, for the purpose of providing for the construction, acquisition and installation of major additions and improvements to the City's Municipal Sanitary Sewer System.
2000-03	10-9-00	Issuing bonds for the purpose of providing funds necessary to pay costs of acquiring two municipal fire trucks.
2007-004	10-2-07	Issuing bonds in the principal amount of not more than $7,500,000 to finance costs of constructing improvement of Central Christian Church.
2010-002	2-8-10	Approving a lease for the financing of a project; providing for the payment and security of the lease; creating a sinking fund; and authorizing the execution of various documents related to such lease.
2018-01	1-23-18	Issuing a General Obligation Note in the principal amount of $117,000 to pay the costs of acquiring 3270 Main Street.

TABLE III: CONTRACTS

Ord. No.	*Date*	*Description*
--	- -33	Authorizing a contract for a 99-year lease of city property to Buffalo Springs Distilling Company for the construction and operation of a distillery.
--	- -35	Authorizing a contract by and between the city and the Buffalo Springs Distilling Company excluding the boundary of certain land in controversy from the city limits.

TABLE IV: REAL ESTATE TRANSACTIONS

Ord. No.	*Date*	*Description*
--	1-7-24	Accepting a deed from D. S. Henry and wife conveying to the city the streets and alleys of Henry's Addition.
2009-007	12-7-09	Accepting Poe Court as a city street.
2022-003	10-4-22	Accepting Elk Drive and Bison Way in the Buffalo Springs Subdivision as city streets, and accepting Edgewood Drive, Cornerstone Drive, and Pathway Drive in the Edgewood Subdivision as city streets.

TABLE V: ZONING MAP CHANGES

Ord. No.	*Date*	*Description*
1993-003	5-3-93	Changing the zoning classification of two acres owned by James Sageser, located on the northwest corner of Main Street and Locust Fork Road, from R1-B to B-1.
1993-004	6-7-93	Changing the zoning classification for five acres, owned by Frank Young, Jr., located on the West side of White Oak Road, 700 feet South of KY. 227 and extending West to the rear of Parker's Trailer Park, from A-1 to R1-C
1993-11	11-1-93	Changing the zoning classification for 35 acres, owned by Mr. and Mrs. Curtis Phipps, located on the West side of Sebree Road, 3,200 feet North of KY. 227 from A-1 to R1-A PUD.
1994-13	2-6-95	Changing the zoning clasification for three tracts of land, one containing 6.59 acres, one containing 10.00 acres, and one containing 39.72 acres, all three owned by Stamping Ground Wood Products, Inc., and situated on the south side of Main Street (KY Highway No. 227) and on the west side of Woodlake Road, from I-1 to, in part, B-2, in part, R-2, and, in part, R-1B.
2002-04	9-9-02	Changing the zoning for approximately 0.618 acre owned by Charles V. Parker, Jr. and Pamela K. Parker, husband and wife, located on the south side of Main Street (KY 227) and south of the Stamping Ground Industrial Park in Stamping Ground, KY, from R-1A (Single Family Residential) to R-2 (General Residential).
2016-003	9-6-16	Changing the zoning for property containing 0.580 acre owned by Michael Wise at 3519 Main Street from R-1A (Single Family Residential) to I-1 (Industrial).

Ord. No.	*Date*	*Description*
2018-06	12-4-18	Changing the zoning for property containing 0.159 acre owned by Rob Jones Electric, LLC, at 3365 Main Street from Commercial B-1 to Commercial B-2.
2021-0003	12-21-21	Changing the zoning for property containing 0.119 acres owned by Sisu Properties, LLC, at 3364 Main Street from Commercial B-1 to Commercial B-3.
2024-003	3-5-24	Changing the zoning for property containing 3.48 acres, which consists of 2.37 acres presently outside the city limits and 1.143 acres presently within the city limits from Single-Family Residential R1-A and Agriculture A-1 to Single-Family Residential R1-B.
2025-009	10-9-25	Changing the zoning for property containing 0.14 acres owned by Empire Investments, LLC, situated at the corner of Main Street and Mulberry Street from Commercial B-1 to Residential R1-B.

TABLE VI: AGREEMENTS

Ord. No.	*Date*	*Description*
1993-06	5-18-93	Approving a joint and cooperative program for self-insurance, insurance, and the investment of public funds among various cities, urban-county governments, and other public agencies within the state; authorizing the execution of the "Interlocal Cooperation Agreement to establish the Kentucky Municipal Risk Management Association;" Approving the Articles of Association and Bylaws of the Kentucky Municipal Risk Management Association.
2001-01	2-12-01	Authorizing the city's membership in the Kentucky Regional Cable Commission (an Interlocal Cooperation Agreement).
2003-002	4-1-03	Amending Ord. 2001-01 to include the City of Frenchburg, Kentucky in the Kentucky Regional Cable Commission Interlocal Cooperative Agreement.

PARALLEL REFERENCES

References to Kentucky Revised Statutes
References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

State Cite	*Code Section*
Ky. Const. § 43	32.47
Ky. Const. § 228	114.03
6.050	32.47
6.955 - 6.975	33.04
Ch. 13A	93.02
Ch. 13B	93.06, 114.03
15.409	34.26
Ch. 18A	113.03
18A.225(2)	113.03
18A.228	113.03
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41.240(4)	33.05
42.450 - 42.495	33.04
43.050	33.04
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Ch. 56	34.16
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61.823(2) - (4)	91.15
61.870	34.01
61.870 - 61.884	34.17
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61.872(4)	34.06
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65.8828	97.18

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66.660	91.06
78.510(21)	36.02
83A.010(3)	10.02
83A.010(6)	10.02
83A.010(7)	10.02
83A.040(1), (2), (6)	31.21
83A.040(2)(d)	31.21
83A.040(2)(b)	31.21
83A.040(3)	31.21
83A.040(4)	32.01
83A.040(5)	32.02
83A.040(6)	32.02
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83A.040(8)	31.21, 32.02
83A.040(9)	31.03
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83A.140(5)	32.03
83A.140(6)	32.04
83A.140(7)	32.21
83A.140(8)	32.03
83A.170	31.20
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Stamping Ground - Parallel References

State Cite	*Code Section*
91A.010	33.01
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91A.020	33.02
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91A.040	33.04
91A.050	33.04
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91A.210	33.10
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91A.230	33.12
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189.020	71.27
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189.330(8)	71.02
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189.394	71.99
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189.450(6)	72.03
189.580	71.15
189.635(9)(b)1.a. - e.	34.01
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224.855	50.40
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226.020	112.02
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226.050	112.04
226.070	112.03
226.080	112.05
226.090	112.06
226.100	112.08
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446.010(26)	10.02
446.010(27)	10.02

State Cite	*Code Section*
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446.010(37)	10.02
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446.010(46)	10.02
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446.010(49)	10.02
446.010(55)	10.02
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446.060	10.06
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REFERENCES TO ORDINANCES

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-	- -33	T.S.O. III
-	- -34	T.S.O. I
-	- -35	T.S.O. III
-	1-6-36	T.S.O. I
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