

CITY OF AUGUSTA, KENTUCKY

CODE OF ORDINANCES

2022 S-22 Supplement contains:

Local legislation current through Ordinance No. 2021-8, passed 12-15-21; and

State legislation current through KRS 2021 Pamphlet

Published by:

American Legal Publishing Corporation

525 Vine Street, Suite 310

Cincinnati, Ohio 45202

(800) 445-5588 www.amlegal.com

CITY OFFICIALS

OF AUGUSTA, KENTUCKY

CITY OFFICIALS

Mayor	Michael C. Taylor
City Clerk/Treasurer	Gretchen England- Usleaman
City Attorney	Cynthia Thompson
Police Chief	Charles Blackmar, Jr.
Fire Chief	Tony Mefford
Operations Manager	Doug Padgett

CITY COUNCIL

Dana Bach
Tommy Kiskaden
Matt McCane
David Mefford
Tina Sticklen
John Yingling

ADOPTING ORDINANCES

ORDINANCE NO. 87-1

AN ORDINANCE APPROVING, ADOPTING, AND ENACTING AMERICAN LEGAL PUBLISHING COMPANY'S KENTUCKY BASIC CODE AS THE CODIFIED ORDINANCES OF THE CITY OF AUGUSTA, KENTUCKY

WHEREAS, The present general and permanent ordinances of the city are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety, and welfare of the city and for the proper conduct of its affairs; and

WHEREAS, The American Legal Publishing Company publishes a Code of Ordinances suitable for adoption by cities in Kentucky; and

WHEREAS, KRS 83A.060(8) establishes requirements for the maintenance and indexing of the ordinances of the city, and

WHEREAS, KRS 83A.060(5) authorizes the city to adopt standard codes and codifications of entire bodies of local legislation by reference;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF AUGUSTA, STATE OF KENTUCKY:

Section 1. American Legal Publishing Company's Kentucky Basic Code, as reviewed and approved by the legislative body, is adopted and enacted.

Section 2. A summary of the subjects contained in the Kentucky Basic Code, as adopted, is as follows:

TITLE I: GENERAL PROVISIONS

Chapter 10. General Provisions. This chapter contains general provisions and rules of construction that are operative throughout the code.

Chapter 11. Ordinances Repealed and Saved. This chapter lists ordinances of the city specifically saved and those specifically repealed by adoption of the code.

TITLE III: ADMINISTRATION

Chapter 30. Mayor-Council Plan. This chapter contains provisions dealing with the Mayor, City Council, and the Mayor-Council Plan of government.

Chapter 31. City Officials. This chapter contains provisions dealing with city officers and employees.

Chapter 32. City Council. This chapter contains provisions dealing with Councilmembers, rules of procedure, and passage and maintenance of ordinances.

Chapter 33. Finance and Revenue. This chapter contains provisions dealing with municipal financial administration and municipal improvements financed by assessments.

TITLE VII: TRAFFIC CODE

Chapter 70. General Provisions. This chapter contains provisions applicable to the entire title and provisions dealing with traffic- control devices.

Chapter 71. Traffic Rules. This chapter contains provisions governing the operation of vehicles, as well as provisions concerning accidents, and parades.

Chapter 72. Parking Regulations. This chapter contains provisions governing the parking of vehicles, impoundment of vehicles, and snow emergencies.

Chapter 73. Bicycles and Motorcycles. This chapter contains provisions governing the operation of bicycles, motorcycles, and similar vehicles.

TITLE IX: GENERAL REGULATIONS

Chapter 90. Animals. This chapter contains provisions dealing with animals running at large; the control and treatment of animals in general; and the control, treatment, and licensing of dogs in particular.

Chapter 91. Streets and Sidewalks. This chapter contains provisions governing streets and sidewalks in the areas of excavations and construction; road and bridge projects; and obstructions.

Chapter 92. Nuisances. This chapter contains provisions governing conditions which constitute nuisances and the procedure for abatement of nuisances.

Chapter 93. Fireworks and Explosives. This chapter contains regulations dealing with fireworks, explosives, and fire prevention.

Chapter 94. Littering. This chapter contains regulations dealing with littering, hauling loose materials, and posting notices.

TITLE XI: BUSINESS REGULATIONS

Chapter 110. General Licensing Provisions. This chapter contains general provisions dealing with the licensing of trades, businesses, and professions in the city.

Chapter 111. Prohibited Business and Commercial Activities. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to business and commercial activities and the appropriate penalty classes.

Chapter 112. Peddlers, Itinerant Merchants, and Solicitors. This chapter contains provisions dealing with the licensing and regulation of peddlers, itinerant merchants, and solicitors.

TITLE XIII: GENERAL OFFENSES

Chapter 130. Offenses Against Persons. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to offenses against persons and the appropriate penalty classes.

Chapter 131. Family Offenses. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to offenses against the family and the appropriate penalty classes.

Chapter 132. Offenses Against Property. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to offenses against property and the appropriate penalty classes.

Chapter 133. Offenses Against Public Morals. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to offenses against public morals and the appropriate penalty classes.

Chapter 135. Offenses Against Public Administration and Justice.

This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to public administration and justice and the appropriate penalty classes.

Chapter 136. Offenses Against Public Order. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to public order and the appropriate penalty classes.

Chapter 137. Sexual Offenses. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to sexual offenses and the appropriate penalty classes.

Chapter 138. Inchoate Offenses. This chapter lists references to sections of the Kentucky Penal Code (KRS Chapters 500 through 534) which relate to inchoate offenses and the appropriate penalty classes.

Chapter 139. General Penalty for Title XIII. This chapter sets out statutory provisions governing fines and imprisonment for misdemeanors and felonies listed in Title XIII.

Section 3. A copy of the Kentucky Basic Code, as adopted, shall accompany this ordinance and shall be made a part of the permanent records of the city pursuant to KRS 83A.060(5).

Section 4. This ordinance shall be published in accordance with KRS 83A.060(9) and shall become effective at the earliest date as provided by law.

Passed: 2-18-87

Attest: _____

Mayor

Judy Bonar /s/ _____

City Clerk Clerk

Published 2-26-87

1st reading 1-28-87

2nd reading 2-18-87

ORDINANCE NO. 88-1

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF AUGUSTA, KY.

WHEREAS, American Legal Publishing Company of Cincinnati, Ohio has completed the 1987 S-1 Supplement to the Code of Ordinances of the City of Augusta, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Company 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 Code; and

WHEREAS, adoption of these recommendations would bring those sections of the Code of Ordinances of the City of Augusta into conformance with the Kentucky Code; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Augusta, State of Kentucky:

SECTION 1. That the 1987 S-1 Supplement to the Code of Ordinances of the City of Augusta, Ky. as submitted by American Legal Publishing Company 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.

Passed this 17th day of February, 1988.

1st Reading: January 20, 1988

2nd Reading: February 17, 1988 Isaac A. Weldon /s/

Mayor

ATTEST:

Judy Bonar /s/

City Clerk/Treasurer

ORDINANCE NO. 2001-09

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

WHEREAS, Burlington Publishing Systems, Florence, Kentucky, has completed the 2001 S-6 Supplement to the Code of Ordinances of the City of Augusta, which supplement contains all ordinances of a general nature enacted since the adoption of the 2000 S-5 Supplement to the Code of Ordinances of this municipality; and

WHEREAS, said Burlington Publishing Systems has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky code; and

WHEREAS, it is the intent of the 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 Council of the City of Augusta, Commonwealth of Kentucky:

SECTION 1. That the 2001 S-6 Supplement to the Code of Ordinances of the City of Augusta, as submitted by Burlington Publishing Systems, 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.

/s/ Wendell High

Mayor

ATTEST: /s/ Gretchen England

City Clerk

Date of First Reading: 10/17/01

Date of Second Reading: 11/21/01

Date of Publication: 12/5/01

ORDINANCE NO. 2003-04

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

WHEREAS, Burlington Publishing Systems, Florence, Kentucky, has completed the 2002 S-7 Supplement to the Code of Ordinances of the City of Augusta, which supplement contains all ordinances of a general nature enacted since the adoption of the 2001 S-6 Supplement to the Code of Ordinances of this municipality; and

WHEREAS, said Burlington Publishing Systems has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Kentucky code; and

WHEREAS, it is the intent of the 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 Council of the City of Augusta, Commonwealth of Kentucky:

SECTION 1. That the 2002 S-7 Supplement to the Code of Ordinances of the City of Augusta, as submitted by Burlington Publishing Systems, 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.

/s/ John Laycock

Mayor

ATTEST: /s/ Gretchen Usleaman

City Clerk

Date of First Reading: 10/16/02

Date of Second Reading: 5/21/03

ORDINANCE NO. 2003-13

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2003 S-8 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky code; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2003 S-8 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 25th day of September, 2003.

Passed on First Reading September 17, 2003

Adopted on Second reading September 17, 2003

Signed by Mayor September 25, 2003

Published in the paper October 2, 2003

Recorded by Clerk September 25, 2003

/s/ John Laycock

Mayor

ATTEST: /s/ Gretchen England

Gretchen England, City Clerk/Treasurer

ORDINANCE NO. 2004-23

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2004 S-9 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky code; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2004 S-9 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 17th day of November, 2004.

Passed on First Reading October 20, 1994

Adopted on Second reading November 17, 2004

Signed by Mayor November 22, 2004

Published in the paper December 2, 2004

Recorded by Clerk November 22, 2004

/s/ John Laycock

Mayor

ATTEST: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2005-08

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2005 S-10 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2005 S-10 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 23rd day of November, 2005.

Passed on First Reading October 10, 2005

Adopted on Second reading November 16, 2005

Signed by Mayor November 28, 2005

Published in the paper December 1, 2005

Recorded by Clerk November 28, 2005

/s/ John Laycock

Mayor

ATTEST: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2008-01

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2008 S-12 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2008 S-12 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 12th day of March, 2008.

Passed on First Reading February 20, 2008

Adopted on Second reading March 2, 2008

Signed by Mayor March 13, 2008

Published in the paper March 20, 2008

Recorded by Clerk March 13, 2008

/s/ Wendell High

Mayor

ATTEST: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2009-03

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2009 S-12 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2009 S-12 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 19th day of August, 2009.

Passed on First Reading 07-15-09

Adopted on Second reading 08-19-09

Signed by Mayor 09-14-09

Published in the paper 09-17-09

Recorded by Clerk 09-14-09

/s/ John Laycock

Mayor

ATTEST: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2013-03

CITY OF AUGUSTA, KENTUCKY

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2013 S-15 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2013 S-15 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 21st day of August, 2013.

Passed on First Reading 07-17-13

Adopted on Second reading 08-21-13

Signed by Mayor 08-22-13

Published in the paper 09-5-13

Recorded by Clerk 09-5-13

/s/ John Laycock

Mayor

ATTEST: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2017-03

CITY OF AUGUSTA, KENTUCKY

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2017 S-17 Supplement to the Code of Ordinances of the City of Augusta, 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 reference to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the 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 Augusta:

SECTION 1. That the 2017 S-17 Supplement to the Code of Ordinances of the City of Augusta, as submitted by American Legal Publishing Corporation, 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 17th day of May, 2017.

Passed on First Reading 4-19-17

Adopted on Second reading 5-17-17

Signed by Mayor 5-18-17

Published in the paper 5-25-17

Recorded by Clerk 5-18-17

/s/ Wendell High

Mayor

ATTEST: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2018-05

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2018 S-18 supplement to the Code of Ordinances of the City of Augusta, 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 Augusta:

SECTION 1. That the 2018 S-18 supplement to the Code of Ordinances of the City of Augusta, 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 the effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 19th day of September 2018.

Passed on First Reading 8-15-18

Adopted on Second Reading 9-19-18

Signed by Mayor 10-8-18

Recorded by Clerk 10-8-18

Published in the paper 10-11-18

ORDINANCE NO. 2019-9

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2019 S-19 supplement to the Code of Ordinances of the City of Augusta, 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 Augusta:

SECTION 1. That the 2019 S-19 supplement to the Code of Ordinances of the City of Augusta, 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 the effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 17th day of July 2019.

Passed on First Reading June 19, 2019

Adopted on Second Reading July 17, 2019

Signed by Mayor July 18, 2019

Recorded by Clerk July 25, 2019

Published in the paper July 18, 2019

/s/ Michael C. Taylor

Michael C. Taylor, Mayor

Attest: /s/ Gretchen Usleaman

Gretchen Usleaman, City Clerk/Treasurer

ORDINANCE NO. 2021-6

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2021 S-21 supplement to the Code of Ordinances of the City of Augusta, 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 Augusta:

SECTION 1. That the 2021 S-21 supplement to the Code of Ordinances of the City of Augusta, 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 the effect and be in force from and after its date of passage, approval and publication as required by law.

Passed this 15th day of September, 2021.

Passed on First Reading 08-18-21

Adopted on Second Reading 09-15-21

Signed by Mayor 09-16-21

Published in the paper 09-23-21

Recorded by Clerk 09-16-21

/s/ Michael C. Taylor

MICHAEL C. TAYLOR, MAYOR

Attest: /s/ Gretchen Usleaman

GRETCHEN USLEAMAN, CITY CLERK/TREASURER

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

10.01 Short titles

- 10.02 Definitions
- 10.03 Rules of construction
- 10.04 Computation of time
- 10.05 Majority may act for all; authorized agent
- 10.06 Writings and signatures
- 10.07 Severability
- 10.08 Revivor
- 10.09 Rights and liabilities accruing before repeal of ordinance
- 10.10 Construction of section references
- 10.11 Ordinances repealed
- 10.12 Ordinances unaffected
- 10.13 Ordinances saved
- 10.14 Amendments to code; amendatory language
- 10.15 Conflicting provisions
- 10.16 Reference to offices
- 10.17 Errors and omissions
- 10.18 Historical and statutory references

- 10.99 Penalty

§ 10.01 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 Augusta 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 titling and registration information on vehicles and boat and information on holders of motor vehicle operator's licenses and personal identification cards.

(KRS 446.010(55))

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

"COMPANY." May extend and be applied to any corporation, company, person, partnership, joint stock company, or association.

(KRS 446.010(9))

“CORPORATION.” May extend and be applied to any corporation, company, partnership, joint stock company, or association.

(KRS 446.010(10))

“COUNCIL.” The city legislative body.

(KRS 83A.010(5))

“COUNTY.” Bracken County, Kentucky.

“CRUELTY.” As applied to animals, includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted.

(KRS 446.010(12))

“DIRECTORS.” When applied to corporations, includes managers or trustees.

(KRS 446.010(13))

“DOMESTIC.” When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state.

(KRS 446.010(14))

“DOMESTIC ANIMAL.” Any animal converted to domestic habitat.

(KRS 446.010(15))

“EXECUTIVE AUTHORITY.” The Mayor.

(KRS 83A.010(6))

“EXECUTIVE ORDER.” An order issued by the mayor which is binding upon the officers and employees of the city and any governmental agency over which the city has jurisdiction.

(KRS 83A.010(7))

“FEDERAL.” Refers to the United States.

(KRS 446.010(17))

“FOREIGN.” When applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state.

(KRS 446.010(18))

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

“KRS.” Kentucky Revised Statutes.

“LAND” or “REAL ESTATE.” Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest.

(KRS 446.010(23))

“LEGISLATIVE BODY.” The City Council.

(KRS 91A.010(7))

“LEGISLATIVE BODY MEMBER.” A City Councilman.

(KRS 83A.010(7))

“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))

“MISDEMEANOR.” An offense for which the criminal fine can not exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1) or both.

(KRS 83A.065)

“MONTH.” Calendar month.

(KRS 446.010(27))

"MUNICIPAL ORDER." An official act of the City Council which is binding upon the officers and employees of the city and any governmental agency over which the municipality has jurisdiction.

(KRS 83A.010(9))

"MUNICIPALITY." The City of Augusta, Kentucky.

"OATH." Includes "AFFIRMATION" in all cases in which an affirmation may be substituted for an oath.

(KRS 446.010(28))

"OFFICER." Any person elected to a position by the voters or any person appointed to a position which:

- (1) Is created by the Constitution, the General Assembly, or a city;
- (2) Possesses a delegation of a portion of the sovereign power of government;
- (3) Has powers and duties to be discharged which are conferred directly or by implication by the city;
- (4) Has duties performed independently and without control of a superior power other than the law;
- (5) Has some permanency;
- (6) Requires an official oath;
- (7) Is assigned by a commission or other written authority; and
- (8) Provides for an official bond if required by proper authority.

(KRS 83A.010(10))

"ORDINANCE." An official act of a city legislative body, which is a regulation of a general and permanent nature and enforceable as a local law or is an appropriation of money.

(KRS 83A.010(11))

"PARTNERSHIP." Includes both general and limited partnerships.

(KRS 446.010(30))

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

(KRS 446.010(31))

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

(KRS 446.010(33))

"PERSONAL PROPERTY." Includes all property except real.

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

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

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

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

"REAL PROPERTY." Includes lands, tenements, and hereditaments.

"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))

"RESOLUTION." An expression of the opinion, will or policy of the legislative body on some matter of ministerial business which has come before the body. (While an ordinance, and to a large extent a municipal order, involves a distinctly legislative act, a resolution is a less formal mechanism for dealing with matters of a special or temporary character.)

"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 an underlined heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

"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, or district, or otherwise.

(KRS 446.010(46))

"VIOLATE." Includes failure to comply with.

(KRS 446.010(47))

"VIOLATION." An offense for which the criminal fine can not exceed the amount set forth in KRS 534.040(2)(c).

(KRS 83A.065)

"YEAR." Calendar year.

(KRS 446.010(49))

§ 10.03 RULES OF CONSTRUCTION.

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

(KRS 446.020 (1))

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

(KRS 446.020 (2))

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

(KRS 446.080 (1))

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

(KRS 446.080 (3))

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

(KRS 446.080 (4))

§ 10.04 COMPUTATION OF TIME.

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

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

(C) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month

and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday.

(KRS 446.030)

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

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

(KRS 446.050)

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

§ 10.06 WRITINGS AND SIGNATURES.

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

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

(KRS 446.060)

§ 10.07 SEVERABILITY.

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

(KRS 446.090)

§ 10.08 REVIVOR.

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

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

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

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

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

(KRS 446.100)

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

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

(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

(B) References in the code to action taken or authorized under designated sections of the code include, in every case,

action taken or authorized under the applicable legislative provision which is superseded by this code.

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

§ 10.11 ORDINANCES REPEALED.

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

§ 10.12 ORDINANCES UNAFFECTED.

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

§ 10.13 ORDINANCES SAVED.

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

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

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

Cross-reference:

Form of amendment, see § 32.04

§ 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 of fine or imprisonment is otherwise provided, the offender shall be fined not more than \$500 for each offense or violation.

TITLE III: ADMINISTRATION

Chapter

- 30. MAYOR-COUNCIL PLAN
- 31. CITY OFFICIALS
- 32. CITY COUNCIL
- 33. FINANCE AND REVENUE
- 34. PUBLIC RECORDS
- 34A. PUBLIC MEETINGS
- 35. DEPARTMENTS, BOARDS, AND COMMISSIONS
- 36. TAXATION
- 37. HUMAN RESOURCES
- 38. CODE OF ETHICS

CHAPTER 30: MAYOR-COUNCIL PLAN

Section

- 30.01 Form of government
- 30.02 Governing officers

§ 30.01 FORM OF GOVERNMENT.

The form of government provided for this city shall be known as the "Mayor-Council Plan."

(KRS 83A.130 (1)) (Ord. 82-10, passed 6-17-82)

§ 30.02 GOVERNING OFFICERS.

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

(KRS 83A.130 (2))

(B) The City Council shall be composed of six members.

(KRS 83A.030 (1)) (Ord. 82-10, passed 6-17-82)

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

- 31.01 Oath of office
- 31.02 Bond
- 31.03 Compensation

31.04 Removal from office

Elected Officials

31.20 Election procedure

31.21 Mayor

31.22 Councilmembers

Nonelected City Officials

31.35 Establishment of nonelected city offices

31.36 City Clerk/Treasurer

31.37 Superintendent of Public Works

GENERAL PROVISIONS

§ 31.01 OATH OF OFFICE.

(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 the United States and the Constitution of this Commonwealth, 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 State, 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) Certification of oath. The person administering the oath of office to an elected official shall certify in writing that the oath was administered and the date of its administration. The written certification shall be filed in accordance with KRS 62.020.

§ 31.02 BOND.

(A) All officers, officials and employees of cities, counties, urban-county governments, charter county governments and special districts who handle public funds in the execution of their duties shall give a good and sufficient bond to the local governing body for the faithful and honest performance of his or her duties and as security for all money coming into that person's hands or under that person's control. The bond amount shall be based upon the maximum amount of public funds the officer, official or employee handles at any given time during a fiscal year cycle. The local governing body shall pay the cost of the bond.

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

(KRS Chapter 65)

§ 31.03 COMPENSATION.

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

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

(2) The City Council shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the Department for Local Government.

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

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

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

Statutory reference:

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

§ 31.04 REMOVAL FROM OFFICE.

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

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

Statutory reference:

Removal of elected officers, see KRS 83A.040 (6)

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

ELECTED OFFICIALS

§ 31.20 ELECTION PROCEDURE.

(A) All elections for city offices, as defined in KRS 83A.010(9) shall be nonpartisan.

(B) The provisions of KRS 83A.170 relating to non-partisan elections are incorporated herein and made a part hereof by reference.

(C) The city hereby foregoes conducting a non-partisan primary election for the nomination of candidates to the city office, regardless of the number of candidates running for each office, and requires that all candidates 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. All nomination papers should be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed.

(D) The election of candidates equal to the number of city offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected.

(E) The number of candidates equal to the number of city offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected.

(F) Candidates shall be subject to all other applicable election laws pursuant to KRS Chapters 116 to 121 and 83A.

(G) If a vacancy occurs in a candidacy for city office after the expiration of time for filing nomination papers, or if there are fewer candidates than there are officers to be filled, the vacancy shall be filled by write-in voting.

(H) 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.

(I) 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.

(J) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance, except that the offices of Mayor and City Councilmembers may not be abolished.

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

(L) 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.

(M) The city may not create any elected office. Existing elected offices may be continued under provision of divisions (J), (K), and (L) above, but no existing elected office may be changed.

(Ord. 2000-4, passed 8-16-00)

Statutory reference:

Election of city officers, see KRS 83A.050

Creation, abolishment of city offices, see KRS 83A.080 (3), (4)

Election to fill unexpired term of city office, see KRS 83A.165

§ 31.21 MAYOR.

(A) Election; term of office. The Mayor of this city shall be elected by the voters of the city at a regular election. His term of office shall begin on the first day of January following his election and shall be for four years and until his successor qualifies.

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

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

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

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

(KRS 83A.040 (3))

(3) No vacancy by reason of a voluntary resignation in the office of Mayor shall occur unless a written resignation which specifies the resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special legislative meeting occurring after the date specified in the written letter of resignation.

(KRS 83A.040 (7))

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

(KRS 83A.040 (8))

(5) The City Council shall elect from among its members an individual to preside over meetings of the City Council during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130. (KRS 83A.040 (1),(2),(6))

(D) Powers and duties.

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

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

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

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

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

(KRS 83A.130 (7))

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

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

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

(b) The acting Councilmember who received the most votes in the last election is selected to preside at Council meetings in the absence or disability of the Mayor. While presiding in place of the Mayor, such Councilmember shall not lose his or her status as a member of Council and may continue to introduce legislation and vote on any issue. (KRS 83A.130 (10))

(E) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020 or 39A.030, which in the judgment of the local chief executive officer is of such severity or

complexity as to require the exercise of extraordinary emergency measures, the Mayor, or in the event the Mayor is temporarily absent or disabled, the acting Councilmember who received the most votes in the last election, may declare in writing that an emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:

(1) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the city;

(2) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;

(3) To declare curfews and establish their limits;

(4) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods or services essential for protection of public health and safety or to maintain or to restore essential public services; and

(5) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.

(Am. Ord. 2003-3, passed 4-10-03; Am. Ord. 2003-7, passed 6-18-03)

Statutory reference:

State of emergency, see KRS 39A.100

§ 31.22 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

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

- (1) Title of office;
- (2) Powers and duties of office;
- (3) Oath of office;
- (4) Bond, if required; and
- (5) Compensation.

(B) All nonelected city officers shall be appointed by the Mayor with the approval of City Council.

(C) All nonelected officers may be removed by the Mayor at will unless otherwise provided by statute or ordinance. Upon removal of a nonelected officer at will, the Mayor 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 Mayor.

(D) The following are nonelected city offices:

- (1) City Clerk/Treasurer.
- (2) Superintendent of Public Works.
- (3) Chief of Police.

(Ord. 83-3, passed 6-21-83; Am. Ord. 2020-02, passed 6-23-20)

Statutory reference:

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

§ 31.36 CITY CLERK/TREASURER.

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

(B) The office of City Clerk is hereby combined with the office of City Treasurer.

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

- (1) Maintenance and safekeeping of the permanent records of the city.
- (2) Performance of the duties required of the "official custodian" or "custodian" pursuant to KRS 61.870 through 61.882.
- (3) Possession of the seal of the city if used.

(4) Under the supervision of the Mayor, the position is responsible for the overall financial management of the city, including but not limited to: billing, collecting, and accounting of all city revenues; accounting of all city expenditures (including payroll and purchasing); review of the daily status of accounts; reconciliation of monthly bank statements; the preparation of quarterly financial reports, and assisting in the preparation of budgets.

(5) Receiving, recording, and forwarding of all complaints or requests for city services from citizens to the appropriate agency or the Mayor for action; preparation of gas loss reports; initiation of correspondence on behalf of the city; and whatever other duties or functions may at times be seen as necessary for the proper operation of the department or the city.

(6) No later than January 31 of each year, mail to the Department for Local Government, a list containing current city information including, but no limited to, the following:

(a) The correct name of the mayor, legislative body members, and the following appointed officials who are serving as of January 1 of each year:

1. City Clerk;
2. City Treasurer;
3. City Manager;
4. City Attorney;
5. Finance Director;
6. Police Chief;
7. Fire Chief; and
8. Public Works Director.

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

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

(7) Performance of any other duties and responsibilities required of the City Clerk or Treasurer by statute or ordinance.

(KRS 83A.085) (Ord. 83-3, passed 6-21-83) (Ord. 81-10, passed 4-27-81)

(D) The Clerk/Treasurer shall perform the duties of Tax Collector as set out in §36.02.

(Ord. 58-3, passed 1-20-58)

(E) Minimum qualifications are as follows:

(1) Training and experience shall consist of graduation from high school or its equivalent, or five years of more of experience in a given area, supplemented by four years of college level training in public or business administration, two years experience in a responsible administrative position, two years of responsible accounting experience in a government or commercial position, or any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.

(2) Special knowledge, skills, and abilities as set forth in this section may be required. Considerable knowledge of municipal accounting and budgeting principles and practices, and a familiarity with the statutory requirements of KRS Chapter 92 is desirable. The Clerk/Treasurer must have the ability to initiate and follow through on a progressive municipal financial program, record and maintain minutes of Council meetings, effectively supervise employees, and establish and maintain good relations with the public, and fellow city employees.

(Ord. 81-10, passed 4-27-81; Am. Ord. 91-1, passed 2-20-91)

(F) 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.

§ 31.37 SUPERINTENDENT OF PUBLIC WORKS.

(A) The office of Superintendent of Public Works is hereby established.

(Ord. 83-3, passed 6-21-83)

(B) The Superintendent of Public Works shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(C) No person shall be appointed or act as the Superintendent of Public Works unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond, if required by the city, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(D) The compensation of the Superintendent of Public Works shall be in an amount to be established by City Council by ordinance, in accordance with § 31.02 of this code.

(E) The position is directly responsible to the Mayor for the administration and coordination of the activities performed by the employees within the department. The person filling this position will, on occasion, represent the city in an official capacity when requested to do so by the Mayor. The person holding this position is responsible for the proper maintenance of the physical plant of the city, including but not limited to, all gas, water, and sewer lines, the sewage and water treatment plants, city streets and sidewalks, and all other properties of the city for which the department is assigned responsibility. The position is responsible for the supervision of all maintenance or construction of the physical plant, ensuring compliance with all state and federal regulations for water and sewage treatment, and performs whatever other duties and/or functions may at times be seen as necessary for the proper operation of the department or the city.

(F) Minimum qualifications are the following:

(1) Training and experience shall consist of graduation from high school or its equivalent, or experience in a given area of five years or more, supplemented by four years of college level training in public or business administration, civil engineering, or a related field, two years experience in a responsible administrative position, two years experience in public utilities, or any equivalent combination of training and experience which provides the required knowledge, skills, and abilities. A Class II C-D Water Treatment and a Class II C-D Water Distribution and a Class I Wastewater Treatment Certification is mandatory for this position.

(2) Special knowledge, skills, and abilities required are extensive knowledge of modern water treatment and gas utility principles and practices; comprehensive knowledge of water distribution and sewage collection systems; good knowledge of modern road repair and resurfacing techniques; ability to plan and supervise the work of others; good professional and administrative judgment; and an ability to establish and maintain good relations with the public and fellow city employees.

(Ord. 81-10, passed 4-27-81; Am. Ord. 91-1, passed 2-20-91)

CHAPTER 32: CITY COUNCIL

Section

General Provisions

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

Rules of Procedure

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

Ordinances

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

- 32.46 Municipal orders
- 32.47 Proved by Clerk; received in evidence
- 32.48 Legislative immunity

GENERAL PROVISIONS

§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) Election; term of office. Each Councilmember shall be elected at-large by the voters of the city at a regular election. Terms of office shall begin on the first day of January following the election and shall be for two years, except as provided by § 31.20.

(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),(5))

(C) Compensation. The compensation for the elected office of City Councilperson of the City of Augusta, Kentucky for the two-year term of office commencing on January 1, 2019, and terms thereafter, shall be \$100 per month.

(Ord. 82-10, passed 6-17-82; Am. Ord. 14-1, passed 4-16-14; Am. Ord. 2018-02, passed 3-21-18)

§ 32.02 VACANCIES.

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

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

(KRS 83A.040 (7))

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

(KRS 83A.040(8))

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

(KRS 83A.040(5))

Statutory reference:

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

§ 32.03 POWERS AND DUTIES.

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

(KRS 83A.130 (11))

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

(KRS 83A.130 (12))

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

(KRS 83A.130 (12))

(D) The Council may investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless and until written notice of the Council's action is given to the Mayor. The Mayor may review any statement before submission to the Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation.

(KRS 83A.130 (13))

RULES OF PROCEDURE

§ 32.20 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Council.

(1) Whenever there is a quorum of the City Council at any regularly scheduled meeting or at any specially called meeting which has been legally called and for which all Councilmembers and the Mayor have been duly notified, should the Mayor be absent from the meeting, Council shall from among its members select one member to preside at the meeting in place of the Mayor as follows:

(a) The Clerk/Treasurer shall select the name of a Councilmember. That Councilmember shall nominate any member of the Council present as Presiding Officer Pro Tem.

(b) Upon the nomination, all Councilmembers present shall vote upon acceptance or rejection of the nomination, with a simple majority voting in favor constituting acceptance.

(c) If the initial nomination is rejected, the Clerk/Treasurer shall select the name of another Councilmember at random, and the above process will begin anew.

(2) The Presiding Officer so selected shall call the official meeting to order, and instruct the Clerk/Treasurer to record the fact that the Mayor is absent and which Councilmember was duly selected under this section to preside.

(3) The meeting shall then proceed as usual.

(Ord. 80-20, passed 12-17-80)

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that he may cast the deciding vote in case of a tie.

(KRS 83A.130 (5))

Statutory reference:

Authority to designate Presiding Officer in absence of Mayor, see KRS 83A.130(5)

Cross-reference:

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

§ 32.21 MEETINGS.

(A) Regular meetings of the Council shall be held at the Augusta Community Center, 114 Bracken Street, Augusta, Kentucky, at 6:30 p.m. E.S.T. or E.D.T., whichever is in effect, on the third Wednesday of the month. In the event the regular meeting must be held elsewhere, the City Clerk shall so notify the public by placing a notice on the door of the City Building as well as on both doors of the Augusta Community Center, stating the time and location of the meeting.

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

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

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting.

(KRS 83A.130 (11)) (Ord. 82-2, passed 2-24-82; Am. Ord. 86-3, passed 1-29-86; Am. Ord. 2005-01, passed 1-19-05; Am. Ord. 2009-02, passed 2-18-09; Am. Ord. 2017-02, passed 3-1-17)

§ 32.22 QUORUM.

Unless otherwise provided by statute, a majority of the Council constitutes a quorum and a vote of a majority of a quorum is sufficient to take action.

(KRS 83A.060 (6))

ORDINANCES

§ 32.35 ONE SUBJECT; TITLE.

Each ordinance shall embrace but one subject and shall have a title which clearly states the subject.

(KRS 83A.060 (1))

§ 32.36 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause styled "Be it ordained by the City of Augusta."

(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 Council may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of § 32.43 shall be complied with within ten days of the enactment of the emergency ordinance.

(KRS 83A.060 (4),(7))

§ 32.39 APPROVAL, DISAPPROVAL BY MAYOR.

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

(B) No ordinance shall take effect without the Mayor's approval unless he fails to return it to the legislative body within ten days after receiving it or unless the Council votes to override the Mayor's veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one more than a majority of the membership.

(KRS 83A.130 (6))

§ 32.40 ADOPTION OF STANDARD CODES BY REFERENCE.

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

(KRS 83A.060 (5))

§ 32.41 OFFICIAL CITY RECORDS.

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

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

(KRS 83A.060 (8))

§ 32.42 INDEXING AND MAINTENANCE REQUIREMENTS.

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

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

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

(KRS 83A.060 (8))

§ 32.43 PUBLICATION REQUIREMENTS.

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

(B) The publication requirements for ordinances, including all bond and zoning ordinances, may be satisfied by publication in full or in summary as designated by Council.

(C) The requirements for summary publication may be satisfied by publication of the title, 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 the full text of each section that imposes taxes, or fees prepared and certified by an attorney licensed to practice law in the Commonwealth of Kentucky.

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

(KRS 83A.060 (9))

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

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

(KRS 83A.060 (10))

§ 32.45 PERIODIC REVIEW REQUIRED.

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

(KRS 83A.060 (11))

§ 32.46 MUNICIPAL ORDERS.

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

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

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

§ 32.47 PROVED BY CLERK; RECEIVED IN EVIDENCE.

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

(KRS 83A.060 (14))

§ 32.48 LEGISLATIVE IMMUNITY.

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

(KRS 83A.060 (15))

Statutory reference:

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

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

33.01 Definitions

33.02 Accounting records and financial reports

33.03 Annual budget ordinance

33.04 Annual audit of city funds

33.05 Official depositories; disbursement of city funds

- 33.06 Fiscal year
- 33.07 Fees earned by city employees to be deposited into General Fund

Improvements

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

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

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

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

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

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

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

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

(KRS 91A.010 (6))

"GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING." Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board.

(KRS 91A.010 (7))

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

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

- (1) Determine compliance with statutory provisions;
- (2) Determine fairly and with full disclosure the financial operations of constituent funds and account groups of the city in conformity with generally accepted governmental accounting principles; and
- (3) Readily provide such financial data as may be required by the federal revenue sharing program.

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

(KRS 91A.020)

§ 33.03 ANNUAL BUDGET ORDINANCE.

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

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

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

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

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

(F) The budget proposal, in the form of a budget appropriations ordinance, shall be presented to the Council for its consideration by the Mayor.

(1) Presentation shall be a least 30 days prior to the beginning of the next fiscal year, as required by KRS 91A.030(7).

(2) Revenues and expenditures shall be presented in summary form by fund account, and where deemed appropriate by the Mayor, expenditures shall be shown in summary form by department.

(G) A budget message shall be submitted by the Mayor to Council, at the same meeting as the budget appropriations ordinance. The budget message shall, in accordance with KRS 91a.030(7), contain the following:

(1) An explanation of the goals fixed by the budget for the coming fiscal year;

(2) Explanations of important features of the activities anticipated in the budget;

(3) The reasons for stated changes from the previous year in program goals, programs, and appropriation levels;

(4) Explanations of any major changes in fiscal policy;

(5) Detailed summaries of revenue sources by fund account; and

(6) Detailed summaries of expenditures by departments and fund accounts.

(Ord. 81-6, passed 2-26-81)

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

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

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

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

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

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

(M) No city agency, or member, director, officer, or employee thereof, 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) Each city shall, after the close of each fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audit shall be completed by February 1 immediately following the fiscal year being 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 March 1 immediately following the fiscal year being audited.

(B) Any city, which for any fiscal year receives and expends, from all sources and for all purposes, less than seventy-five thousand dollars (\$75,000), and which has no long-term debt, whether general obligation or revenue debt, shall not be required to audit each fund of the city for that particular fiscal year. Each city exempted in accordance with this division shall 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 (1) electronic copy to the Department for Local Government for information purposes.

(C) If a 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 division (A) 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) Each city required by this section to conduct an annual or biennial audit shall enter into a written contract with the

selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include but not be limited to requirements that:

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

(2) The auditor shall include in the annual or biennial 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 or biennial audit report that the funds were expended for the purpose intended;

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

(4) The auditor 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 city legislative body at a regular or special meeting; and

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

(F) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to a 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 thirty (30) days after the presentation of an audit to the city legislative body, publish an advertisement in accordance with KRS Chapter 424 containing:

(1) The auditor's opinion letter;

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

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

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

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

(6) A statement that copies of the financial statement prepared in accordance with KRS 424.220, when a financial 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 the 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 fifty dollars (\$50) nor more than five hundred dollars (\$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 fifty dollars (\$50) nor more than five hundred dollars (\$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 a city from completing and submitting a required audit or financial statement in compliance with the applicable deadlines in division (A) 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 for Local Government. The Department for Local Government shall approve the request if it is submitted on or before the applicable deadline, and in the judgment of the Department for Local Government the request is warranted by extenuating circumstances beyond the control of the city. Extensions granted under this subsection shall not exceed nine (9) months from the original due date of the audit or financial statement. If the Department for Local Government 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 (I) of this section shall apply.

(J) If a city fails to complete an audit or financial statement and submit it to the Department for Local Government as required in division (A) and division (H) of this section, the Department for Local Government 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 for Local Government shall immediately notify the Finance and Administration Cabinet when the city complies

with the requirements of division (A) and division (H) of this section 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 non-compliance.

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

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

(KRS 91A.060)

§ 33.06 FISCAL YEAR.

The fiscal year of the city shall begin on July 1 of each year and end on June 30 of each year.

(Ord. 74-7, passed 8-14-74)

§ 33.07 FEES EARNED BY CITY EMPLOYEES TO BE DEPOSITED INTO GENERAL FUND.

(A) All fees or other benefits received by any employee or officer of the city received from any source whatsoever other than from the city for the performance of official duties as described in the city job descriptions shall be turned over to the City Clerk/Treasurer, who shall liquidate same and deposit the proceeds therefrom to the General Fund.

(B) Medals, pins, plaques, ribbons, and trophies are exempted from the requirements of this section.

(Ord. 81-3, passed 2-26-81)

IMPROVEMENTS

§ 33.10 DEFINITIONS.

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

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

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

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

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

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

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

"PROPERTY." Any real property benefited by an improvement.

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

"SQUARE FOOT BASIS." The apportionment of cost of an improvement according to the ratio the square footage of individual parcels of property bears to the square footage of all such property.

(KRS 91A.210)

§ 33.11 FINANCING OF IMPROVEMENTS.

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

(KRS 91A.200)

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

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

(KRS 91A.220)

§ 33.12 APPORTIONMENT OF COST.

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

(KRS 91A.230)

§ 33.13 COMPREHENSIVE REPORT REQUIRED.

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

(A) The nature of the improvement;

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

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

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

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

(KRS 91A.240)

§ 33.14 PUBLIC HEARING REQUIRED.

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

(A) The nature of the improvement;

(B) Description of area of the improvement;

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

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

(E) Time and place of the hearing.

(KRS 91A.250)

§ 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

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

(KRS 91A.260)

§ 33.16 AFFECTED OWNER MAY CONTEST.

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

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

(KRS 91A.270)

§ 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

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

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

(KRS 91A.280)

§ 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

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

(KRS 91A.290)

CHAPTER 34: PUBLIC RECORDS

Section

General

34.01 Definitions

Procedures for Requesting Public Records

34.05 Initial request with immediate inspection

34.06 Referral to proper custodian

34.07 Public records not immediately available

34.08 Refusal of unreasonable requests

34.09 Time limitation; denial of inspection

34.10 Concealing or destroying records prohibited

34.11 Access to records relating to particular individual

34.12 Public records protected from disclosure

GENERAL

§ 34.01 DEFINITIONS.

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

"BOOKING PHOTOGRAPH AND PHOTOGRAPHIC RECORD OF INMATE." A photograph or image of an individual, generated by law enforcement for identification purposes when the individual is booked into a detention facility, as defined in KRS 520.010, or a photograph and image of an inmate taken pursuant to KRS 196.099.

"CITY." The city government of Augusta, Kentucky.

"COMMERCIAL PURPOSE." The direct or indirect use of any public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. "COMMERCIAL PURPOSE" shall not include publication or related use of a public record by a newspaper or periodical; use of a public record by a radio or television station in its news or other informational programs; or 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 person custody and control of public records. The "CUSTODIAN" having personal custody of most of the public records of this city is the City Clerk/Treasurer.

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

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

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

"PERSON." A human being who makes a bodily appearance before the office of the custodian and makes a request for inspection of public records.

"PUBLIC AGENCY." Every city governmental board, commission, and authority; every city council and council board, commission and committee; every school district board, special district board, and municipal corporation; every city governmental agency, including the policymaking board of an institution of education created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act; any body created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government; any entity when the majority of its governing body is appointed by a "public agency", as defined by this section; a member or employee of a "public agency", a state or local officer, or any combination thereof; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created or controlled by a "public agency" as defined in this section; an interagency body of two (2) or more public agencies where each "public agency" is defined in this section.

(KRS 61.870)

"PUBLIC RECORDS." All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a public agency. "PUBLIC RECORDS" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs, or operations funded by state or local authority nor any records that have been excluded by § 34.12.

"REASONABLE FEE" or "FEE." The fair payment required by a public agency for making copies of non-exempt public records requested 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. 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.

"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 paragraphs (1) to (5) of this definition; or
- (7) A news-gathering organization as defined in KRS 189.635(8)(b)1.a. to e. (KRS 61.870)

"REQUEST." An oral petition by any person or, at the option of the custodian, the completion of a written application that clearly states the specific public record or records that are desired for inspection or duplication.

(KRS 61.870)

"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) As defined in § 34.01, and subject to the limitations set forth in §34.12, any resident of the Commonwealth desiring to inspect or copy the public records of the city shall complete a written application for such records at the office of the City Clerk/Treasurer during regular office hours, except during legal holidays. The City Clerk/Treasurer may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870. The written application shall be hand delivered, mailed, or sent via facsimile or e-mail to the City Clerk/Treasurer's office. The City Clerk/Treasurer shall not require the use of any particular form for the submission of an open records request, but shall accept for any request the standardized form developed under KRS 61.876. (KRS 61.872(2))

(B) If the custodian determines that a resident of the Commonwealth's request is in compliance with the open records law and the requested records are immediately available, the custodian shall deliver the records for inspection. Suitable facilities shall be made available in the office of the City Clerk/Treasurer for the inspection. No resident of the Commonwealth shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record. (KRS 61.872(1))

(C) A resident of the Commonwealth may inspect public records during the regular business hours of the city, or by receiving copies of the public records from the city through the mail if the applicant's residence or principal place of business is outside of the county in which the city is located and he has precisely described public records which are readily available within the city. If the resident of the Commonwealth requesting the public records requests that the records be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of mailing. (KRS 61.872(3))

(D) The applicant shall have the right to make abstracts of the public records and to obtain copies of all public records not exempted by this chapter. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee as defined in § 34.01 (KRS 61.874(1))

(E) 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.

(F) The minimum standard format in paper form shall be defined as not less than 8½ inches x 11 inches in at least one (1) 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 records may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request. (KRS 61.874(2)(b))

(G) 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. 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. The fee may be based on the cost to the public agency of media, mechanical processing and staff required to produce a copy of the public record or records or the cost to the public agency of the creation purchase, or the acquisition of the public records.

(KRS 61.874(4))

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

(1) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to subsection (G) of this section; or

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

(3) 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))

(I) Online access to public records in electronic form, as provided under this section, 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. Fees shall not exceed:

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

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

(KRS 61.874(6))

§ 34.06 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk/Treasurer does not have custody or control of the public record or records requested, the City Clerk/Treasurer shall so 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 so immediately notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed five (5) 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. (KRS 61.872(5))

§ 34.08 REFUSAL OF UNREASONABLE REQUESTS.

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

(KRS 61.872(6))

§ 34.09 TIME LIMITATION; DENIAL OF INSPECTION.

(A) If a person enforces this chapter pursuant to this section, he shall begin enforcement under this division before proceeding to enforcement under division (B) of this section. The official custodian, upon any request for records made under this chapter, shall determine, within five (5) 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 (5) 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(1))

(B) (1) If a complaining party wishes the Attorney General to review a public agency's denial of a request to inspect a public record, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection. If the public agency refuses to provide a written response, a complaining party shall provide a copy of the written request. The Attorney General shall review the request and denial and issue within twenty (20) days, excepting Saturdays, Sundays and legal holidays, a written decision stating whether the agency violated the provisions of this chapter.

(2) In unusual circumstances, the Attorney General may extend the twenty (20) day time limit by sending written notice to the complaining party and a copy to the denying agency, setting forth the reasons for the extension, and the day on which a decision is expected to be issued, which shall not exceed an additional thirty (30) work days, excepting Saturdays, Sundays, and legal holidays. As used in this section, "UNUSUAL CIRCUMSTANCES" means, but only to the extent reasonably necessary to the proper resolution of an appeal:

- (a) The need to obtain additional documentation from the agency or a copy of the records involved;
- (b) The need to conduct extensive research on issues of first impression; or
- (c) An unmanageable increase in the number of appeals received by the Attorney General.

(3) On the day that the Attorney General renders his decision, he shall mail a copy to the agency and a copy to the

person who requested the record in question. The burden of proof in sustaining the action shall rest with the agency, and the Attorney General may request additional documentation from the agency for substantiation. The Attorney General may also request a copy of the records involved, but they shall not be disclosed. (KRS 61.880(2))

(C) Each agency shall notify the Attorney General of any actions filed against that agency in Circuit Court regarding the enforcement of this chapter. The Attorney General shall not, however, be named as a party in any Circuit Court actions regarding the enforcement of this chapter, nor shall he have any duty to defend his decision in Circuit Court or any subsequent proceedings. (KRS 61.880(3))

(D) If a person feels the intent of this chapter is being subverted by an agency short of denial of inspection, including but not limited to the imposition of excessive fees, delay past the five (5) day period described in division (A) of this section, excessive extensions of time, or the misdirection of the applicant, the person may complain in writing to the Attorney General, and the complaint shall be subject to the same adjudicatory process as if the record had been denied. (KRS 61.880(4))

(E) (1) A party shall have thirty (30) days from the day that the Attorney General renders his decision to appeal the decision. An appeal within the thirty (30) day time limit shall be treated as if it were an action brought under KRS 61.882.

(2) If an appeal is not filed within the thirty (30) day time limit, the Attorney General's decision shall have the force and effect of law and shall be enforceable in the Circuit Court of the county where the public agency has its principal place of business or the Circuit Court of the county where the public record is maintained. (KRS 61.880(5))

(F) Upon the Attorney General's request, the agency will provide additional documentation.

(G) If upon request by the person seeking inspection, the Attorney General reviews the denial and issues a written opinion upholding, in whole or in part, the request for inspection, the requesting party may institute appeal proceedings within thirty (30) days for injunctive or declaratory relief in the circuit court. In addition, if the Attorney General disallows the request, or if the city continues to withhold the record notwithstanding the Attorney General's opinion, and the person seeking disclosure institutes proceedings in circuit court, the city shall notify the Attorney General of such action. (KRS 61.882)

§ 34.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

No official or employee 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 § 34.12 of these rules and regulations.

(KRS 61.884)

§ 34.12 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

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

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

(3) (a) Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if opened 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 (i) in conjunction with an application or the administration of a loan or grant; (ii) in conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154; (iii) 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 (iv) for the grant or review of a license to do business. These exemptions shall not, however, apply to records the disclosure or publication of which is directed by other statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

another statute or by federal law.

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

(a) A contract is awarded; or

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

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

(17) Communications of a purely personal nature unrelated to any governmental function; and

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

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

2. Any involved insurance company or its representative; or

3. The legal representative of any involved party;

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

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

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

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

(D) 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.

(E) 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.

(F) When material is made available pursuant to a request under division (A)(18) of this section, the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169, and the requesting parties shall not be limited in the number of times they may view the material. (KRS 61.878)

CHAPTER 34A: PUBLIC MEETINGS

Section

General

34A.01 Definitions

Public Meeting Requirements

34A.05 Meetings open to the public

34A.06 Requirements for closed sessions

34A.07 Public meeting schedules

34A.08 Special meetings

34A.09 Video teleconferences

34A.10 Enforcement

GENERAL

§ 34A.01 DEFINITIONS.

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

"ACTION TAKEN." A collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body.

(KRS 61.805(3))

"MEETING." All gatherings of every kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting.

(KRS 61.805(1))

"MEMBER." A member of the governing body of a public agency. "Member" does not include employees or licensees of the agency.

(KRS 61.805(4))

"PUBLIC AGENCY." Every city government board, commission, and authority; every city council and council board, commission and committee; every school district board, special district board, and municipal corporation; every city government agency, including the policy-making board of an institution of education created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act; any body created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government; any entity when the majority of its governing body is appointed by a "public agency", as defined by this section; a member or employee of a "public agency", a state or local officer, or any combination thereof; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created, or controlled by a "public agency" as defined in this section; an interagency body of two (2) or more public agencies where each "public agency" is defined in this section.

(KRS 61.805(2))

"VIDEO TELECONFERENCE." One (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment.

(KRS 61.805(5))

PUBLIC MEETING REQUIREMENTS

§ 34A.05 MEETINGS OPEN TO THE PUBLIC.

(A) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

(1) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;

(2) Discussions of proposed or pending litigation against or on behalf of the public agency;

(3) Collective bargaining negotiations between public employers and their employees or their representatives;

(4) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;

(5) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;

(6) Local cabinet meetings and executive cabinet meetings;

(7) Deliberations of quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;

(8) That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(i)[§ 34.12]. However, that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly.

(9) Meetings which federal or state law specifically require to be conducted in privacy;

(10) Meetings which the Constitution provides shall be held in secret; and

(11) Meetings of any selection committee, evaluation committee, or other similar group established under KRS Chapter 45A or 56 to select a successful bidder for award of a state contract.

(B) Any series of less than quorum meetings, where the members attending one or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (A) of this section, shall be subject to the requirements of subsection (A) of this section. Nothing in this subsection shall be construed to prohibit discussion between individual members where the purpose of the discussions is to educate the members on specific issues.

(KRS 61.810)

§ 34A.06 REQUIREMENTS FOR CLOSED SESSIONS.

(A) The following requirements shall be met as a condition for conducting closed sessions by those public agencies authorized by § 34A.05(A)(1) and (4) except as (4) relates to students:

- (1) Notice shall be given in regular open meetings of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of § 34A.05 authorizing the closed session;
- (2) Closed sessions may be held only after a motion is made and carried by a majority vote in open, public session;
- (3) No final action may be taken in closed session; and
- (4) No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.

(B) Public agencies and activities identified in §34A.05(A) paragraphs (2), (3), (4), but only so far as (4) relates to students, (5), (6), (7), (8), (9) and (10) are excluded from the requirements of subsection (A) of this section.

(KRS 61.815)

§ 34A.07 PUBLIC MEETING SCHEDULES.

(A) All meetings of a public agency shall be held at specified times and places which are convenient to the public. In considering locations for public meetings, the agency shall evaluate space requirements, seating capacity, and acoustics.

(B) All public agencies shall provide for a schedule of regular meetings by ordinance, order, resolution, by laws or by whatever other means may be required for the conduct of business of the public agency. The schedule of regular meetings shall be made available to the public.

(KRS 61.820)

§ 34A.08 SPECIAL MEETINGS.

(A) Except as provided by subsection (F) of this section, special meetings shall be held in accordance with the provisions of divisions (B),(C) and (D) of this section.

(B) The presiding officer or a majority of the members of the public agency may call a special meeting;

(C) The public agency shall provide written notice of the special meeting containing the date, time, place of the special meeting and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice.

(D) (1) As soon as possible, written notice shall be delivered personally, transmitted by facsimile, or mailed to every member of the public agency as well as each media organization which has filed a written request, including a mailing address, to receive notice of special meetings. The notice shall be received at least twenty-four (24) hours before the special meeting. The public agency may periodically, but no more often than once in a calendar year, inform media organizations that they will have to submit a new written request or no longer receive written notice of special meetings until a new written request is filed.

(2) A public agency may satisfy the requirements of division (1) of this section by transmitting the written notice by electronic mail to public agency members and media organizations that have filed a written request with the public agency indicating their preference to receive electronic mail notification in lieu of notice by personal delivery, facsimile machine, or mail. The written request shall include the electronic mail address or addresses of the agency member or media organization.

(E) As soon as possible, written notice shall also be posted in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the building which houses the headquarters of the agency. The notice shall be posted at least twenty-four (24) hours before the special meeting.

(F) In the case of an emergency which prevents compliance with the notice requirements in this section, this subsection shall govern a public agency's conduct of a special meeting. The special meeting shall be called pursuant to subsection (B) of this section. The public agency shall make a reasonable effort, under emergency circumstances, to notify the members of the agency, media organizations which have filed a written request pursuant to this section, and the public of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting shall briefly describe for the record the emergency circumstances preventing compliance with the notice requirements of this section. These comments shall appear in the minutes. Discussion and action at the emergency meeting shall be limited to the emergency for which the meeting is called.

(KRS 61.823)

§ 34A.09 VIDEO TELECONFERENCES.

(A) A public agency may conduct any meeting, other than a closed session, through video teleconference.

(B) Notice of a video teleconference shall comply with the requirements of KRS 61.820 or 61.823 as appropriate, in addition the notice of a video teleconference shall:

(1) Clearly state that the meeting will be a video teleconference; and

(2) Precisely identify a primary location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.

(C) The same procedure with regard to participation, distribution of materials, and other matters shall apply in all video teleconference locations.

(D) Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.

(KRS 61.826)

§ 34A.10 ENFORCEMENT.

The provisions of this Chapter shall be enforced pursuant to KRS 61.846 and 61.848 for enforcing KRS 61.805 to 61.850.

CHAPTER 35: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

- 35.01 Architectural Design Review Board
- 35.02 Board of Adjustment
- 35.03 Historic Heritage and Revolving Loan Fund Advisory Board
- 35.04 Parks, Playground, and Recreation Advisory Board
- 35.05 Planning Commission
- 35.06 Police Department
- 35.07 Public Library Board of Trustees
- 35.08 Vacant Property Review Commission
- 35.09 Volunteer Fire Department
- 35.10 Electric Plant Board
- 35.11 Regional Water Treatment Plant Advisory Board

§ 35.01 ARCHITECTURAL DESIGN REVIEW BOARD.

For provisions concerning the Architectural Design Review Board, see §154.03.

§ 35.02 BOARD OF ADJUSTMENT.

For provisions regarding the Board of Adjustment, see §154.04.

§ 35.03 HISTORIC HERITAGE AND REVOLVING LOAN FUND ADVISORY BOARD.

For provisions concerning the Historic Heritage and Revolving Loan Fund Advisory Board, see §153.02.

§ 35.04 PARKS, PLAYGROUND, AND RECREATION ADVISORY BOARD.

For provisions concerning the Parks, Playground, and Recreation Advisory Board, see §96.01.

§ 35.05 PLANNING COMMISSION.

For provisions concerning the Planning Commission, see §154.05.

§ 35.06 POLICE DEPARTMENT.

(A) There is hereby established a Police Department in the city.

(B) The Police Department shall consist of a Chief of Police and regular police officers.

(C) The office of Police Chief is hereby established.

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

(E) No person shall be appointed or act as the Police Chief unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky, and has provided a bond, if required by the city, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein and with the qualifications set forth in division (F) below.

(F) Training and experience shall consist of any combination of education, training, and experience which provides the necessary knowledge, skills, and abilities to perform effectively the duties of the position.

(G) Subject to the executive authority of the city, the Chief of Police shall be responsible for the organization and operation of the Police Department of the city, and he shall supervise, direct, and control the equipment and personnel thereof as peace officers of the city and state in the enforcement of all statutes, laws, and ordinances thereof.

(H) The compensation of the Police Chief and all police officers shall be in an amount to be established by City Council by ordinance in accordance with § 31.02 of this code of ordinances.

§ 35.07 PUBLIC LIBRARY BOARD OF TRUSTEES.

(A) The management and control of the Augusta Public Library shall be vested in a Board of Trustees, appointed by the Mayor. The Board of Trustees shall consist of five members.

(B) The Trustees shall be residents of the city and shall be appointed as follows: two members for two years, one member for three years, and two members for four years respectively. Thereafter, Trustees shall be appointed to serve four years. Vacancies shall be filled for the unexpired terms as soon as possible in the same manner as the original appointments. Further, pursuant to KRS 173.340, the following shall apply:

(1) Trustees may serve for two consecutive terms after which they shall not succeed themselves;

(2) Absence of a Trustee from four regular monthly meetings during any one year of a Trustee's term shall constitute automatic resignation from the Board by that Trustee;

(3) A Trustee shall not receive a salary or other compensation for services as a Trustee; and

(4) A Trustee may be removed only by vote of the City Council.

(5) Before entering upon the duties of his office, a Trustee shall take oath that he will faithfully discharge his duties.

(6) The Board shall not employ as a member of its library staff any member of the Board or any person related closer than a second cousin to any member of the Board.

(7) No person shall be eligible for appointment to the Board who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, fire insurance or services for which library funds are expended.

(KRS 173.340)

(C) The provisions of KRS Chapter 173 are hereby adopted.

(D) An annual appropriation of \$.03 to \$.05 on each \$100 of assessed property valuation in the city shall be made by the terms of the city budget, to the public library by the city.

(E) At the close of its fiscal year, the Board of Trustees of the public library shall make an annual report to the Council as required by KRS 173.370.

(F) It shall be the duty of the Board to fulfill the provisions of the original deed of the library premises to the city.

(Ord. 80-18, passed 12-10-80)

§ 35.08 VACANT PROPERTY REVIEW COMMISSION.

For provisions concerning the Vacant Property Review Commission, see §150.02.

§ 35.09 VOLUNTEER FIRE DEPARTMENT.

(A) Establishment. A Fire Department is hereby established in the city to be known as the Augusta Volunteer Fire Department.

(B) Fire Chief.

(1) The office of Fire Chief is hereby established and created by, in, and for the city.

(2) The Fire Chief shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(3) No person shall be appointed or act as the Fire Chief unless the person has taken the oath required by Section 228

of the Constitution of the Commonwealth of Kentucky and has provided a bond, if required by the city, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein and meets the qualifications set forth by state law.

(4) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparation, procedures, practice, and training in regard thereto, and may, as Chief of the Fire Department, perform or cause to be performed all other actions authorized by law, ordinances, or regulation.

(5) The Volunteer Fire Department Chief shall, by virtue of accepting the appointment thereto, serve without compensation.

(Ord. 86-8, passed 6-25-86)

§ 35.10 ELECTRIC PLANT BOARD.

(A) The city hereby agrees to accept and operate under the provisions of KRS 96.550 to 96.900 and further agrees to all of the provisions of KRS 96.550 to 96.900 as the same now exist and as the same may be amended from time to time by the General Assembly of Kentucky.

(B) There is hereby created the Electric Plant Board of the city, which, when appointed and qualified as set forth herein, shall be a body politic and corporated, with perpetual succession; and the body may contract and be contracted with, sue and be sued in and by its corporate name, and have and use a corporate seal.

(C) (1) There shall be four members of the Board appointed by the Mayor subject to the approval of Council. Each member of the Board shall be a resident of the city and shall have resided therein for not less than one year next preceding the date of appointment.

(2) No person shall be appointed a member of the Board who has, within the last two years next before his appointment, held any public office, or who is related within the third degree to the Mayor or any member of the governing body of the municipality.

(3) Neither the Board nor the Superintendent appointed by the Board shall appoint to any subordinate office which it may create nor employ in any capacity any person who is related within the third degree to any member of the Board or to the Mayor of the municipality or to any member of the governing body of the municipality. No officer or employee of a municipality shall be eligible for such appointment until at least one year after the expiration of the term of his public office, or employment; and any payment made in violation of this division shall be illegal and the Superintendent and the Board members voting for or approving or consenting to same shall be personally liable for the amount so paid and this liability may be enforced by suit by any citizen of the municipality.

(4) The members of the Board shall be citizens, taxpayers, and legal voters of such municipality and shall not at the time of the appointment be indebted to the municipality either directly or be surety on the official bond of any officer of the municipality.

(5) If at any time during his term of office a member of the Board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership from the Board, and another person shall be appointed to his place.

(6) The municipality shall pay the cost of securing bonds for Board members from a surety company qualified to do business in the state, and the members shall execute a bond in an amount required by resolution of the governing body, and conditioned upon the faithful performance of their official duties.

(7) Each member of the Board shall qualify by taking the oath required by Section 228 of the State Constitution.

(Enact. Acts 1942, ch. 18, § 15.)

(D) Terms of members, their compensation and powers and duties shall be as set forth in KRS 96.750, et seq.

(Ord. 87-3, passed 5-20-87)

§ 35.11 REGIONAL WATER TREATMENT PLANT ADVISORY BOARD.

(A) The Augusta Regional Water Treatment Plant ("Water Treatment Plant") Advisory Board is hereby established for the purpose of providing comment and recommendations regarding the Water Treatment Plant's operation, and to provide for independent review of the Water Treatment Plant's operations.

(B) The Water Treatment Plant Board ("Board") shall be composed of three members, with one member representing the City of Augusta, one member representing Bracken County Water District ("Bracken District"), and one member representing the City of Brooksville. The governing bodies of Augusta, Bracken District and the City of Brooksville ("Brooksville") (collectively "Participant Entities") shall each submit, to the Mayor of Augusta, a written list of at least two persons, as nominees to serve as such Participant Entity's representative on the Board.

(C) Within 30 days of receiving such nominations, Augusta's Mayor shall appoint one of such nominees from such

Participant Entity's list, to serve on the Board as the representative of such Participant Entity.

(D) To ensure a reasonable level of experience and knowledge among the Board's members, the initial appointees to the Board will be appointed for staggered terms from two to four years, with each of the three members' individual terms to be determined by lot.

(E) The Board members will thereafter be appointed for a term of four years, provided, however, that any vacancy resulting from any reason other than an expiration of term, shall be filled only for the unexpired term of such vacancy.

(F) If a vacancy occurs due to death, resignation, expiration of term or other reasons, the Participating Entity that is represented by the vacant position shall submit, to the Augusta Mayor, within 15 days of the creation of the vacancy, a written list of at least two persons as nominees to fill such vacant position. Within 30 days of receiving such nominations, the Mayor of Augusta shall appoint one of the named persons to fill the vacancy.

(G) Upon the Augusta Mayor's receipt of written advice from the governing body of the Participating Entity that its representative Board member no longer has the Participating Entity's confidence and support, such Board member shall be deemed removed, and after notice of the removal to such Board Member, the resulting vacancy shall be filled by the Mayor of Augusta, within thirty days of the Participating Entity's provision to the Mayor of Augusta, of a list of at least two names as nominees to be considered for the resulting vacant position.

(H) The Mayor of Augusta may remove a Board Member for cause. "Cause" shall include improper or inadequate performance, incompetency, neglect of duty, malfeasance, illegal conduct, or a violation of a lawfully adopted City of Augusta ordinance or Resolution of the Augusta City Council. Prior to removing a Board member for cause, Augusta's Mayor shall give 30 days' written notice to that Board member and to the Participating Entity whom the Board member represents.

(I) The Board shall meet at least once every three months, prepare written minutes of each Board meeting, and make these minutes, as well as all findings and recommendations that the Board submits to Augusta officials, also available to the other Participating Entities as soon as reasonably practicable.

(J) Board members will be compensated at a rate of \$50 per meeting. However, this compensation shall not exceed \$250 per month. Augusta shall pay the compensation, but payments to Board members shall be considered an operating expense of the Water Treatment Plant. For purposes of determining the wholesale rate to Bracken District, only the compensation paid to the members representing Bracken District and Brooksville will be allocated to Bracken District.

(K) The Board may examine the operation and management practices of the water treatment plant and may make written recommendations to Augusta officials regarding those practices. Augusta officials shall allow any Board member access to the water treatment plant's facilities and records during reasonable hours. Augusta officials shall provide the Board with advance notice of operational and purchasing decisions for items or matters that are not in the ordinary course of business and allow the Board an opportunity to comment and make recommendations regarding those decisions. Augusta officials shall consider these recommendations and should Augusta officials determine that those recommendations should not be implemented, Augusta officials shall provide the Board with a written statement explaining such decision.

(L) Prior to creating any new position or filling any existing position vacancy at the Water Treatment Plant, Augusta officials shall request a recommendation from the Board regarding the need to fill the vacancy or create the new position and shall provide a reasonable period for the Board to respond. The Board may make any recommendations in writing to Augusta officials. If Augusta officials elect not to implement these recommendations, Augusta officials shall provide each member of the Board with a written statement of the reasons for such decision.

(M) The Board may review annually any rules that Augusta officials use to allocate the cost of services that other city departments provide to the water treatment plant and may advise Augusta officials in writing whether these rules accurately reflect the cost of those services and of any revisions that should be made in these rules to more accurately reflect the cost of those services. Augusta officials shall consider these recommendations and, if it finds that those recommendations should not be implemented, shall provide the Board with a written statement of its reasons for its decision.

(N) At any public service commission proceeding involving the review of Augusta's wholesale rate, Augusta shall have the burden of demonstrating the reasonableness of any test period expense that resulted from any action that was contrary to or inconsistent with a Board recommendation.

(O) Upon the Board's request, the Participating Entities, either individually or collectively, may provide administrative and logistical support to the Board. If Augusta provides such support to the Board, the cost for such support shall be considered an operating expense of the Augusta Regional Water Treatment Plant.

(P) Augusta officials shall not dissolve the Board without Bracken District's consent, which shall not unreasonably be withheld. Dissolution of the Board without Bracken District's consent shall be deemed a material breach of the water purchase contract between the City of Augusta and Bracken County Water District and approved by the Public Service Commission in Case No. 2015-00039 on_____.

(Ord. 2016-02, passed 3-16-16)

Section

- 36.01 Definitions
- 36.02 County assessed valuation for property
- 36.03 Use of tax
- 36.04 Due date; discount
- 36.05 Collection of taxes

- 36.99 Penalty

§ 36.01 DEFINITIONS.

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

"PROPERTY." All real and personal property within the corporate city limits of the city on January 1 of each calendar year except for property exempt by statute or subject only to taxation by the Commonwealth of Kentucky, and includes all personal property of persons domiciled or actually residing within the city on January 1.

"REAL PROPERTY." All lands within the city and improvements thereon. "Personal Property" includes every species and character or property, tangible and intangible, other than real property.

(Ord. 99-T-1, passed 9-22-99)

§ 36.02 COUNTY ASSESSED VALUATION FOR PROPERTY.

The city hereby adopts the assessment of real and personal property for property situated within the city made and returned by the Bracken County Property Valuation Administrator and equalized and returned by the County Board of Supervisors and the tax book listing the assessments certified by the Kentucky Department of Revenue pursuant to K.R.S. 136.180, as the assessment of all tangible property in the city subject to taxation at the rate(s) specified in the Tables of Special Ordinances, Ad Valorem Taxes, Table VIII.

(Ord. 99-T-1, passed 9-22-99)

§ 36.03 USE OF TAX.

All monies received from all sources, except as otherwise provided herein, including, but not limited to returns, fines, proprietary funds, franchise fees, interest and forfeiture or penalties shall be paid into the General Fund for general expenses, debt retirement and capital improvements incidental to the operation of municipal governments.

(Ord. 99-T-1, passed 9-22-99)

§ 36.04 DUE DATE; DISCOUNT.

(A) All city ad valorem property taxes are due and payable on November 1 of each calendar year in accordance with K.R.S. § 92.590 and are delinquent on December 31 of that year unless the delinquent date is extended by Municipal Order of the City Council.

(B) A discount of two percent (2%) will be allowed if paid in full by October 31.

(Ord. 99-T-1, passed 9-22-99)Penalty, see § 36.99

§ 36.05 COLLECTION OF TAXES.

All foregoing taxes, penalties and interest shall be collected by the City Clerk/Treasurer and accounted for according to law.

(Ord. 99-T-1, passed 9-22-99)

§ 36.99 PENALTY.

A penalty of ten percent (10%) will be assessed if the ad valorem property taxes are paid after December 31. In addition to the above penalty, unpaid and delinquent ad valorem taxes shall bear interest at the rate of twelve percent (12%) per annum beginning January 1 of the following calendar year.

(Ord. 99-T-1, passed 9-22-99)

Section

37.01 Adoption of policies and procedures by reference

37.02 Establishment; revisions

§ 37.01 ADOPTION OF POLICIES AND PROCEDURES BY REFERENCE.

The personnel policies and procedures as set forth in Ordinance 81-10 are hereby adopted by reference and made a part of this code as if set out in full herein.

(Ord. 81-10, passed 4-27-81; Am. Ord. 92-2, passed 2-19-92; Am. Ord. 2001-4, passed 6-25-01; Am. Ord. 2004-22, passed 11-17-04; Am. Ord. 2018-01, passed 1-17-18)

§ 37.02 ESTABLISHMENT; REVISIONS.

(A) The Mayor shall be responsible for the development and updating of the city personnel policies and procedures.

(B) The Mayor shall review and update the city personnel policies and procedures from time to time to insure compliance with state law.

(C) Any recommended revisions to the personnel policies and procedures shall be presented to Council at a regularly-scheduled meeting of Council. If the Council by resolution does not vote to disapprove the recommended revisions to the policies and procedures as presented by the Mayor, by an assigned date, the policies and procedures become effective and supersede all previous employment policies and procedures.

(D) This section shall apply to all aspects of personnel administration for the city, exclusive of the personnel pay and classification plan. In accordance with KRS Chapter 83A, the development and updating of the personnel pay and classification plan shall be the responsibility of the City Council and must be established by ordinance.

(Ord. 81-10, passed 4-27-81; Am. Ord. 94-2, passed 2-23-94; Am. Ord. 2003-10, passed 9-25-03)

CHAPTER 38: CODE OF ETHICS

Section

General Provisions

38.01 Title

38.02 Findings

38.03 Purpose and authority

38.04 Definitions

Standards of Conduct

38.10 Conflicts of interests in general

38.11 Conflicts of interest in contracts

38.12 Receipt of gifts

38.13 Use of city property, equipment and personnel

38.14 Representation of interest before city government

38.15 Misuse of confidential information

38.16 Post-employment restriction

38.17 Honoraria

Financial Disclosure

38.20 Who must file

38.21 When to file statements; amended statements

38.22 Form of the statement of financial interest

38.23 Control and maintenance of the statements of financial interests

38.24 Contents of the financial interest statement

38.25 Noncompliance with filing requirement

Nepotism

38.30 Nepotism prohibited

Enforcement

38.40 Board of Ethics created

38.41 Alternate members

38.42 Facilities and staff

38.43 Power and duties of the Board of Ethics

38.44 Filing and investigation of complaints

38.45 Notice of hearings

38.46 Hearing procedure

38.47 Appeals

38.48 Limitation of actions

38.49 Advisory opinions

38.50 Reprisals against persons disclosing violations prohibited

38.99 Penalties

GENERAL PROVISIONS

§ 38.01 TITLE.

This chapter shall be known and may be cited as the "City of Augusta Code of Ethics."

(Ord. 94-7, passed 11-9-94)

§ 38.02 FINDINGS.

The legislative body of the city finds and declares that:

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

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

(C) The government of this city has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

(Ord. 94-7, passed 11-9-94)

§ 38.03 PURPOSE AND AUTHORITY.

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

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

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

(Ord. 94-7, passed 11-9-94)

§ 38.04 DEFINITIONS.

As used in this chapter, unless the context clearly requires a different meaning:

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

"BOARD OF ETHICS." The City of Augusta Board of Ethics which is created and vested by this chapter with the

responsibility of enforcing the requirements of the city's code of ethics.

"CANDIDATE." Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.

"CITY." The City of Augusta, Kentucky.

"CITY AGENCY." Any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city.

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

"FAMILY MEMBER." A spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

"IMMEDIATE FAMILY MEMBER." A spouse, an unemancipated child residing in the officer's or employee's household, or person claimed by the officer or employee, or the officer's or a employee's spouse, as a dependent for tax purposes.

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

- (1) The mayor.
- (2) A legislative body member.
- (3) The city clerk.
- (4) Any person who occupies a nonelected office created under KRS 83A.080.
- (5) A member of the governing body of any city agency who has been appointed to the governing body of the agency by city.

(Ord. 94-7, passed 11-9-94)

STANDARDS OF CONDUCT

§ 38.10 CONFLICTS OF INTEREST IN GENERAL.

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

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

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

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

- (1) The officer or employee.
- (2) A family member.
- (3) An outside employer.
- (4) Any business in which the officer or employee, or any family member has a financial interest.
- (5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in subsection (C)(4) and (C)(5) of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

(E) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(Ord. 94-7, passed 11-9-94)

§ 38.11 CONFLICTS OF INTEREST IN CONTRACTS.

(A) No officer or employee of the city or any city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency, except as follows:

(1) The prohibition in subsection (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate city office, before an appointed officer was appointed to a city or city agency office, or before an employee was hired by the city or city agency. However, if any contract entered into by a city or city agency officer or employee before he or she became a candidate, was appointed to office, or was hired as an employee, is renewable after he or she becomes a candidate, assumes the appointed office, or is hired as an employee, then the prohibition in subsection (A) of this section shall apply to the renewal of the contract.

(2) The prohibition in subsection (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless the requirements set forth in subpart (3) below are satisfied.

(3) The prohibition in subsection (A) of this section shall not apply in any case where the following requirements are satisfied:

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.

(b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of the price, limited supply or other specific reasons.

(d) The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(B) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of this section shall be grounds for removal of the person found to be in violation, from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

(Ord. 94-7, passed 11-9-94)

§ 38.12 RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars (\$100), whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.

(Ord. 94-7, passed 11-9-94; Am. Ord. 2003-1, passed 1-29-03)

§ 38.13 USE OF CITY PROPERTY, EQUIPMENT, AND PERSONNEL.

No officer or employee of the city shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:

(A) The use is specifically authorized by a stated city policy.

(B) The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

(Ord. 94-7, passed 11-9-94)

§ 38.14 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

(A) No officer or employee of the city or any city agency shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city or any city agency.

(B) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.

(C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

(Ord. 94-7, passed 11-9-94)

§ 38.15 MISUSE OF CONFIDENTIAL INFORMATION.

No officer or employee of the city or any city agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

(Ord. 94-7, passed 11-9-94)

§ 38.16 POST-EMPLOYMENT RESTRICTION.

No officer or employee of the city or any city agency shall appear or practice before the city or any city agency with respect to any matter on which the officer or employee personally worked while in the service of the city or city agency for a period of one (1) year after the termination of the officer's or employee's service with the city or city agency.

(Ord. 94-7, passed 11-9-94)

§ 38.17 HONORARIA.

(A) No officer or employee of the city or a city agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city.

(B) Nothing in this section shall prohibit an officer or employee of the city or any city agency from receiving and retaining from the city or on behalf of the city actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city or city agency and primarily for the benefit of the city or city agency and not primarily for the benefit of the officer or employee or any other person.

(Ord. 94-7, passed 11-9-94)

FINANCIAL DISCLOSURE

§ 38.20 WHO MUST FILE.

The following classes of officers and employees of the city and city agencies shall file an annual statement of financial interests with the custodian of the Augusta Board of Ethics:

(A) Elected city officials.

(B) Candidates for city elective office.

(Ord. 94-7, passed 11-9-94; Am. Ord. 2003-1, passed 1-29-03)

Statutory reference:

Code of ethics, see KRS 65.003

§ 38.21 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics, or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 5:00 p.m. January 31, 1995. All subsequent statements of financial interest shall be filed no later than 5:00 p.m. on January 31 each year, provided that:

(1) An officer or employee newly-appointed to fill an office or position of employment with the city or a city agency shall file his or her initial statement no later than thirty (30) days after the date of the appointment.

(2) A candidate for city office shall file his or her initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected city office.

(B) The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the Board.

(Ord. 94-7, passed 11-9-94)

§ 38.22 FORM OF THE STATEMENT OF FINANCIAL INTERESTS.

The statement of financial interests shall be filed on a form prescribed by the Board of Ethics, or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than November 1st of each year. The failure of the Board, or the designated administrative official, to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

(Ord. 94-7, passed 11-9-94)

§ 38.23 CONTROL AND MAINTENANCE OF THE STATEMENTS OF FINANCIAL INTERESTS.

(A) The Board of Ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board of Ethics, or the administrative official designated by the Board of Ethics as the "custodian," as public documents, available for public inspection immediately upon filing.

(B) A statement of financial interests shall be retained by the Board, or the designated administrative official, for a period of five (5) years after filing, provided that:

(1) Upon the expiration of three (3) years after a person ceases to be an officer or employee of the city or a city agency, the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(2) Upon the expiration of three (3) years after any election at which a candidate for elected city office was not elected or nominated, the Board shall cause to be destroyed any statements or financial interests or copies of those statements filed by the person.

(Ord. 94-7, passed 11-9-94)

§ 38.24 CONTENTS OF THE FINANCIAL INTERESTS STATEMENT.

(A) The statement of financial interests shall include the following information:

(1) The name, current business address, business telephone number, and home address of the filer.

(2) The title of the filer's public office or public office sought.

(3) The occupation of the filer and the filer's spouse.

(4) Information that identifies each source of income of the filer, filer's spouse and unemancipated children exceeding five thousand dollars (\$5,000) during the preceding calendar year, and the nature of the income (e.g., salary, commission, dividends, etc.). Income derived from Social Security payments, pensions, annuities, and retirement funds distributions are expressly excluded from this section.

(5) The name and address of any business located within the state in which the filer, filer's spouse, and unemancipated children had at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000) at fair market value of five percent (5%) ownership interest or more.

(6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three (3) years, or which is anticipated to engage in any business transactions with the city, in which the filer, filer's spouse, or unemancipated children has at any time during the preceding calendar year an interest of ten thousand dollars (\$10,000) at fair market value of five percent (5%) ownership interest or more.

(7) A designation as commercial, residential, or rural, and the location of all real property within the county, other than the filer's primary residence, in which the filer, filer's spouse or unemancipated children had during the preceding calendar year an interest of ten thousand dollars (\$10,000) or more.

(8) Each source, by the name and address, of gifts or honoraria having an aggregate fair market value of one hundred dollars (\$100) or more from any single source, excluding gifts received from family members, received by the filer, filer's spouse or unemancipated children during the preceding calendar year.

(9) Please list the name and address of any creditor owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for person, family or household purposes.

(B) Nothing in this section shall be construed to require the disclosure of any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

(Ord. 94-7, passed 11-9-94; Am. Ord. 2003-1, passed 1-29-03)

§ 38.25 NONCOMPLIANCE WITH FILING REQUIREMENT.

(A) The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file

a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

(B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (A) within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed twenty-five dollars (\$25) per day, up to a maximum total civil fine of five hundred dollars (\$500). Any civil fine imposed by the Board 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.

(C) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

(Ord. 94-7, passed 11-9-94)

NEPOTISM

§ 38.30 NEPOTISM PROHIBITED.

(A) No officer or employee of the city or a city agency shall advocate, recommend or cause the:

- (1) employment;
- (2) appointment;
- (3) promotion;
- (4) transfer; or
- (5) advancement

of a family member to an office or position of employment with the city or a city agency.

(B) No officer or employee of the city or a city agency shall supervise or manage the work of a family member, excluding the provisions set forth in section (D)(1) and (D)(2) below.

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

(1) This section shall not apply to children of high school age who apply for employment through the recreation department of the city, regardless of their relation to any city employee officer, councilmember, or the mayor.

(2) In addition the provisions of this section shall not apply in such a manner as to prohibit an immediate family member of an officer, employee of the city or city agency who has been employed by the recreation department of the city during the summer of 1994 from reapplying for the same position during the summer of 1995 and consecutive summers thereafter. If said individuals do not reapply for employment during the summer of 1995, they may not reapply in subsequent summer seasons thereafter.

(Ord. 94-7, passed 11-9-94)

ENFORCEMENT

§ 38.40 BOARD OF ETHICS CREATED.

(A) There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this chapter to enforce the provisions of this chapter.

(B) The Board of Ethics shall consist of three (3) members who shall be appointed by the executive authority of the city, subject to the approval of the legislative body (if different from the executive authority). The initial members of the Board of Ethics shall be appointed within sixty (60) days of the effective date of this ordinance. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three (3) years; except that with respect to the members initially appointed, one (1) member shall be appointed for a term of one (1) year, and two (2) members shall be appointed for a term of two (2) years. Thereafter, all appointments shall be for a term of three (3) years. No more than two (2) of the members shall be of the same political party. Each member of the Board of Ethics shall have been a resident of the city for at least (1) year prior to the date of the appointment and shall reside in the city throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by the executive authority, subject to the approval of the legislative body (if different from the executive authority) for misconduct, inability, or willful neglect of duties. Before any

member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body (if different from the executive authority).

(D) Vacancies on the Board of Ethics shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body (if different from the executive authority). If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(E) Members of the Board of Ethics shall serve without compensation, unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(F) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the Board.

(G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.

(H) The presence of two (2) or more members shall constitute a quorum and the affirmative vote of two (2) or more members shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter, and shall not be counted for purposes of establishing a quorum.

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

(Ord. 94-7, passed 11-9-94)

§ 38.41 ALTERNATE MEMBERS.

The executive authority of the city, with the approval of the legislative body (if different from the executive authority) may appoint two (2) alternate members of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one (1) year. Alternate members shall meet all qualifications and be subject to all of the requirements of this chapter that apply to regular members.

(Ord. 94-7, passed 11-9-94)

§ 38.42 FACILITIES AND STAFF.

Within the limits of the funds appropriated by the legislative body in the annual budget, the city shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for conduct of its business.

(Ord. 94-7, passed 11-9-94)

§ 38.43 POWER AND DUTIES OF THE BOARD OF ETHICS.

The Board of Ethics shall have the following powers and duties:

(A) To receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this chapter.

(B) To issue orders in connection with its investigations and hearings requiring persons to submit in writing and under oath reports and answers to questions that are relevant to the proceedings and to order testimony to be taken by deposition before any individual designated by the Board who has the power to administer oaths.

(C) To administer oaths and to issue orders requiring the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board.

(D) To refer any information concerning violations of this ordinance to the executive authority of the city, the city legislative body, the governing body of any city agency, the county attorney, or other appropriate person or body, as necessary.

(E) To render advisory opinions to city and city agency officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this chapter.

(F) To enforce the provisions of this ordinance with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this chapter.

(G) To control and maintain all statements of financial interests that are required to be filed by this ordinance and to insure that the statements are available for public inspection in accordance with the requirements of the chapter and the Kentucky Open Records Act.

(H) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or legislative body of the city.

(I) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter,

provided that the rules, regulations, and actions are not in conflict with the provisions of this chapter or any state or federal law.

§ 38.44 FILING AND INVESTIGATION OF COMPLAINTS.

(A) All complaints alleging any violation of the provisions of this chapter shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten (10) working days from the date of receipt. The Board shall forward within ten (10) working days to each officer or employee of the city or city agency who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this chapter.

(B) Within thirty (30) days of the receipt of the proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be confidential until a final determination is made by the Board, except:

(1) The Board may turn over the Commonwealth's attorney or county attorney evidence which may be used in criminal proceedings.

(2) If the complaint or alleged violator publicly disclose the existence of a preliminary inquiry, the Board may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued to either party.

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this chapter. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city and its taxpayers, or lack of significant impact on public confidence in city government issue, in writing, a confidential reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the executive authority and governing body of the city or city agency.

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(Ord. 94-7, passed 11-9-94)

§ 38.45 NOTICE OF HEARINGS.

If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within twenty-four (24) hours of the time the order setting a hearing is issued.

(Ord. 94-7, passed 11-9-94)

§ 38.46 HEARING PROCEDURES.

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.

(B) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

(C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

(D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear

personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

(E) All hearings of the Board of Ethics shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

(F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within thirty (30) days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

(G) If the Board concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.

(H) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this chapter, the Board may:

(1) Issue an order requiring the violator to cease and desist the violation.

(2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body of the city or city agency with which the violator serves.

(3) In writing, recommend to the executive authority and the governing body that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal, or removal from office.

(4) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000.

(5) Refer evidence of criminal violations of this chapter or state laws to the county attorney or commonwealth's attorney of the jurisdiction for prosecution.

(Ord. 94-7, passed 11-9-94)

§ 38.47 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the clerk of the court all evidence considered by the Board at the public hearing.

(Ord. 94-7, passed 11-9-94)

§ 38.48 LIMITATION OF ACTIONS.

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought within one (1) year after the violation is discovered.

(Ord. 94-7, passed 11-9-94)

§ 38.49 ADVISORY OPINIONS.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative, or when requested by any officer or employee of the city or a city agency who is covered by this chapter.

(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for an advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.

(C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(D) The confidentiality of an advisory opinion may be waived either:

(1) In writing by the person who requested the opinion.

(2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.

(E) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(F) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil

proceeding for violations of this chapter for actions taken in reliance on that opinion.

(Ord. 94-7, passed 11-9-94)

§ 38.50 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

(A) No officer or employee of the city or any city agency shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this chapter.

(B) This section shall not be construed as:

(1) Prohibiting disciplinary or punitive action if an officer or employee of the city or any city agency discloses information which he or she knows:

(a) To be false or which he or she discloses with reckless disregard or its truth or falsity.

(b) To be exempt from required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884.

(c) Is confidential under any other provision of law.

(Ord. 94-7, passed 11-9-94)

§ 38.99 PENALTIES.

(A) Except when another penalty is specifically set forth in this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed one thousand dollars (\$1,000), which may be recovered by the city in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(C) In addition to all other penalties which may be imposed under this chapter, a finding by the Board of Ethics that an officer or employee of the city or any city agency is guilty of a violation of this chapter shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the city or city agency, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this chapter shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.

(Ord. 94-7, passed 11-9-94)

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. SEWERS

CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Definitions

50.02 Sewer and sanitation mandatory; use of city water required; individual water taps required

50.03 Use of revenues

50.04 Contravention of bonding agreements and statutes

50.05 Theft of services

50.06 Use of city property for system installation

- 50.07 Tampering with gas meters
- 50.08 Opening and/or reading water meters

Rates and Fees for Utility Services

- 50.15 Tap fees for water, gas, and sewer systems
- 50.16 Cut-off/cut-on valve installation
- 50.17 Disconnection/reconnection fee: services
- 50.18 Gas and water deposits
- 50.18A Existing agreement exception
- 50.19 Requests for meter testing
- 50.20 Rate schedules
- 50.21 Billing procedures
- 50.22 Budget plan for gas bills
- 50.23 Change in gas rates; refunds
- 50.24 Adjustments of gas rates
- 50.25 Water/sewer bill adjustment for leaks

Discontinuance of Utility Service

- 50.35 Definitions
- 50.36 Conditions under which city may refuse or discontinue to serve customers
- 50.37 Conditions under which gas service may be discontinued
- 50.38 Conditions under which water and sewer services may be discontinued
- 50.39 City to ascertain condition of facilities prior to making new service connection
- 50.40 Reconnection
- 50.41 Notice by mail

§ 50.01 DEFINITIONS.

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

"BUSINESS UNIT." All commercially or industrially used buildings on the same property as the main business building, provided that all commercially or industrially used buildings are served by the same tap.

"RESIDENTIAL UNIT." Any appurtenant outbuildings not used commercially or industrially.

(Ord. 80-10, passed - -)

§ 50.02 SEWER AND SANITATION MANDATORY; USE OF CITY WATER REQUIRED; INDIVIDUAL WATER TAPS REQUIRED.

(A) Every property owner must hook all buildings which contain plumbing to the sewer line, where lines are available to the property owner, or city services will be withheld.

(B) Every residential or business or commercial unit shall subscribe to the sanitation service or city services will be withheld.

(C) (1) All residents of the city shall be required to purchase water from the city and such purchase shall be billed by the metering process, which provision necessarily entails the installation of water meters for each customer;

(2) Meters shall be installed by the city within the property line of the customer, with the customer bearing responsibility for the water service from the meter to the structure being served thereby. Meters will be installed along existing service lines on existing city easements where possible, otherwise property owners must furnish an easement for placement of the meter.

(3) There shall be no hookups of water service to users other than those persons presently being served by the city water system unless the applicant for service has first obtained a permit from the applicable local or state agency, for construction or renovation of the structure to be hooked up to water service, pursuant to the City Ordinance 81-2 which ordinance is approved by F.E.M.A. In areas designated as within the floodplain, established by F.E.M.A.

(4) Each individual unit hooked up to water service shall have an individual water tap installed by the city, pursuant to § 50.15 and subject to the penalty set forth in §50.05.

(Ord. 80-10, passed - - ; Am. Ord. 94-4, passed 8-17-94; Am. Ord. 94-6, passed 8-17-94)Penalty, see § 10.99

§ 50.03 USE OF REVENUES.

All revenues, in excess of operational costs, will be deposited to the General Fund, except as otherwise required by bonding agreements or statutes.

(Ord. 80-10, passed - -)

§ 50.04 CONTRAVENTION OF BONDING AGREEMENTS AND STATUTES.

Nothing in this chapter shall be deemed to contravene any bonding agreement now in force or to be adopted in the future, nor any statute of the Commonwealth and any term herein which does contravene such agreement or statute shall be deemed invalid and unenforceable.

(Ord. 80-10, passed - -)

§ 50.05 THEFT OF SERVICES.

KRS 514.060 sets forth the definition of the crime of theft of services and the punishment. Any person reasonably believed to have violated KRS 514.060 shall be prosecuted by complaint signed by the City Superintendent of Public Works.

(Ord. 80-10, passed - -)

§ 50.06 USE OF CITY PROPERTY FOR SYSTEM INSTALLATION.

The city Utilities Department is authorized to use city streets, property, or rights-of-way as are necessary for the construction, installation and/or maintenance of water plant and the wells, lines and/or meters associated therewith.

(Ord. 94-5, passed 8-17-94)

§ 50.07 TAMPERING WITH GAS METERS.

(A) The tampering with gas meters (including but not limited to turning on and off gas service) by persons other than the Augusta Maintenance Department Personnel or their written designees is hereby prohibited within the city limits.

(B) That the account holder of the gas service associated with the tampered meter shall be responsible for preventing their meter from being tampered with and shall be the party held responsible and accountable for the penalty provided for herein.

(C) A civil citation for violation of this section shall be made to account holders of the gas service associated with the tampered meter, by the Police Department upon written advice of the Supervisor of the Maintenance Department that a violation has occurred, and such citation shall impose the applicable penalty as set forth below.

(D) Such civil citations shall be served upon account holders of the gas service associated with the tampered meter by a member of the Police Department, with the serving member being responsible to retain a copy of the original of the served civil citation. Such serving member shall note on the retained civil citation in writing the date and party upon which the citation was served.

(E) Any account holder of the gas service associated with the tampered meter for the first offense and each subsequent offense shall be subject, for the offense hereof, to the imposition of a civil penalty of \$250.

(F) If such penalty is not paid within 20 days of the date of service of the citation, such civil penalty shall be recoverable by the city in a civil action in the nature of the debt collection, and such violator shall then also be required to pay to the city all court costs, all expenses and all fees incurred by the city in recovering such civil penalty.

(Ord. 2004-17, passed 4-21-04)

§ 50.08 OPENING AND/OR READING WATER METERS.

The citizens of Augusta, Kentucky are hereby prohibited from opening and/or reading water meters.

(Ord. 2004-21, passed 7-21-04)

RATES AND FEES FOR UTILITY SERVICES

§ 50.15 TAP FEES FOR WATER, GAS, AND SEWER SYSTEMS.

(A) Single unit, residence or business.

(1) The property owner shall be responsible for payment of a seven-hundred-fifty-dollar (\$750) tap fee, per water and sewer service installed (up to a one (1) inch water or sewer line), payable before work is commenced.

(2) The property owner shall be responsible for payment of a seven-hundred-fifty-dollar (\$750) tap fee in town, per gas

service installed, and a seven-hundred-fifty-dollar (\$750) tap fee out of town, per gas service installed (up to a one (1) inch gas line), payable before work is commenced.

(3) The property owner shall be responsible for payment of all costs of labor and material beyond the tap itself, excepting any meters or cut-off valves, which additional costs shall be determined by the city on a case-by-case basis, and shall also be payable before the service is installed.

(B) Multiple units, residence or business.

(1) The property owner shall be responsible for payment of a seven-hundred-fifty-dollar (\$750) tap fee, per water and sewer service installed (up to a one (1) inch water or sewer line), payable before work is commenced.

(2) The property owner, shall be responsible for payment of a seven-hundred-fifty-dollar (\$750) tap fee in town, per gas service installed, and a seven-hundred-fifty-dollar (\$750) tap fee out of town, per gas service installed (up to a one (1) inch gas line), payable before work is commenced.

(3) The property owner shall be responsible for payment of all costs of labor and material beyond the cost of labor and material for installation of the tap itself, excepting any meters or cut-off valves, which additional costs shall be determined by the city on a case-by-case basis, and shall also be payable before the service is installed.

(C) Higher tap fees where warranted. Higher tap fees for water, sewer or gas services may be assessed by the city on a case-by-case basis, where warranted, and shall be paid in full by the property owner prior to the commencement of the work.

(D) Tap fees for lines or taps in excess of one (1) inch. Tap fees for lines or taps in excess of one (1) inch will be as determined by the city on a case-by-case basis, and shall be paid in full by the property owner prior to the commencement of the work.

(Ord. 80-10, passed - - ; Am. Ord. 93-6, passed 8-18-93; Am. Ord. 2000-2, passed 4-19-00; Am. Ord. 2020-5, passed 11-18-20)

§ 50.16 CUT-OFF/CUT-ON VALVE INSTALLATION.

(A) Where installation of cut-off/cut-on valve is necessary the property owner will bear the cost of installation and material of the cut-off/cut-on valve, whichever is further from the main line.

(1) Where a service has no cut-off/cut-on valve or meter, the city will maintain the line between the main line and the property line.

(2) All lines under this section will be maintained by the city only, if working easements are granted by property owners where lines are on private property. These lines will be replaced by the city where needed only if easements are granted by the individual property owner. Only the trunk line portion of the sewer line will be maintained by the city and not the portion that goes to the individual hookups. In the event an individual easement is not granted, that individual property owner will remain responsible for all costs of maintenance for that section of line.

(B) Each property owner shall be responsible for maintenance of all lines from the property line, meter, or cut-off/cut-on valve, as applicable, to the point or points of use.

(C) No person, other than a qualified workman, under the supervision of the Superintendent of Public Works, may install, remove, work on, or tamper with any of the equipment listed in division (A)(2) above.

(D) Any line installed by an individual must meet any and all specifications of state, federal and local codes applicable, and must remain open until inspected and approved by the Superintendent of Public Works. Failure to comply with this section will result in disconnection or nonconnection of services until this section is complied with.

(Ord. 80-10, passed - -)

§ 50.17 DISCONNECTION/RECONNECTION FEE: SERVICES.

(A) In the event that the meter is removed by the city after service is cut off for non-payment, or if the cutoff is voluntary, the customer will be responsible for payment of:

(1) A cut-off fee of fifty dollars (\$50.00), if the cut-off is made during regular working hours; if the cut-off occurs after regular working hours, the fee shall be seventy-five (\$75.00) dollars.

(2) A fee of twenty five dollars (\$25.00) for cut-ons for all services during regular working hours; and a fee of fifty dollars (\$50.00) for cut-ons for all services after regular working hours.

(B) In the event the customer fails to pay the gas or water cut-off fee, it will be added to his existing bill for services, which will then be deemed past due. No cut-on of any service will be made until all accounts with the city are made current, including the cut-on fee, if applicable.

(C) In the event that a customer absconds, all accounts due, less any deposit, will be charged against the customer. No service will be cut-on to that customer until all accounts against that customer are made current.

(D) This section is intended to place final responsibility for payment for all city services upon the customer.

(Ord. 80-10, passed - - ; Am. Ord. 86-11, passed 7-30-86; Am. Ord. 93-6, passed 8-18-93; Am. Ord. 2019-6, passed 4-17-19)

§ 50.18 GAS AND WATER DEPOSITS.

(A) Every utility customer (property owner, if applicable), before service is initiated, in addition to the provisions of §50.17, shall be required to place a deposit, refundable as provided herein, upon proof of payment of all bills due, in the following amounts:

- (1) Gas – three hundred dollars (\$300.00) per residential or business unit.
- (2) Water – one hundred fifty dollars (\$150.00) per residential or business unit.

(B) Each customer's deposits will be refunded after he or she has faithfully paid for all city services provided for a period of five (5) years.

(Ord. 80-10, passed - - ; Am. Ord. 93-6, passed 8-18-93; Am. Ord. 2008-05, passed 7-15-08; Am. Ord. 2019-6, passed 4-17-19)

§ 50.18A EXISTING AGREEMENT EXCEPTION.

The city reserves the right to make such exception to the provisions of §50.15 through § 50.18 as are necessary to continue services generally and/or to comply with such prior agreements between the city and any property as may be enforceable against the city.

§ 50.19 REQUESTS FOR METER TESTING.

(A) Any customer may request that a meter be proofed and, upon payment of a fifty dollar (\$50.00) fee, the Superintendent of Public Works shall remove the meter and send it for testing.

(B) If the meter is defective, the fifty (\$50.00) fee will be refunded to the customer (property owner); if the meter is not defective, the fee will be retained by the city to cover its costs in removal, testing, and replacement of the meter.

§ 50.20 RATE SCHEDULES.

(A) Gas.

(1) Gas, Inside City Limits

(1) 0-9,999,999 CF \$11.50 per MCF

(2) Gas, Outside City Limits

(1) 0-9,999,999 CF \$11.65 per MCF

(B) Sanitation.

(1) Each unit, residential - \$10.39 per month

(2) Each unit, commercial, up to 8 cans - \$13.97 per month

(3) Large commercial, industrial and other

(a) Mary Engle Apartments - \$116.65 per month

(b) Rear loader dumpsters as follows -

Size 1x 2x 3x 4x 5x 6x

Yards

2 58.25 105.00 149.50 188.45 238.20 282.70

3 71.00 124.25 178.70 232.00 282.50 299.50

4 92.50 144.50 198.95 254.80 307.85 362.50

6 106.50 162.25 217.90 273.60 329.50 385.20

8 133.00 207.80 282.60 361.20 433.25 506.85

(c) Roll off open top containers

Cubic Yards Rental Load

20 90.00 354.50

30 90.00 369.00

40 90.00 417.00

(C) Water service - Base rates (exclusive of surcharges or user fees established separately).

(1) For each metered unit, usage shall be based on one-hundred percent (100%) of the water reading per month.

(a) Up to the first 1,000 gallons @ \$14.50 per month, which is the minimum monthly water bill per unit.

(b) All further usage shall be billed @ \$4.25 per additional 1,000 gallons, or portion thereof, per month.

(2) Each additional unmetered unit (excepting additional units in multiple-unit buildings owned by the Housing Authority of the city) shall be billed @ \$14.50 per month.

(D) Sewer service - Base rates (exclusive of surcharges or user fees established separately.)

(1) Sewer usage charges for each unit with an individually metered water service shall be based on one-hundred percent (100%) of the water reading per month.

(a) Up to the first 1,000 gallons @ \$13.94 per month, which is the minimum monthly sewer bill per unit.

(b) All further usage shall be billed @ \$3.41 per additional 1,000 gallons, or portion thereof, per month.

(2) Each additional unit with sewer service without an individually metered water service (excepting additional units in multiple-unit buildings owned by the Housing Authority of the city) shall be billed @ \$13.94 per month.

(E) Bill adjustments for confirmed leaks.

(1) Where a water leak affecting a meter reading on metered service has been confirmed by the utility department by written notation on a work order by a member of said department, a customer's monthly water and sewer bill which is based upon metered water usage shall be adjusted as follows: The base monthly water bill shall be equal to that of the average of the previous three (3) months of metered water usage at such address, and the base monthly sewer bill shall be one hundred percent (100%) of the adjusted water bill.

(2) Additional unit fees for sewer usage and water service shall be unaffected by any leak confirmation and shall remain as outlined above.

(F) All of the rates set forth above in this section shall be automatically increased according to the change in the Consumer Price Index as maintained and reported by the United States Department of Labor, and as reported to all local governments by the Kentucky Department for Local Government (DLG) in February of each year for the preceding calendar year. The percentage of increase as set forth in the letter from DLG shall be automatically applied to the above rate tables to establish the new rates which shall then apply and be used. The initial and future implementations of the automatic annual rate increase shall become effective and be used for first full billing cycle after receipt of the letter from DLG and as soon as such rate increase can be implemented by the billing clerk.

(Ord. 80-10, passed - - ; Am. Ord. 83-2, passed 3-17-83; Am. Ord. 86-11, passed 7-30-86; Am. Ord. 87-8, passed 11-18-87; Am. Ord. 91-4, passed 12-29-91; Am. Ord. 93-5, passed 7-21-93; Am. Ord. 95-1, passed 7-6-95; Am. Ord. 96-5, passed 11-27-96; Am. Ord. 97-1, passed 5-21-97; Am. Ord. 98-3, passed 7-15-98; Am. Ord. 99-7, passed 12-17-99; Am. Ord. 2000-5, passed 10-4-00; Am. Ord. 2001-7, passed 9-19-01; Am. Ord. 2002-2, passed 4-17-02; Am. Ord. 2004-16, passed 2- 18-04; Am. Ord. 2004-18, passed 5-19-04; Am. Ord. 2004-20, passed 6- 21-04; Am. Ord. 2005-05, passed 7-20-05; Am. Ord. 2008-03, passed 5- 21-08; Am. Ord. 2008-04, passed 6-18-08; Am. Ord. 2008-07, passed 6- 18-08; Am. Ord. 2008-10, passed 9-24-08; Am. Ord. 2020-01, passed 6-23-20)

§ 50.21 BILLING PROCEDURES.

(A) All meters shall be read by the first day of each month and bills will be issued, insofar as is possible, by the tenth day of each month and will be deemed due on the twenty-fifth of that month.

(B) A ten percent (10%) penalty will be added to all bills unpaid at the close of business on the twenty-fifth of each month. The property owner will be notified of the impending delinquency and will have until the close of business on the last day of the month to pay the bill or be subject to disconnect or be subject to the cost of tap of the offending unit.

(C) Services will be discontinued in accordance with §§50.35 - 50.41.

(D) All bills will be made in the name of the head of the household or proprietor of the business, except that all billing of master meters must be made to the property owner.

(E) Billing on vacancies unless otherwise requested will be transferred to the property owner.

(Ord. 80-10, passed - - ; Am. Ord. 83-4, passed 4-19-84; Am. Ord. 83-4A, passed 6-23-84)

(F) Any water or gas accountholder may request, in writing, to the City Clerk, that their water or gas meter be re-read for the purpose of determining if the initial reading was incorrect, and, upon such initial request a member of the public works department will re-read the meter, and provide the results of same to the accountholder.

In the event that the reading is thereby confirmed by a member of the public works department, all such accountholder's subsequent re-read requests must be accompanied by the accountholder's prepayment of a five dollar (\$5.00) service fee to the city. The five dollars (\$5.00) service fee shall be refunded to the accountholder if the initial reading is found to have been incorrect and shall be retained by the city to cover its cost in re-reading the meter if the initial reading is found to have been correct.

(Ord. 2000-1, passed 2-16-00)

§ 50.22 BUDGET PLAN FOR GAS BILLS.

The following gas budget plan is hereby adopted to help prevent hardship due to increased gas billings during the winter months:

(A) The plan will start with the gas bills sent to the customer on the first of June of each year.

(B) The plan will use the average cubic feet used per month for the year beginning April 15 of the prior year, and ending April 14 of the year of application. This average usage will be multiplied by the rates in effect for the month billed for. This will allow for changes in the rates over the year. Thus, the budget payment will vary from month to month as the rates go up or down.

(C) A signing-up period will be conducted during the month of May 1986, and thereafter during the month of April of each year. Any gas customer must sign up at this time if they wish to use this plan. No customer will be permitted to sign up at any other time.

(D) Any extraordinary or extreme variation from the average in any month will cause an adjustment in the monthly average usage.

(E) Each May, the average for each customer will be re-figured for the coming year.

(F) The statement sent to the customer will include:

- (1) The name and address of the customer.
- (2) The date of reading.
- (3) Previous and present readings.
- (4) Usage.
- (5) Actual billing and budget payment.
- (6) A request to pay the applicable amount.
- (7) The due date.

(G) All customers wishing to sign up must have lived in and been a gas user at his present location for at least 12 months prior to the sign-up month and must not have been delinquent on his utility account during that period.

(H) Late payments, cut-offs, etc. shall be dealt with under § 50.35 through 50.41.

(I) Any person whose service is cut off for nonpayment thereunder shall be discontinued from the budget plan immediately and shall not be considered for reinstatement to the plan until he or she again qualifies under divisions (C) and (G) above.

(Ord. 81-4, passed 2-26-81; Am. Ord. 86-7, passed 5-17-86)

§ 50.23 CHANGE IN GAS RATES; REFUNDS.

(A) Change in rate. Whenever a change occurs in the rates or charges of a supplier of gas to the city constituting a change in cost of gas per MCF of the city's gas sales, a determination shall be made as to the effect per MCF billing unit of sales of such change in cost of gas.

(1) Such determination shall be made by:

(a) Application of the most recently effective rates or charges and the new rates or charges to the city's average monthly volume of gas purchased during the most recently available 12-month period.

(b) Dividing the cost of gas calculated in division (1)(a) above by the number of billing units of gas sales during the same most recently available 12-month period.

(c) Comparing the resultant quotients of the average cost per MCF billing unit of gas sales from division (1)(b) above.

(d) The difference so derived to the nearest \$.01 shall represent the effect of changes in gas cost per MCF billing unit of sales.

(2) The current rates or charges of the city to its customers may be decreased or increased by application of a gas cost adjustment as determined in division (1) above in the discretion of the Mayor subject to rescission by Council. The rates so adjusted shall be effective on the beginning date of the billing period next commencing on and after the effective date of a change in rates or charges of gas supplied to the city; however, in the case of metered accounts, the adjusted rates shall become effective with meter readings taken on and after the date 15 days subsequent to the date of the supplier increase or decrease giving rise to such change.

(B) Refunds. When the city receives refunds from one or more of its suppliers which shall have resulted from a reduction in rates or charges applicable to prior periods and previously reflected in a change in rates under this chapter, the city shall

pass on such refunds to customers as hereinafter described:

- (1) Recompute, in the same manner as set forth in division (A) above, each previously effective change in rates.
- (2) Refund to its customers as a credit to each customer's bill over a period not to exceed four months commencing not more than 60 days after the date of receipt of the refund, an amount determined as follows:
 - (a) Apply the difference between the original billed change in rate and the recomputed change in rate of division (B) (1) above to total sales for the period of over-collection from all customers;
 - (b) Apportion any interest received in connection with supplier refunds in the same ratio as the principal applicable to such customers; and
 - (c) Add the amounts determined in divisions (2)(a) and (b) above (being the total dollar amount refundable) and divide such amount by the estimate of total sales to all customers for the refund period specified in division (B)(2) above, to determine the refund factor, which shall be applicable to the volumes billed to customers each month.
 - (d) The company shall not be required to refund amounts for which the associated credit factor would be less than 0.1c per MCF of total sales, but will accumulate all refunds until the aggregate reaches an amount of 0.1c per MCF.
 - (e) The refund factor as computed shall be adjusted, if necessary, to insure refund of the total refund amount computed under division (B)(2) above.

(Ord. 74-13, passed 12-11-74; Am. Ord. 91-3, passed 12-28-91)

§ 50.24 ADJUSTMENTS OF GAS RATES.

(A) The Mayor of the city is hereby authorized to adjust natural gas rates to reflect market fluctuations, and such authorization shall substitute for an ordinance setting such rates, until such time as City Council may amend or revoke this section, provided, however, that there shall be reflected in all such subsequent billed rates, beginning with the bills reflecting an entire billing period subsequent to enactment hereof, recovered by the city as a franchise fee for providing said service a maximum franchise fee of twenty-eight percent (28%) in excess of the actual costs and expenses incurred by the city in providing such service to the public, and such gas shall be billed at the minimum rate of \$9.10 per MCF for 0 - 9,999,999 CF used within the city limits, and at the minimum rate of \$9.25 per MCF for 0 - 9,999,999 CF used outside of the city limits, such rates, when applied as minimums, to be inclusive of said franchise fee.

(B) The City Clerk shall, promptly and regularly, and at least on a monthly basis, advise the Mayor as to the costs of providing the gas service so the Mayor may, through adjustment of the gas rates, maintain recovery of the city costs and expenses incurred in the provision of such service and the franchise fee as set for in § 50.20.

(Ord. 2006-01, passed 1-9-06; Am. Ord. 2008-03, passed 5-21-08; Am. Ord. 2008-10, passed 9-24-08; Am. Ord. 2014-4, passed 9-17-14)

§ 50.25 WATER/SEWER BILL ADJUSTMENT FOR LEAKS.

(A) The city water/sewer service account holder (account holder) whose account is current, and who has had such water sewer service at the subject location for at least 12 months, and who has experienced a leak in his or her water system on his or her property to which such utility service is provided, may request a "leak adjustment" by taking all of the following steps.

- (1) The account holder shall sign a statement at the City Office that a leak has occurred, and provide the location (service address), date and times of the water leak;
- (2) The account holder shall sign a statement that the leak has now been repaired; and
- (3) The account holder shall sign a statement that such account holder will not make leak adjustment request for 18 months following any adjustment made as a result of the current leak adjustment request.

(B) Upon fulfillment of the above criteria and the completion of the above steps, the accounts holder's bill will be adjusted as follows: such water/sewer bill will be reduced to the proceeding 12- month average water/sewer bill for such location and account.

(C) Only leak adjustment requests made under the criteria and procedures set forth herein shall be granted.

(Ord. 2004-24, passed 12-15-04)

DISCONTINUANCE OF UTILITY SERVICE

§ 50.35 DEFINITIONS.

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

"DAYS." Calendar days, not business days.

"PAYMENT." Cash payment. Any payment made by check, later returned for insufficient funds or other reasons shall be disregarded and there shall be an administration fee of \$10 per check added to the account balance due.

(Ord. 86-6, passed 4-30-86)

§ 50.36 CONDITIONS UNDER WHICH CITY MAY REFUSE OR DISCONTINUE TO SERVE CUSTOMERS.

(A) The city may refuse or discontinue to serve an applicant or customer under the following conditions:

(1) For noncompliance with its rules and regulations; however, not without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations. After the effort on the part of the city, service may be discontinued or refused only after the customer shall have been given at least ten days' written notice of intention, mailed to his last known address.

(2) When a dangerous condition is found to exist on the customer's or applicant's premises, the service shall be cut off without notice or refund, provided that the city notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(3) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the city may discontinue or refuse service only after the customer or applicant shall have been given at least 15 days' written notice of intention.

(B) Except as provided in §50.37 the city shall not be required to furnish service to any applicant when the applicant is indebted to the utility for service furnished until the applicant shall have paid the indebtedness.

(C) The city may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal, or other codes, rules, and regulations applying to the service.

(Ord. 86-6, passed 4-30-86)

§ 50.37 CONDITIONS UNDER WHICH GAS SERVICE MAY BE DISCONTINUED.

(A) The city may discontinue gas service for nonpayment of bills after ten days' notice. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least ten days' written notice, but the cut-off shall not be effected before 21 days after the mailing date of the original bill. The termination notice shall be exclusive of and separate from the original bill. If prior to discontinuance of service, there is delivered to the utility office payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse, or a public health officer stating that, in the opinion of the person making the certificate, discontinuance of the service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until 30 days elapse from the time of the utility's notification to the customer in writing of the existence of local, state, and federal programs, providing for the payment of utility bills under certain conditions and of the offices to contact for possible assistance. The written notice for any discontinuance of service shall advise the customer of his rights under this division and of his right to dispute the reasons for the discontinuance.

(B) The city will accept partial payments of utility bills only until the cut-off date of the bill in question. Any balance due and unpaid on the cut-off date shall cause the entire account to be deemed delinquent and the service shall be cut off.

(C) Federal and statewide energy assistance programs are administered by the Kentucky Cabinet for Human Resources, Department for Social Insurance. Upon written certification from one of its offices a customer who is eligible for energy assistance under the Department's guidelines or is certified as being in genuine financial need, defined as any household with gross income at or below 130% of the poverty level, and who has been given a ten-day notice for nonpayment of a gas or electric bill rendered between December 1 and March 1, and who presents the notice to the Department for Social Insurance may be allowed 30 days in addition to a ten-day period in which to negotiate a partial payment plan with the utility provided such certification is delivered to the Clerk during the initial ten-day notice period by the applicant in person, by his agent, by mail, or by a telephone call from an employee of the Department for Social Insurance. The 30-day period shall begin to run at the end of the tenth day of the ten-day period. When the customer exhibits good faith by offering to make a present payment commensurate with his ability to do so and by agreeing to a repayment schedule which would permit the customer to become current in the payment of his gas bill as soon as possible but no later than August 1, the city may accept such partial payment plan. In addition to advising the customer of his rights under divisions (A) and (B) of this section, as required by division (A) above, the ten-day notice or a bill insert sent with the ten-day notice shall inform the customer of the telephone number and address of the nearest office of the Kentucky Cabinet for Human Resources, Department for Social Insurance. Information as to such limits may be obtained from the Department for Social Insurance. Referral of the customer to the office of the Department may be made by a church, by a charitable or social organization, by a unit of state or local government, or by any other person.

(D) When the city has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The city shall not be required to restore service until the customer has complied with all rules of the city and the city has been reimbursed for the estimated amount of the service rendered and the costs to the city incurred by reason of the fraudulent use.

(Ord. 86-6, passed 4-30-86)

§ 50.38 CONDITIONS UNDER WHICH WATER AND SEWER SERVICES MAY BE DISCONTINUED.

(A) The city may discontinue water and sewage service for nonpayment of bills; however, the utility shall not discontinue service to any customer for nonpayment of bills (including penalties and interest and other charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least 48 hours' written notice, but the cut-off shall not be effected before 20 days after the mailing date of the original bill. The termination notice shall be exclusive of and separate from the original bill. If prior to discontinuance of service, there is delivered to the city office payment of the total amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse, or a public health officer stating that, in the opinion of the person making the certificate, discontinuance of the service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or ten days elapse from the mailing date of the city's notification.

(B) When the city has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued without notice. The city shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the city and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the city incurred by reason of the fraudulent use.

(Ord. 86-6, passed 4-30-86)

§ 50.39 CITY TO ASCERTAIN CONDITION OF FACILITIES PRIOR TO MAKING NEW SERVICE CONNECTION.

It shall be the duty of the city before making service connections to a new customer to ascertain the condition of the meter and service facilities and for the customer, in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, to be present at the inspection. The city shall not be required to render service to the customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(Ord. 86-6, passed 4-30-86)

§ 50.40 RECONNECTION.

For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the city have been complied with, the city shall promptly render service to the customer or applicant, upon payment of the reconnection fee set forth in § 50.17.

(Ord. 86-6, passed 4-30-86)

§ 50.41 NOTICE BY MAIL.

When advance notice is required, the notice may be given by the city by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

(Ord. 86-6, passed 4-30-86)

CHAPTER 51: SEWERS

Section

- 51.01 Definitions
- 51.02 Connection with sewer system required
- 51.03 Sewers and connections to meet EPA standards
- 51.04 Private sewage disposal systems
- 51.05 New buildings
- 51.06 Prohibited discharges or connections

- 51.99 Penalty

Cross-reference:

For provisions concerning rates, billing, and discontinuance of service, see Chapter 50

§ 51.01 DEFINITIONS.

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

"AVAILABLE." The sewer system or sewers are "AVAILABLE," as that term is used in this chapter, if any such premises abut upon any street, road, alley, public way, or easement in which there is installed a sewer pipe, main, lateral, or other

structure or installation of the sanitary sewer system capable of receiving flowable sewage wastes, or if such premises are situated within 150 feet of such a sanitary sewer installation.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

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

"pH." The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

"PREMISES." All places and properties where people live or congregate or where flowable sewage wastes are otherwise generated and which should be drained and disposed of in the interests of the public health, safety, and general welfare, and specifically includes, but not by way of limiting the generality of the foregoing, all homes; houses; apartments; hotels; motels; trailer camps; manufacturing, business, commercial, or industrial establishments; and other structures of any and every nature whatsoever.

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility.

"SANITARY SEWER." A sewer that carries liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwater, stormwater, and surface waters that are not admitted intentionally.

"SANITARY SEWER SYSTEM", "SEWERAGE SYSTEM", "SEWER SYSTEM", "SANITARY SEWERS", or "SEWERS." The municipal sanitary sewer system of the city, together with all future extensions, additions, enlargements, or improvements thereto.

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

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"STORM DRAIN" or "STORM SEWER." A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"WASTEWATER." The spent water of a community. From the standpoint of source, it may be a combination of the liquid- and water- carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. This term is sometimes used as synonymous with "WASTE TREATMENT PLANT", "WASTEWATER TREATMENT PLANT", or "WATER POLLUTION CONTROL PLANT".

(Ord. 82-5, passed 2-10-82; Am. Ord. 82-9, passed 4-15-82)

§ 51.02 CONNECTION WITH SEWER SYSTEM REQUIRED.

(A) Where and when the sanitary sewer system is capable of receiving and disposing of the flowable sanitary sewage of, and is available to any premises not already connected thereto, the city shall give written notice to the owner or occupant of such premises that a sanitary sewer connection is available, and that such premises shall be connected thereto within 90 days after such notice is given. All owners and occupants of premises where sewer service is presently or hereafter available shall, within 90 days from the date of such notice, connect therewith all sanitary sewage drain pipes and sewage outlets of such premises, unless the owner has a state-approved system for the reception of flowable sewage waste.

(B) All connections to the sanitary sewer system shall be made under, and in conformity with such regulations as the city may from time to time establish by ordinance or resolution and all connections to the sewer system shall be properly designed and constructed. Failure to effect such connection within the prescribed time is declared to be unlawful and shall constitute a public nuisance, and shall be abated, subject to the penalties hereinafter prescribed in § 51.99

(C) No sewer tap or connection shall be made by any person, firm, or corporation, except by the city or by qualified persons approved by the city. The city will, upon application and payment of the prescribed tapping or connection fee, tap the appropriate sewer facility and extend a lateral line to the property line of any applicant where sewers are available. Any and all installations or connections shall be made thereto by the applicant under the direction and supervision of the city and in conformity with proper health standards. Nothing herein contained shall be construed as requiring the city to furnish a sewer connection or sewer service to any premises where a city sewer facility is not available at the time the application is made.

(Ord. 82-5, passed 2-10-82)Penalty, see § 51.99

§ 51.03 SEWERS AND CONNECTIONS TO MEET EPA STANDARDS.

All sewers and connections to the sewer system must be properly designed and constructed in accordance with standards established by the United States Environmental Protection Agency.

(Ord. 82-9, passed 4-15-82)Penalty, see § 51.99

§ 51.04 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(A) From and after the time when a sewer connection is made available to any premises, it shall be unlawful for any person, firm, or corporation to construct or maintain a privy, vault, cesspool, unapproved septic tank, or other similar contrivance for the reception of flowable sewage wastes.

(B) All such privies, vaults, cesspools, septic tanks, and similar contrivances whereby flowable sewage wastes are cast, drained, or deposited into a container above or below the surfaces of the ground; upon or into the soil; into any running or percolating stream of water; or into any cistern or well, are hereby declared to be unlawful and to constitute a public nuisance and shall be removed by the owners or the occupants of all premises where the sewer connection is made available.

(Ord. 82-5, passed 2-10-82)Penalty, see § 51.99

§ 51.05 NEW BUILDINGS.

All architects, engineers, contractors, builders, or other persons who shall hereafter erect new premises where sewers are available shall, before erecting the same, exhibit to the city through such officer or employee as may be designated from time to time for such purpose, satisfactory evidence that a means has been or will be provided for connecting all sanitary sewage drains and outlets from such building or structure with the municipal sanitary sewer system.

(Ord. 82-5, passed 2-10-82)Penalty, see § 51.99

§ 51.06 PROHIBITED DISCHARGES OR CONNECTIONS.

(A) No substance shall be placed or discharged into the sanitary sewer system which will create a combustible, gaseous, explosive, or inflammable condition in such system, nor shall any substance or object be placed or discharged into the sanitary sewer system which will not dissolve and which will thus cause an obstruction or clogging within the system. No petroleum products shall be placed or discharged into the municipal sanitary sewer system.

(B) No stormwater or surfacewater drain shall be connected with the sanitary sewer system, nor shall any stormwater or surfacewater be otherwise introduced into the sanitary sewer system. Any wastewater, liquid, or vapor having a temperature higher than 150° F. (65° C.) shall be disposed of by vacuum tank trucks to the sewerage system and shall not be discharged into the sewerage system without the approval of the city.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 at any time or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater or sewage disposal system.

(2) Any waters or waste containing toxic pollutants, or any poisonous solids, liquids, or gases in a concentration that would not meet federal E.P.A. toxic effluent standards or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters containing quantities of naturally occurring radium or any artificially-produced radioisotopes in excess of existing or subsequently accepted limits for drinking water, as established by the National Committee on Radiation Protection Measuring or applicable state or federal regulations.

(Ord. 82-5, passed 2-10-82; Am. Ord. 82-9, passed 4-15-82)Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Any person, firm, or corporation violating any of the provisions of this chapter or failing or refusing to comply with the same, whether or not such person, firm, or corporation is the owner or the occupant of the premises involved shall be guilty of a violation and shall, upon conviction, be fined not less than \$50, nor more than \$100, for each offense.

(B) Each day such person, firm, or corporation violates any of the provisions of this chapter, fails or refuses to comply with this chapter, or fails or refuses to connect the sanitary sewer drain and outlets from any property, building, or structure owned or occupied by that person, firm, or corporation with the sanitary sewer system; each day any such privy, vault, cesspool, septic tank, or other contrivance for the reception of flowable sewage into which such sewage is cast or permitted to be drained or disposed of, or is kept or maintained in violation of this chapter; and each day any stormwater drain remains connected to the sanitary sewer system, shall constitute a separate offense.

(Ord. 82-5, passed 2-10-82)

TITLE VII: TRAFFIC CODE

- 70. GENERAL PROVISIONS
- 71. TRAFFIC RULES
- 72. PARKING REGULATIONS
- 73. BICYCLES AND MOTORCYCLES
- 74. RAILROADS
- 75. TRAFFIC SCHEDULES
- 76. PARKING SCHEDULES
- 77. ALL-TERRAIN VEHICLES
- 78. GOLF CARTS

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 Definitions
- 70.02 Required obedience to traffic directions
- 70.03 Powers and duties of Police Department
- 70.04 Authority for enforcement
- 70.05 Temporary regulations

Traffic-Control Devices

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

- 70.99 General penalty

§ 70.01 DEFINITIONS.

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

"AUTHORIZED EMERGENCY VEHICLES." Vehicles of the Fire Department or Police Department, vehicles of the Commonwealth Attorney's office when on official business, and ambulances on an authorized emergency run.

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

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

"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 the portion of the street used for vehicles whether marked by curbstones or not.

"FUNERAL PROCESSION." Two (2) or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.

(KRS 189.378(1))

"HIGHWAY." Any public road, street, avenue, alley, boulevard, bridge, viaduct, or trestle and the approaches to them and

includes off-street parking facilities offered for public use (except for hire parking facilities as described in KRS 189.700).

"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, erected, or maintained by authority of the Chief of Police.

"ONE-WAY STREET." A street on which vehicles are permitted to move in one direction only.

"OPERATOR." Every person who is in actual physical control of the guidance, starting, and stopping of a vehicle.

"PARK." When applied to vehicles, to leave a vehicle standing, whether occupied or not, for a period of time longer than is necessary to receive or discharge passengers or property.

"PEDESTRIAN." Any person afoot.

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

"POLICE DEPARTMENT." The Police Department or other persons or agency authorized to perform the duties of § 70.03 or any other acts necessary to implement and enforce this traffic code.

"PUBLIC WAY." The entire width between property lines of every way, dedicated passway, or street set aside for public travel, except bridle paths and foot paths.

"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.

"STATE HIGHWAY." A highway or street maintained by the state.

"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." Includes all agencies for the transportation of persons or property over or upon the public highways of the Commonwealth and all vehicles passing over or upon the highways. **"MOTOR VEHICLE."** Includes all vehicles, as defined above except, road rollers; road graders; farm tractors; vehicles on which power shovels are mounted; construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways; vehicles that travel exclusively upon rails; vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; vehicles propelled by muscular power; and Electric low-speed scooters.

(KRS 189.010(19))

§ 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 arrests for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

§ 70.04 AUTHORITY FOR ENFORCEMENT.

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

Penalty, see § 70.99

§ 70.05 TEMPORARY REGULATIONS.

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

TRAFFIC-CONTROL DEVICES

§ 70.15 SIGNAL LEGENDS.

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

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

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

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

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

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

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

(G) Lane lights: When the 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.

Cross-reference:

Schedule of additional traffic-control devices to be installed, see Ch. 75, Sch. IV

§ 70.17 OBEDIENCE TO SIGNALS.

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

(B) Such sign, signal, marking, or barrier shall have the same authority as the personal direction of a police officer.

Penalty, see § 70.99

§ 70.18 INTERFERENCE WITH SIGNALS.

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

Penalty see § 70.99

§ 70.19 UNAUTHORIZED SIGNALS OR MARKINGS.

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

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

Penalty, see § 70.99

§ 70.20 DEVICE TO BE LEGIBLE AND IN PROPER POSITION.

No provision of this traffic code for which signs or any other traffic-control device is required shall be enforceable against an alleged violator if at the time and place of the alleged violation the required device was not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 70.21 TEMPORARY DISREGARD OF DEVICES BY POLICE OFFICERS.

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

§ 70.99 GENERAL PENALTY.

Whoever violates any provision of this traffic code where no other penalty is specifically provided shall be guilty of a violation and shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).

CHAPTER 71: TRAFFIC RULES

Section

Operating Generally

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

Accidents

- 71.15 Duty of operator
- 71.16 Accident report

Prohibitions

- 71.25 Operator of vehicle to drive carefully
- 71.26 Following emergency vehicles; driving over fire hose
- 71.27 Smoke emission

Funeral Processions

- 71.30 Funeral processions

Parades

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

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 such distinctive manner as to indicate such 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 § 70.99

§ 71.02 REVERSE OR U TURNS.

No vehicle shall be turned so as to proceed in the opposite direction within an intersection or upon any street in a business district or where authorized signs are erected to prohibit the movement or at any other location unless the movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.

Penalty, see § 70.99

§ 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 a manner as to proceed on the same side of the roadway in the lawful direction of travel.

Penalty, see § 70.99

§ 71.04 VEHICLES CROSSING SIDEWALKS.

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

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

Penalty, see § 70.99

§ 71.05 SPEED LIMITS.

No operator of a vehicle upon a state highway, city street, alley, or public way within the corporate limits of the city shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the state highway, city street, alley, or public way. This shall not apply to an "AUTHORIZED EMERGENCY VEHICLE" designated as such by KRS 189.910.

(Ord. 82-12, passed 6-25-82) Penalty, see § 70.99

Cross-reference:

For specific speed limits on certain streets and highways, see Chapter 75, Schedule I

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 § 70.99

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 § 70.99

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) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 71.99

§ 71.26 FOLLOWING EMERGENCY VEHICLES; DRIVING OVER FIRE HOSE.

(A) It shall be unlawful for the operator of any vehicle not on official duty to follow an authorized emergency vehicle, traveling in response to a fire alarm or other emergency, closer than five hundred (500) feet, or to park any vehicle within a block in any direction of the location where these vehicles are responding to a fire alarm.

(B) It shall be unlawful for the operator of any vehicle to drive over any unprotected hose of the Fire Department when laid down on any street or private driveway, to be used at any fire, or alarm of fire, or for any other purpose, without the consent of the Fire Department official in command or on duty at such point.

Penalty, see § 70.99

§ 71.27 SMOKE EMISSION.

It shall be unlawful to operate any vehicle in such manner as to cause it to emit unnecessary smoke, gas, or vapor.

Penalty, see § 70.99

FUNERAL PROCESSIONS

§ 71.30 FUNERAL PROCESSIONS.

(A) A vehicle in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is led by an escort vehicle displaying flashing yellow, red, or blue lights, except:

- (1) When the right-of-way is required by an emergency vehicle as defined by KRS 189.910;
- (2) When vehicles in the procession are directed otherwise by a police or safety officer; or
- (3) When the vehicle is a train or locomotive.

(B) Before assuming the right-of-way, a person who drives a vehicle in a funeral procession shall exercise due caution with regard to crossing traffic.

(C) A person who drives a vehicle that is not a part of a funeral procession shall not drive the vehicle between the vehicle of the funeral procession or otherwise interfere with the progress of the procession, except when:

- (1) The person is authorized to do so by a police or safety officer; or
- (2) The vehicle is an emergency vehicle as defined by KRS 189.910.

(D) A person who drives a vehicle that is not a part of a funeral procession shall not illuminate the vehicle headlights or engage in any other act for the purpose of securing the right-of-way granted to funeral processions.

(E) The escort vehicle, hearse or other vehicles in a procession may be equipped with flashing yellow lights for the purpose of notifying the general public of the procession and gaining the right-of-way at intersections, or signaling the end of a procession.

(F) Persons authorized to use flashing lights as defined in KRS 189.920 may use them while accompanying a funeral procession to warn traffic that a procession is approaching or that it is in progress.

(G) When a funeral procession is in progress, a person driving a vehicle not in the procession shall not pass or overtake any vehicle in the procession unless:

- (1) The person is directed to do so by a police or safety officer;
- (2) The procession is on a street, road, or highway outside corporate limits of a city, town, or urban-county; or
- (3) The procession is on an interstate highway or a state parkway.

(KRS 189.378) 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.

"CRUISING." The repeated operation of two or more vehicles in a continuous or nearly continuous flow through a parking lot.

"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, or **"CRUISING"** as defined herein.

"PARADE PERMIT." A permit required by this subchapter.

"PARKING LOT." Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire as defined in KRS 189.700.

§ 71.41 PERMIT REQUIRED.

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

(B) This subchapter shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities;
- (3) A governmental agency acting within the scope of its functions.

Penalty, see § 70.99

§ 71.42 APPLICATION FOR PERMIT.

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

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

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

- (1) The name, address, and telephone number of the person seeking to conduct the parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;
- (3) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

- (4) The date when the parade is to be conducted;
 - (5) The route to be traveled, the starting point, and the termination point;
 - (6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
 - (7) The hours when the parade will start and terminate;
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;
 - (9) The location by street of any assembly area for the parade;
 - (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
 - (11) The interval of space to be maintained between units of the parade;
 - (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf;
 - (13) Any additional information reasonably necessary to a fair determination as to whether a permit should issue.
- (C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Council.

Penalty, see § 70.99

§ 71.43 STANDARDS FOR ISSUANCE OF PERMIT.

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

- (A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;
- (E) The conduct of the parade will not interfere with the movement of fire fighting equipment enroute to a fire;
- (F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- (G) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit;
- (H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.

Penalty, see § 70.99

§ 71.44 NOTICE OF REJECTION OF PERMIT.

The Chief of Police or other authorized city official shall act on the application for a parade permit within three days, Saturdays, Sundays, and holidays excepted, after filing thereof. If he disapproves the application, he shall mail to the applicant within the three days, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial of the permits.

§ 71.45 APPEAL PROCEDURE WHEN PERMIT DENIED.

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

§ 71.46 ALTERNATIVE PERMIT.

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

conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

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

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

- (A) The Mayor;
- (B) The City Attorney;
- (C) The Fire Chief;
- (D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

§ 71.48 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;
- (D) Maximum interval of space to be maintained between the units of the parade;
- (E) The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;
- (F) The maximum length of the parade in miles or fractions thereof;
- (G) Such other information as is reasonably necessary to the enforcement of this subchapter.

Penalty, see § 70.99

§ 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 § 70.99

§ 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.

(C) Parking on parade route. The Chief of Police or other authorized city official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unposted in violation of this subchapter.

Penalty, see § 70.99

§ 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.

Any person who violates § 71.30 shall be guilty of a misdemeanor and shall be fined not more than \$250 or imprisoned for not more than ninety (90) days, or both.

(KRS 189.378)

CHAPTER 72: PARKING REGULATIONS

Parking Generally

- 72.01 Adoption of the Local Government Parking Citation Act
- 72.02 False personation
- 72.03 Parking tickets; payment of fine
- 72.04 Owner's responsibility
- 72.05 Impoundment or immobilization of vehicles
- 72.06 Disposal of impounded vehicles
- 72.07 Parking Citations Enforcement Hearing Board
- 72.08 Parking regulations on Route #8

Impounding

- 72.20 Impoundment of vehicles authorized
- 72.21 Reserved
- 72.22 Sale of vehicle
- 72.23 Abandoned vehicles

Snow Emergency

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

- 72.99 Penalty

Statutory reference:

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

PARKING GENERALLY

§ 72.01 ADOPTION OF THE LOCAL GOVERNMENT PARKING CITATION ACT.

The provisions of the Local Government Parking Citation Act as codified at KRS 82.600 to 82.640 are hereby adopted, incorporated, and made applicable by reference, as authorized in KRS 83A.060(5), within the corporate limits of this city.

(Ord. 2019-5, passed 4-17-19)

§ 72.02 FALSE PERSONATION.

It is unlawful for any person charged with violating any of the provisions of this title relating to traffic to present a citation tag under a name other than his or her correct and true name.

(Ord. 2019-5, passed 4-17-19) Penalty, see § 72.99

§ 72.03 PARKING TICKETS; PAYMENT OF FINE.

(A) The Chief of Police is authorized and directed to supply officers with parking tickets, for the purpose of giving notice to persons violating any provisions of this title or other laws or ordinances affecting the use of streets. The notice may be given by delivering such ticket to the violator, or by affixing it to the vehicle by means of which the violation occurred. The parking ticket shall direct the offender when and where to appear to present the ticket for payment.

(B) In the event the offender desires to contest the parking ticket, the procedure as outlined by KRS 82.620 et seq. shall be followed.

(C) Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him or her into custody for traffic violations where the penalty for its violation may result in incarceration upon conviction by the District Court.

(Ord. 2019-5, passed 4-17-19)

§ 72.04 OWNER'S RESPONSIBILITY.

The violation of any section or provision of this title by means of a motor vehicle shall be prima facie evidence that the violation was committed by or with the authority or permission of the owner of the vehicle.

(Ord. 2019-5, passed 4-17-19)

§ 72.05 IMPOUNDMENT OR IMMOBILIZATION OF VEHICLES.

(A) Any police officer may impound or immobilize any vehicle parked, stopped or standing upon a street or public way in violation of any of the provisions of this chapter or the Kentucky Revised Statutes prohibiting parking, stopping or standing in the location, manner or at the time the vehicle is cited, or if such vehicle has any currently outstanding delinquent parking tickets, or for any other lawful reason. Any person desiring to redeem any such impounded or immobilized vehicle, in addition to the fines levied, including payment of all outstanding fines levied for any parking or traffic offense, shall also be liable for a fine and towing, handling and storage charges which are reasonable, and which are set forth below:

(1) Towing fee (including loading): Cost incurred for towing vehicle;

(2) Storage fee: Thirty-five dollars (\$35) per day, beginning at 12:00 noon on the day following the impoundment of the vehicle;

(3) Handling fee: A ten percent (10%) handling fee shall be added to the amount owed for towing and storage to cover handling/administrative costs, with a minimum handling fee of twenty-five dollars (\$25).

(B) An impounded vehicle shall be released only upon proof of ownership or right to possession.

(C) Any owner of an impounded motor vehicle shall have the right to request a hearing to determine the validity of such impoundment under the terms and conditions as set forth in KRS 82.625.

(Ord. 2019-5, passed 4-17-19; Am. Ord. 2021-5, passed 8-18-21)

§ 72.06 DISPOSAL OF IMPOUNDED VEHICLES.

(A) If within ten (10) business days of impoundment, any motor vehicle so impounded has not been claimed or a hearing has not been requested to determine the validity of such impoundment pursuant to KRS 82.625, notice shall be mailed by certified mail to the registered owner, if known, and lienholders of record, if any, affording the parties the right within ten (10) days from the date of notice to claim the vehicle or request a hearing pursuant to KRS 82.625. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within forty-five (45) days of receipt of notice.

(B) After forty-five (45) days from the date of notice required by subsection (A) of this section, an impounded motor vehicle shall be deemed abandoned and the vehicle may be disposed of as provided by state statute.

(C) If the vehicle is judged suitable for use, the city may obtain a certificate of registration and ownership from the County Clerk, pursuant to KRS 186.020, and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use, it may be sold for its scrap or junk value.

(D) The city shall possess a lien on a motor vehicle impounded pursuant to KRS 82.625 for all fines, penalties and towing, handling and storage charges imposed thereon. The lien shall be superior to and have priority over all other liens thereon.

(Ord. 2019-5, passed 4-17-19)

§ 72.07 PARKING CITATIONS ENFORCEMENT HEARING BOARD.

All contested parking citations and impoundments shall be heard by the Parking Citation Enforcement Board, which is hereby established, which shall be composed of at least one (1) or more persons, which person or person shall be appointed by resolution of the Augusta City Council, which Resolution shall specify the term of that person or persons so serving, and such Parking Citation Enforcement Board empowered to conduct such hearings pursuant to KRS 82.605 to 82.640.

(Ord. 2019-5, passed 4-17-19)

§ 72.08 PARKING REGULATIONS ON ROUTE #8.

(A) Definitions. As used herein, the following words or designations shall have the following meanings ascribed to them respectively unless the context requires otherwise:

(1) As used herein, the term "ROUTE #8" means that state maintained highway running in an east-west direction through town, and also being sometimes referred to as Fifth Street, and Rural Route 2, and more recently being named or known as Mary Ingles Highway West, as a result of 911 mapping, and a portion thereof then being named Heather Renee French Boulevard, per City Ordinance # 99-5.

(2) "LARGE OR HEAVY VEHICLES" shall include any:

(a) House trailer, herein being defined as any vehicle or similar portable structure designed for use as a conveyance and also designed to permit the occupancy thereof as a dwelling place for one (1) or more persons; and

(b) Motor truck, herein being defined as being any motor-propelled vehicle designed for carrying freight or merchandise; and

(c) Semi-trailer, herein being defined as being a vehicle designed to be attached to, and having its front end supported by, a motor truck, or truck tractor, intended for the carrying of freight or merchandise; and

(d) Semi-trailer truck, herein being defined as any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, intended for the carriage of freight or merchandise; and

(e) Truck tractor, herein being defined as any motor-propelled vehicle designed to draw a trailer.

(B) Prohibition against parking of certain vehicles along Route #8. No person shall park any house-trailer, motor truck, semi-trailer, semi-trailer truck, trailer, or truck-tractor, on or along Route #8 within the City limits of Augusta.

(C) Exceptions. This section shall not apply to:

(1) A vehicle that has been genuinely disabled on the right-of-way of such road in such a manner and to such extent that it is impossible to avoid the occupation of the shoulder of Route #8 or impracticable to remove it from the shoulder of the highway until repairs have been made or sufficient help obtained for its removal. In such cases, the maximum amount of time a genuinely disabled vehicle shall be permitted to remain on the shoulder of Route #8 shall be twenty-four (24) hours;

(2) Vehicles which are parked, for up to one hour, for the purpose of loading and unloading freight or merchandise;

(3) Vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any other traffic ordinance, regulation or sign or the command of any peace officers;

(4) Vehicles owned and operated by the Augusta Fire Department or an assisting Fire Department, or any Emergency Management Vehicles or Hazmat Vehicles; and

(5) Vehicles owned for personal, non-commercial use.

(Ord. 2013-02, passed 3-20-13) Penalty, see § 72.99

IMPOUNDING

§ 72.20 IMPOUNDMENT OF VEHICLES AUTHORIZED.

(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.

(A) (1) Any person engaged in the business of storing or towing motor vehicles, who has substantially complied with the notification requirements of KRS 281.928, shall have a lien on the motor vehicle and its contents, except as set forth in division (B) of this section, for the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932, as long as it remains in his or her possession.

(2) If, after a period of forty-five (45) days, the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932 have not been paid, the motor vehicle and its contents, except as set forth in division (B) of this section, may be sold to pay the charges after the owner and any lienholder have been notified by certified mail at the address specified in KRS 281.928(1), ten (10) 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. A lien on a vehicle under this subsection shall be subject to prior recorded liens, unless released by any existing lienholder pursuant to division (A)(3) of this section.

(3) A lienholder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first ten (10) days of impoundment in accordance with KRS 281.928. Such notification, in addition to the requirements of KRS 281.928, shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle, and state that the towing company or storage facility seeks to obtain a new title free and clear of any liens, excluding any tax liens. If the above-referenced certified letter is not sent within the ten (10) days by the towing and storage company, then only ten (10) days of storage may be charged. The lienholder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle. If a lienholder does not exercise the right to take possession of the motor vehicle under this paragraph within forty five (45) days of notification, and all lienholders agree in writing, the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

(4) If there are no lienholders required to be notified under KRS 281.920 to 281.936, 359.230, and 376.275, and the owner does not exercise the right to take possession of the motor vehicle under this section within forty-five (45) days of notification required KRS 281.928, the tow company or storage facility may obtain a new title under KRS 186A.145 free and

clear of any liens, excluding tax liens.

(B) Division (A) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within forty-five (45) days of the date the vehicle was towed:

- (1) Prescription medication in its proper container;
- (2) Personal medical supplies and equipment or records;
- (3) Educational materials, including but not limited to calculators, books, papers, and school supplies;
- (4) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;
- (5) Firearms and ammunition. Notwithstanding the provisions of division (C) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;
- (6) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;
- (7) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);
- (8) Child restraint systems or child booster seats; and
- (9) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.

(C) Except as provided for in division (B)(5) of this section, any contents exempted under division (B)(3), (4), (6) and (7) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company. Any contents exempted under division (B) (1), (2), (8) and (8) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall not be sold, but shall be otherwise legally disposed of by the storage or towing company.

(D) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.

(KRS 376.275 (1) - (4))

§ 72.23 ABANDONED VEHICLES.

(A) A vehicle left upon a city street for three (3) consecutive days shall be presumed to be abandoned, and the Chief of Police shall cause such vehicle that is fit for future use to be removed by some person engaged in the business of storing or towing motor vehicles and the provisions of KRS 376.275 shall apply in disposing of the vehicle. Any money obtained in disposing of a vehicle that is in excess of any liens shall be paid by the seller to the owner and if the owner cannot be located, the excess money shall escheat to the state pursuant to the provisions of KRS Chapter 393. A vehicle shall be registered or transferred in the county where the sale is conducted upon an affidavit by the seller that the provisions of KRS 376.275 have been met. The affidavit shall contain information as prescribed by the transportation cabinet.

(B) If a vehicle that is presumed abandoned under subsection (A) of this section is, in the opinion of the Chief of Police, unfit for future use, the Chief of Police may dispose of it immediately in a manner as it deems appropriate.

(C) When a motor vehicle has been involuntarily towed or transported pursuant to order of police, the Chief of Police shall attempt to ascertain from the Transportation Cabinet the identity of the registered owner of the motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within ten (10) business days of the removal shall, by certified mail, attempt to notify the registered owner at the address of record of the make, model, license number and vehicle identification number of the vehicle and of the location of the vehicle, and the requirements for securing the release of said motor vehicle.

(Ord. 2001-2, passed 5-16-01)Penalty, see § 72.99

SNOW EMERGENCY

§ 72.35 ANNOUNCEMENT OF SNOW EMERGENCY.

Whenever the Chief of Police or other authorized city official finds that falling snow, sleet, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever he finds on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that such parking be prohibited, he is authorized to announce such prohibition, to become effective at a time specified by him. After the effective time of such prohibition no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after 11:00 p.m. and prior to 6:00 a.m., and the Chief of Police or other authorized city official has not announced prior to 11:00 p.m. that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. following such fall. The prohibition of parking announced by the Chief of Police or other authorized city official under the authority of this section shall remain in effect until he announces the

termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this section shall no longer be in effect.

Penalty, see § 72.99

§ 72.36 TERMINATION OF EMERGENCY.

Whenever the Chief of Police or other authorized city official shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, he is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If such announcement is made other than between 6:00 a.m. and 11:00 p.m., it shall be repeated between those hours.

§ 72.37 SNOW EMERGENCY ROUTES.

The term "SNOW EMERGENCY ROUTE" shall mean any route designated by the Chief of Police or other authorized city official. On such street or highway designated as snow emergency route, special signs shall be posted to this effect.

Penalty, see § 70.99

§ 72.99 PENALTY.

(A) The owner of any motor vehicle or other mobile unit shall be assessed a penalty for general parking violations, parking in prohibited places, and parking improperly as specifically set forth on the Augusta Police Department Parking Citation attached to the ordinance codified herein, and such penalty shall be increased unless paid or appealed within seven (7) days, as also set forth on the attached Augusta Police Department Parking Citation, same being incorporated herein by reference as if fully set forth herein. The city shall also recover any certified mail and postage fees it incurs, which shall be added the total amount due.

(B) The owner of any motor vehicle or other mobile unit who violates any non-specified provision shall be subject to a civil offense with a civil fine of \$20.00. Unless paid or appealed within seven (7) days, said fine shall be increased to \$40.00. The city shall also recover any certified mail and postage fees it incurs, which shall be added the total amount due.

(C) Any person violating the provisions of §72.08 shall, upon conviction of a first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00). Any person convicted of a subsequent violation of § 72.08 within two years of a prior conviction under §72.08, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

(D) Any person who violates §72.23 shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(Ord. 2001-2, passed 5-16-01; Am. Ord. 2013-02, passed 3-20-13; Am. Ord. 2019-5, passed 4-17-19; Am. Ord. 2019-15, passed 11-20-19)

CHAPTER 73: BICYCLES AND MOTORCYCLES

Section

- 73.01 Operation of bicycles
- 73.02 Operation of motorcycles and motorscooters
- 73.03 Skating and coasting
- 73.04 Clinging to vehicles

- 73.99 Penalty

Cross-reference:

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

§ 73.01 OPERATION OF BICYCLES.

(A) Bicycles shall not be operated upon any portion or section of the sidewalks abutting Main Street from the Railroad Tracks to Riverside Drive, or upon any portion or section of the sidewalks abutting Riverside Drive between Parkview and Elizabeth Streets.

(B) No operator of a bicycle shall carry another person on such bicycle.

(Ord. 2019-11, passed 8-21-19) Penalty, see § 73.99

§ 73.02 OPERATION OF MOTORCYCLES AND MOTORSCOOTERS.

(A) No operator of any motorcycle, motorscooter, or power-driven bicycle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(B) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any public park, except on a roadway or in a parking area.

(C) No operator of a motorcycle, motorscooter, or power-driven bicycle shall operate such vehicle in any play lot or tot lot. Penalty, see § 73.99

§ 73.03 SKATING AND COASTING.

Except on streets which may be declared from time to time as "play streets" by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.

Penalty, see § 73.99

§ 73.04 CLINGING TO VEHICLES.

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

(B) No person shall ride on the projection, running board, or fenders of any vehicle.

Penalty, see § 73.99

§ 73.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a violation and shall be fined not more than \$50.

CHAPTER 74: RAILROADS

Section

74.01 Safety devices required

74.02 Railroad track elevations

§ 74.01 SAFETY DEVICES REQUIRED.

All railroad companies or persons engaged in operating or in control of any line of railroad extending over or intersecting any street in the city, shall at each and all of the crossings or intersections provide, maintain, and operate safety devices of the design and mechanism suitable for the protection of persons riding or driving from trains crossing or approaching the crossings or intersections.

(Ord. 55-1, passed 6-9-55) Penalty, see § 70.99

§ 74.02 RAILROAD TRACK ELEVATIONS.

(A) Elevation of the railroad tracks of the Chesapeake and Ohio Railway Company located within the city may be raised at the crossings listed below to whatever height is necessary to effect a suitable and safe crossing between the present elevation and permitted elevations set out below:

Street Crossing	Present Elevation (Top of Rail)	Permitted Elevation (Top of Rail)
Williams	508.0	508.5
Hamilton	509.0	509.5
Main	509.5	510.0
Elizabeth	510.4	510.9
Seminary	510.5	511.0
Cuff Alley	510.8	511.3
Bracken	510.9	511.4
Frankfort	511.2	511.7

(B) All other ordinances, contracts, duties, rights, and liabilities previously existing relating to the railway system of the

Chesapeake and Ohio Railway Company in the city shall not be affected.

(Ord. 72-2, passed 4-12-72)

CHAPTER 75: TRAFFIC SCHEDULES

Schedule

- I. Speed limits
- II. One-way streets
- III. Truck traffic
- IV. Additional traffic-control devices

SCHEDULE I. SPEED LIMITS.

(A) Speed limits.

(1) No person shall operate a motor vehicle on the following streets at a speed greater than that indicated.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>
<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>
Bracken Street	South from Second Street to Riverdale Drive	20 m.p.h.	82-12
East Park Street	From Second Street to the C & O Railroad	10 m.p.h.	82-12
Fourth Street	From Elizabeth Street to Bracken Street	20 m.p.h.	82-12
Frankfort Street	North from Second Street to Riverside Drive and south from Second Street to the C & O Railroad	20 m.p.h.	82-12
Riverside Drive	Entire length	20 m.p.h.	2003-12
Second Street	East from Hamilton Avenue and from Tannery Street to Sycamore Street	20 m.p.h.	82-12
Sycamore	From Fourth Street to Second Street	15 m.p.h.	67-2

(2) No person shall operate a motor vehicle on Kentucky Highway No. 8 or Kentucky Highway No. 19 at a greater speed than is posted and established by the state, pursuant to the provisions of KRS 189.390 for a highway or street maintained by the state.

(3) No person shall operate a motor vehicle on any other highway, street, alley, or public way within the city at a greater speed than thirty-five (35) miles per hour, unless a different speed limit has been lawfully established by the state or the city.

(4) On every charge for violation of any speed limits specified in this schedule, the warrant or citation shall specify the speed at which the violator or defendant is alleged to have driven and also the lawful speed applicable to the location where the violation is charged to have occurred.

(5) All violator hereof shall be cited to appear before the Bracken District Court.

(6) The provisions of this schedule shall not apply to an 'AUTHORIZED EMERGENCY VEHICLE' designated as such by KRS 189.910.

(B) Penalty. Any person violating the provisions of this schedule, shall upon conviction, be fined as set forth and prescribed in KRS 189.394, which is incorporated herein and made a part thereof by reference.

(Ord. 82-12, passed 6-25-82; Am. Ord. 2003-12, passed 9-25-03)

SCHEDULE II. ONE-WAY STREETS

(A) The following streets are designated as one-way in the direction indicated.

Street	Direction	Ord. No.
Sycamore Street	North from Fourth to Second Street	67-2; 82-12
Alley from Chapel Avenue to Fourth Street	South	82-12
Hawkins Alley off of Chapel Avenue	East to West, except for emergency and utility vehicles being permitted to use the alley West to East.	99-8
Elizabeth Street	North from Fourth Street to Heather Renee French Boulevard	2003-08

(B) The city maintenance supervisor shall procure and cause to be installed the appropriate road signage to indicate the one-way direction.

(C) Any person violating this schedule by driving any vehicle in the wrong or opposite direction on the street or alley as permitted shall, upon conviction, be fined not less than twenty dollars (\$20) and not more than one hundred dollars (\$100) for each such violation plus applicable Bracken District Court Costs.

(Ord. 82-12, passed 6-25-82; Am. Ord. 2003-08, passed 7-8-03)

SCHEDULE III. TRUCK TRAFFIC

(A) Semi-trailer truck traffic is prohibited on the following streets:

Street	Location	Ord. No.
Boat dock parking area, driveway areas, and on street	From Second Street North to boat dock area	93-2
Chapel Avenue	From Hamilton Avenue to Seminary Avenue	82-12
Elizabeth Street	From Fourth Street to Fifth Street	82-12
Frankfort Street	From Fourth Street to Fifth Street	82-12
Parkview Street	From Fourth Street to Fifth Street (Ky. Highway No. 8)	82-12

(B) Any person violating the provisions of this schedule shall, upon conviction, be fined not less than twenty dollars (\$20) and not more than \$100 for each violation plus applicable court costs.

(Ord. 82-12, passed 6-25-82; Am. Ord. 93-2, passed 6-16-93)

SCHEDULE IV. ADDITIONAL TRAFFIC-CONTROL DEVICES

The following additional traffic-control devices shall be installed and their directives enforced by the Police Department.

(A) Stop signs.

Street	Location	Ord. No.
Main Street and Fourth Street	Northwest, Northeast, and Southwest corners of the intersection	97-4; 2003-11

(Ord. 2003-11, passed 9-25-03) Penalty, see § 70.99

Cross-reference:

Traffic-control devices, general provisions, see §§ 70.15-70.21

CHAPTER 76: PARKING SCHEDULES

Schedule

I. Parking prohibited

SCHEDULE I. PARKING PROHIBITED

(A) Parking of a motor vehicle is prohibited in the following locations.

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>
<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>
Chapel Avenue	North side, Chapel Avenue to Miley property line, South side, Chapel Avenue to Jack Heater property line	93-3
Fourth Street	North side, from the west side of the property of Harold Perkins to the intersection of Fourth and Hamilton	85-4
Fourth Street	East of Clopay Building, both sides to Hamilton Avenue, West of Clopay Building, both sides to Minerva Drive on South side (Except for ambulance service personnel while on duty) to City Alley on North side	93-3
Hamilton Avenue	West side, from the intersection with Fourth Street to Chapel Avenue	85-4
Hamilton Avenue	East sides, Minerva Drive to 3rd Street, West side Minerva Drive to Puccini property	93-3
Main Street	East side in the fire zone marked with red paint	82-12; 85-4
Main Street	West side, north from Fourth Street to the C & O Railroad	82-12; 85-4
Main Street	West side across from the Fire Department	82-12; 85-4
Second Street	North side for a distance of 75 feet from the intersection of Main and Second Streets	82-12; 85-4
Second Street	South side from Main Street to Seminary Avenue	82-12; 85-4
Riverside Drive	Either side between Main street and Elizabeth Street	2019-8

(B) Any person violating this schedule by parking a motor vehicle in a prohibited area or zone shall, upon conviction, be fined not less than \$5 and not more than \$50 for each such violation, plus applicable Bracken District Court costs.

(Ord. 82-12, passed 6-25-82; Am. ord. 85-4, passed 6-20-85; Am. Ord. 93-3, passed 6-16-93; Am. Ord. 2019-8, passed 6-19-19)

CHAPTER 77: ALL-TERRAIN VEHICLES

Section

77.01 Operation

77.02 Enforcement

77.99 Penalty

§ 77.01 OPERATION.

(A) No person shall at any time use, operate or ride upon an all-terrain vehicle on any public property within the city unless the Mayor has given specific permission to such person for such specific activity.

(B) No person shall at any time use, operate or ride upon an all-terrain vehicle on any private property within the city except with the consent of the landowner, tenant, or individual responsible for the property.

(Ord. 2003-09, passed 7-8-03)

§ 77.02 ENFORCEMENT.

Enforcement of this chapter shall be by the Police Department members of which shall be responsible for investigation citizen complaints alleging violations hereunder. In the event a member of the Police Department makes the determination that this chapter has been violated, which determination shall be based on investigations of citizen complaints or on self-initiated police investigations, such member shall cite the offender for violating this chapter and such citation shall impose the applicable penalty as set forth in § 77.99.

(Ord. 2003-09, passed 7-8-03)

§ 77.99 PENALTY.

(A) Any person who violates §§ 77.01—77.02 shall be subject, for the first offense hereof, to the imposition of a civil penalty of \$20, and, for the second offense hereof, to the imposition of a civil penalty of \$35, and, for a third offense hereof, to the imposition of a civil penalty of \$50. All penalties shall be payable to the City of Augusta.

(B) Such civil penalty shall be recovered by the city in a civil action in the nature of a debt collection if the offender does not pay the penalty within 14 days after being cited for violation of the chapter, and such offender shall then also be required to pay to the city all court costs, expenses, and fees incurred by the city in recovering such civil penalty.

(Ord. 2003-09, passed 7-8-03)

CHAPTER 78: GOLF CARTS

Chapter

- 78.01 Definitions
- 78.02 Requirements
- 78.03 Exemptions
- 78.04 Permits
- 78.05 Insurance
- 78.06 Traffic regulations
- 78.07 Transportation Cabinet prohibitions

- 78.99 Penalty

§ 78.01 DEFINITIONS.

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

“GOLF CART.” Any self-propelled vehicle that:

- (1) Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;
- (2) Has a minimum of four (4) wheels;
- (3) Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
- (4) Is designed to carry not more than six (6) persons, including the driver;
- (5) Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
- (6) Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and
- (7) Is equipped with the following:
 - (a) Headlamps;
 - (b) Tail lamps;
 - (c) Stop lamps;
 - (d) Front and rear turn signals;
 - (e) One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear;
 - (f) An exterior mirror mounted on the driver's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
 - (g) A parking brake;
 - (h) For each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. § 571.209; and

(i) A horn that meets the requirements of KRS 189.080; and

(j) An AS-1 or AS-5 windshield, as defined by the Department of Transportation, National Highway Traffic Safety Administration, 49 C.F.R. 571, Final Rule, to be determined upon a golf cart's first inspection. All golf carts that have already completed their initial inspection shall be re-inspected for compliance with this windshield requirement before their sticker renewal on July 1, 2022.

(Ord. 2011-01, passed 6-15-11; Am. Ord. 2015-03, passed 11-18-15; Am. Ord. 2020-4, passed 9-16-20; Am. Ord. 2021-7, passed 10-20-21)

§ 78.02 REQUIREMENTS.

All golf carts operated on any public roadway within the city shall meet the following requirements:

(A) Be issued a permit for the golf cart by the local government;

(B) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the local government; and

(C) Be inspected by a certified inspector designated by the county sheriff 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 paragraph shall not exceed five dollars (\$5.00), with an additional fee not to exceed ten dollars (\$10.00) 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 inspection area. The Bracken County Sheriff's office shall conduct the initial inspection. Once the golf cart has been certified through the Department of Vehicle Regulation and designated by the county sheriff, the Augusta Police Department shall conduct the follow-up inspections. The city annual permit fee shall be thirty-five dollars (\$35.00) per year, plus any inspection fee of five dollars (\$5.00) incurred for follow-up inspections by the Augusta Police Department.

(Ord. 2011-01, passed 6-15-11; Am. Ord. 2015-03, passed 11-18-15; Am. Ord. 2020-4, passed 9-16-20)

§ 78.03 EXEMPTIONS.

A person may operate a golf cart on a public roadway pursuant to this chapter if:

(A) The posted speed limit of the designated public roadway is thirty-five (35) miles per hour or less;

(B) 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 thirty-five (35) miles per hour;

(C) The operator has a valid operator's license in his or her possession;

(D) The golf cart is being operated between an hour before sunrise and an hour after sunset; and

(E) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.

(Ord. 2011-01, passed 6-15-11; Am. Ord. 2020-4, passed 9-16-20)

§ 78.04 PERMITS.

The City Clerk shall prepare an application form for the special golf cart operation permit and shall charge a yearly fee of twenty-five (\$25.00) for each permit issued annually beginning July 1, 2011. Subsequent renewals of the permit shall be due on or before July 1 of each year. There shall be no proration of the fee for any permit issued after July 1 and all permits issued after July 1 shall expire on the next July 1st following. Insurance and proof of inspection by a certified inspector shall be presented prior to the issuance of an official permit by the City Clerk. The permits shall be numbered and the City Clerk shall maintain detailed records relative to the issuance of same.

(Ord. 2011-01, passed 6-15-11)

§ 78.05 INSURANCE.

A golf cart operating on a public roadway pursuant to this chapter shall be insured by the owner or operator in compliance with KRS 304.39-080, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(Ord. 2020-4, passed 9-16-20)

§ 78.06 TRAFFIC REGULATIONS.

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. The city may adopt more stringent local ordinances governing golf cart safety equipment and operation than specified herein.

(Ord. 2020-4, passed 9-16-20)

§ 78.07 TRANSPORTATION CABINET PROHIBITIONS.

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. Any such prohibition shall automatically prohibit the operation of a golf cart on such roadway within the city.

(Ord. 2020-4, passed 9-16-20)

§ 78.99 PENALTY.

Any person violating the provisions of this chapter shall, upon conviction of a first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00). Any person convicted of a subsequent violation of this chapter within two (2) years of a prior conviction under this chapter, shall be fined not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

(Ord. 2011-01, passed 6-15-11)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. STREETS AND SIDEWALKS**
- 92. NUISANCES**
- 93. FIREWORKS; FIRE PREVENTION**
- 94. LITTERING**
- 95. JUNK MOTOR VEHICLES**
- 96. PARKS AND RECREATION**

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Animals running at large
- 90.03 Cruelty to animals
- 90.04 Dyeing or selling dyed chicks or rabbits
- 90.05 Abandoning domestic animals prohibited
- 90.06 Destruction of abandoned and suffering animal

Dogs

- 90.15 Definitions
- 90.16 State license required
- 90.17 Registration and issuance of license
- 90.18 License tag to be attached to dog
- 90.19 Dogs running at large
- 90.20 Responsibility for minor owner
- 90.21 Complaints against vicious animals
- 90.22 Pit bull terriers
- 90.23 Noise disturbance
- 90.24 Excrement removal

- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

"ABANDON." Shall constitute the relinquishment of all rights and claims by the owner to the animal
(KRS 257.100 (4))

"ANIMAL." Any warm-blooded living creature, except human beings.
(Ord. 93-4, passed 7-21-93)

"AT LARGE." Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

"OWNER." Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

§ 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.

Penalty, see § 90.99

§ 90.03 CRUELTY TO ANIMALS.

(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 (C) in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a four legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means; or

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal.

(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 any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

(C) A person is guilty of cruelty to animals in the first degree when he or she intentionally or wantonly;

(1) Subjects, permits or causes any animal to fight for pleasure or profit if that person is the owner or caretaker of the animal or acts as the agent of the owner or caretaker thereof;

(2) That person is the owner of the property on which the fight takes place and has knowledge of the fight; or

(3) That person participates in the organization of the fight;

(4) Persons in attendance at such fight other than those set out in (1) above shall be guilty of cruelty to animals in the second degree.

(Ord. 93-4, passed 7-21-93)

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see KRS 525.125

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age

in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer, animal control officer, or any person authorized by the Board may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his 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 agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.

(KRS 257.100)

DOGS

§ 90.15 DEFINITIONS.

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

"AT LARGE." On or off the premises of the owner and not under the immediate effective control of the owner or custodian either by leash, cord, or chain, or effectively confined within a fenced area on the owner's premises.

"DOG." Any member of the canine family, six months of age or over, male or female.

"DOG OWNER." Includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care or permits it to remain on or about premises owned or occupied by him. If a dog is owned by a family, all adult members of the family, individually and jointly, shall be deemed owners of the dog for the purposes of this subchapter.

"DOG WARDEN." The County Dog Warden, who may be assisted by the police officers of the city.

"STATE LICENSE." The license and/or tag required by KRS Ch. 258.

"VICIOUS ANIMAL."

(1) Any animal which has inflicted severe injury on a person or other animal without provocation on public or private property;

(2) Any animal which killed a domestic animal without provocation while off the owner's property;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for the purpose of fighting;

(4) Any animal that has bitten or attacked any person, or any animal that has attempted to bite or attack any person. This division (4) shall not apply if the person/animal is bitten or attacked while illegally on the owner's property;

(5) Any animal that has, without provocation, chased, confronted, or approached a person on a street, sidewalk, or other public property in menacing fashion such as would put an average person in fear of attack;

(6) Any animal that has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of person or other animals without provocation; or

(7) Any animal that has acted in a manner that causes or should cause its owner to know it is potentially vicious.

(Ord. 85-1, passed 3-21-85; Am. Ord. 92-1, passed 6-17-92)

§ 90.16 STATE LICENSE REQUIRED.

It shall be unlawful for any person to own or keep a dog or dogs in the city without first obtaining a license for each dog. This section and § 90.17 shall not apply to dogs whose owners are nonresidents temporarily within the city for a period of

less than 30 days.

(Am. Ord. 92-1, passed 6-17-92; Am. Ord. 2021-8, passed 12-15-21)Penalty, see § 90.99

§ 90.17 REGISTRATION AND ISSUANCE OF LICENSE.

(A) Beginning on January 1, 2022, and each year thereafter, all dogs kept in the city shall be registered at the city office as to sex, breed, name and address of the owner, and name of the dog. At the time of the registration, the owner shall obtain a license tag for the dog or dogs, and shall pay the required fee of five dollars (\$5) to the City Clerk.

(B) The license tag shall be valid for one year from the date of issue. Each year, a new registration form shall be completed, a new tag shall be obtained from the city office, and a new fee shall be paid by every owner.

(C) All dog owners shall also be required to bring in the current rabies tag for the dog, and for each dog, if more than one, that the dog owner is seeking to be licensed, for the City Clerk's inspection; provided however, that the city shall not be responsible or liable to any person, entity, or otherwise, for any claim, injury, death, judgment, or any other incident or matter involving a canine, or canines, whether licensed or unlicensed by the city.

(Am. Ord. 92-1, passed 6-17-92; Am. Ord. 2021-8, passed 12-15-21)Penalty, see § 90.99

§ 90.18 LICENSE TAG TO BE ATTACHED TO DOG.

The license tag shall be fastened to the collar of the dog and shall be worn continuously, and the failure to have the tag so attached shall subject the owner or keeper thereof to the penalties provided herein.

(Am. Ord. 92-1, passed 6-17-92)Penalty, see § 90.99

§ 90.19 DOGS RUNNING AT LARGE.

(A) Every owner, harbinger or person having the custody, control or possession of any dog, shall keep the dog confined to the premises and property of the owner, harbinger or custodian, except as hereinafter provided.

(B) No owner, harbinger or person having custody, control or possession of any dog shall permit, allow or suffer such dog to run or be at large as hereinbefore defined; or to go about or on the premises or property of any other person within the city without the permission of such other person.

(C) Every owner or parent, guardian or custodian of a minor owner shall have a duty to exercise reasonable care and to take all necessary steps and precautions to protect other people, animals and property from injuries or damage that may result from the animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(D) It shall be unlawful for anyone to own, keep or harbor within the corporate limits of the city a vicious animal. Excepted from this section is any animal used by law enforcement authorities acting within the scope of their authority.

(Am. Ord. 92-1, passed 6-17-92)Penalty, see § 90.99

§ 90.20 RESPONSIBILITY FOR MINOR OWNER.

In the event that the owner or custodian of any animal is a minor, the parents, legal guardian or custodian of the minor shall be legally responsible for ensuring that all provisions of this chapter are complied with.

(Ord. 92-1, passed 6-17-92)Penalty, see § 90.99

§ 90.21 COMPLAINTS AGAINST VICIOUS ANIMALS.

(A) Any person who has been attacked by an animal, or anyone for such person, may make a complaint before the District Court, charging the owner, or keeper of such an animal, or parents, legal guardian or custodian of a minor owner with harboring a vicious animal. A copy of such complaint shall be served upon the animal's owner or keeper or upon the parents, legal guardian or custodian if the animal's owner or keeper is a minor, subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing.

(B) Upon the filing of a complaint and service of the complaint upon the proper person, the owner or keeper shall keep the dog securely confined within an enclosed structure. If the accused animal is found outside of the enclosed structure, the animal shall be seized and impounded in a kennel or animal shelter at the owner's expense until the hearing.

(C) Upon a hearing of the parties and their witnesses, if the court finds the animal to be a vicious animal, the Court shall declare the animal to be a vicious animal. Upon the Court's declaration, the animal shall be humanely destroyed or removed from within the corporate limits of the city. No animal may be destroyed under this section while any appeal is pending pertaining to the declaration that the animal is a vicious animal.

(Ord. 92-1, passed 6-17-92)

§ 90.22 PIT BULL TERRIERS.

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

"PERSON." Any natural person, corporation, partnership, joint venture, unincorporated association, or any combination thereof.

"PIT BULL TERRIER." Any dog which either:

- (1) Is registered with the American Kennel Club as an American Pit Bull Terrier;
- (2) Is registered with the United Kennel Club as an American Pit Bull Terrier;
- (3) Conforms to the standards of the American Kennel Club for either the American Staffordshire Terrier or the Staffordshire Bull Terrier which were published, with an example photograph, in the 15th Edition of the Complete Dog Book in 1977;
- (4) Has predominant physical characteristics which are those of either the American Staffordshire Terrier or the Staffordshire Bull Terrier indicated in the standards of the American Kennel Club which were published, with an example photograph, in the 15th Edition of the Complete Dog Book in 1977.

(B) Pit bull terriers prohibited.

(1) It is hereby determined that pit bull terriers have inherently vicious and dangerous propensities, and are potentially hazardous and unreasonably dangerous to the health, safety, and welfare of the citizens, residents, and inhabitants of the city.

(2) The ownership, location, maintenance, keeping, harboring, or use of pit bull terriers in the city is hereby declared to be a nuisance.

(3) No person shall cause, permit, promote, aid, assist, encourage, or engage in the ownership, location, maintenance, keeping, harboring, or use of pit bull terriers in the city unless such person is a veterinarian licensed by the state and engaged in the business thereof, at the address indicated in the occupational license issued therefor by the city, and then only for the minimum time required for treatment of the pit bull terrier.

(C) Enforcement authorization. The Dog Warden is authorized to seize and impound any dog found running at large within the city, which does or does not bear a proper license tag or other tag or other legible identification. Along with the Police Department, the Dog Warden is authorized to assist in the enforcement of all other provisions of this chapter and of KRS Chapter 258.

(Ord. 92-1, passed 6-17-92; Am. Ord. 2021-8, passed 12-15-21)

§ 90.23 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences or one resident at the discretion of the Chief of Police.

(Ord. 96-1, passed 6-19-96)

§ 90.24 EXCREMENT REMOVAL.

Any person or entity owning, keeping possessing or harboring any dog shall promptly remove and dispose of all feces left by said dog on any public or private property located within the city, unless said private property is owned by such person or entity, or is lawfully occupied by such person or entity.

(Ord. 2000-6, passed 10-18-00) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), imprisoned for not more than twelve (12) months, or both for each offense.

(KRS 525.130)

(B) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(KRS 436.600)

(C) Any person violating § 90.16 shall be guilty of a violation and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). Each day the violation continues shall constitute a separate offense.

(D) Any person violating §§ 90.17 or 90.18 shall be punished by a fine not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for the first violation; and not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subsequent violation hereof. Each day of a violation shall constitute a separate offense.

(E) Any person who violates any of the provisions of § 90.22(B) shall be guilty of a misdemeanor and shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to a fine in an amount which shall be no more than five hundred dollars (\$500.00), or imprisonment, according to law, for a period of no more than sixty (60) days, or any

combination of such fines and imprisonment. Each separate day of violation, or any part thereof, shall be a separate offense.

(F) The Dog Warden may, at his or her discretion, impound a dog pursuant to §90.22(C), and may issue a citation to the owner for harboring a dog unlicensed by the city or state or for permitting a dog to be at large; in that event, the citation shall bear a civil penalty of twenty-five dollars (\$25.00). Upon failure to pay the penalty within fifteen (15) days, the Dog Warden or a member of the Police Department shall cause to be issued a criminal complaint in the Bracken District Court for violation of this chapter. This division does not apply to violations of § 90.21.

(G) The penalty for violation of § 90.03 (C) shall be a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) and imprisonment for not more than one (1) year as to § 1 hereof and a fine not more than five hundred dollars (\$500.00) as to § 2 hereof.

(H) Any person who violates any other provision of this chapter shall be guilty of a violation and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Each day the violation continues shall constitute a separate offense.

(I) Any person or other entity violating any provision of §90.24, shall be cited to Bracken District Court for violation hereof and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

(Ord. 85-1, passed 3-21-85; Am. Ord. 92-1, passed 6-17-92; Ord. 2000-6, passed 10-18-00; Am. Ord. 2021-8, passed 12-15-21)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 91.01 Digging permit required
- 91.02 Application and fee
- 91.03 Restoration of pavement
- 91.04 Barriers around excavations
- 91.05 Warning lights

Road and Bridge Projects

- 91.15 Public hearing required
- 91.16 Notice requirements
- 91.17 Public may testify; 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 Right-of-way obstructions
- 91.32 Materials on street or sidewalk
- 91.33 Removal of snow, ice, and weeds
- 91.34 Maintenance of trees and sidewalks

Signage in Public Places and Public Rights-of-Way

- 91.40 Purpose
- 91.41 Jurisdiction
- 91.42 All signs in regulated areas prohibited except Friday evening through Sunday evening as specified hereinbelow, event signs as specified hereinbelow, and those specifically excepted under § 91.44
- 91.43 Application and fee for event sign permit
- 91.44 Exceptions

EXCAVATIONS AND CONSTRUCTION

§ 91.01 DIGGING PERMIT REQUIRED.

It shall be unlawful for any person other than the Superintendent of Public Works 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 FEE.

(A) All persons digging for any purpose upon city property, whether right-of-way, street, or other, shall first notify the Superintendent of Public Works of the exact location of the proposed excavation.

(B) If the Superintendent determines that the proposed excavation is in the vicinity of any city utility line, the party desiring to excavate shall apply for a city digging permit by completing the form available in the office of the City Clerk/Treasurer. This form, when signed and dated by the Superintendent, shall constitute the permit allowing the party desiring to excavate to proceed according to the terms of the permit.

(C) There shall be no excavation by any person prior to the issuance of the permit by the Superintendent.

(D) In no instance shall a permit be granted where the work to be done involves the moving or repair of any city utility line, or where, in the Superintendent's opinion, the excavation would constitute a hazard to the person or property of any citizen or to city property or equipment.

(E) The fee for issuance of the permit shall be \$1.

(Ord. 86-1, passed 1-6-86) Penalty, see § 91.99

§ 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 Superintendent of Public Works, or other authorized city official, and in accordance with any rules, regulations, and specifications of the City Council.

(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 such fill and restoration. The Clerk/Treasurer or other proper administrative officer shall proceed to collect the charges of the city for restoration services 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

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 hold a hearing in accordance with the provisions of this subchapter to take the sense of the public with regard to the project and to priorities for use of tax moneys for road and bridge purposes.

(KRS 174.100)

§ 91.16 NOTICE REQUIREMENTS.

Before the contemplated date of expenditure of state derived tax revenues on a road or bridge by the city, the city shall give notice in the manner required by KRS Chapter 424 of a public hearing for the purpose of taking the sense of the public

with regard to road and bridge matters within the city. The hearing shall be held not less than seven (7) nor more than twenty-one (21) days after the first publication of the notice and before beginning work on any project covered by this subchapter.

(KRS 174.100 (1))

§ 91.17 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.

(A) At the hearing any person may speak with regard to any proposed project, any project which he feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The city shall not be bound by the testimony heard at the hearing but shall give due consideration to it.

(KRS 174.100 (2), (3))

§ 91.18 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 hearing as provided herein has been held.

(KRS 174.100 (4))

§ 91.19 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.

This subchapter shall not be construed to require a separate hearing for each project. A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

(KRS 174.100 (5))

§ 91.20 EXEMPTIONS FROM HEARING REQUIREMENT.

(A) The provisions of this subchapter shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

(B) The provisions of this subchapter shall not apply to projects which are under construction as of the effective date of this subchapter unless construction is suspended after the effective date of this subchapter and the city desires to reactivate the project.

(KRS 174.100 (6),(7))

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 RIGHT-OF-WAY OBSTRUCTIONS.

(A) No person or entity shall obstruct or encumber any street, alley, sidewalk or other public way, or permit the obstruction or encumbrance of any street, alley, sidewalk or other public way, within the city, by erecting any fence, building, portion or part of building, curbing, or placing any other item or substance thereon, except as specifically provided herein, without first obtaining permission from Augusta City Council as specifically provided herein. In the case of curbing, curbs must be constructed at least 18 feet from the center of the existing right-of-way adjacent to the proposed curbing.

(B) Each day that any fence, building, portion or part of building, curbing, or any other item or substance remains or is permitted to remain upon the street, alley, sidewalk or other public way without the permission of the City Council as provided herein shall constitute a separate offense. Whoever violates this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than five hundred dollars (\$500.00). In addition, a civil action for injunctive relief and/or abatement of a nuisance may be brought and prosecuted as authorized by state or local law.

(C) The list of existing substantial and permanent placements and accompanying photographs offences, buildings, portions or parts of buildings, curbing, or any other items or substances currently existing as of March 13, 2008 upon a city street, alley, sidewalk or other public way with attached photographs of said existing violations (said referenced list and attached photographs being part of Ord. 08-02, passed 3-12-08 which are incorporated by reference) are each hereby granted a revocable variance from the provisions herein, which variance (and which any permit granted under the procedure listed hereinafter) may be revoked at any time should the City Council make a determination that any such existing placement creates a public safety concern.

(D) Any person or entity wishing to place any fence, building, portion or part of building, curbing, or any other item or

substance upon any street, alley, sidewalk or other public way may seek a revocable permit, either for a definite period of time, or open-ended, from the City Council to place any fence, building, portion or part of building, curbing, or any other item or substance any street, alley, sidewalk or other public way, by filing a written application with the City Clerk for consideration of such proposed placement by the City Council, at least seven (7) days before the next regularly scheduled Augusta City Council meeting. Should such application be received by the City Clerk less than seven (7) full days before the next regularly scheduled meeting, said matter will be held over for consideration at the second regularly scheduled meeting to occur after the request is received by the Augusta City Clerk.

(E) Such written application shall be signed by the owner of the real property immediately adjacent to the proposed placement and the applicant, if not the owner, and shall include, at a minimum, a drawing of such proposed placement, a photograph of the site of the proposed placement, including the immediate surroundings, the nature of the proposed placement, including whether temporary or permanent, and if temporary the requested duration of the permit, and a description of the proposed placement sufficient to allow the City Council to make a determination whether the proposed placement will unreasonably interfere with the free and unobstructed use thereof, or cause any public safety, aesthetic or other concerns. Upon receipt of said application, the City Clerk shall provide a copy of the application and attachments to the Augusta City Council, the Mayor, and legal counsel for the city.

(F) At the public meeting, at which the applicant shall be present, the City Council may require additional information to render a decision, including but not limited to additional photographs, a survey plat by a licensed surveyor, drawings by an engineer, a expert opinion as to the safety of the proposed placement, the expense of all of which items shall be borne by the applicant in said matter.

(G) Upon receipt of all the information sufficient to render a decision, the matter will be discussed by the City Council in open session, and the applicant and the general public will be permitted to address the Council on the matter. The City Council will, after consultation with legal counsel, if necessary, and no later than the next regularly scheduled City Council meeting after the meeting in which the matter is initially discussed with the applicant, grant in whole or in part the application for the temporary permit or open-ended permit, or deny in whole or in part the application for the permit, and make specific findings of fact supporting said decision.

(H) Any party aggrieved by said decision shall have thirty (30) days from the date of the certificate of service of the written findings of fact and decision to appeal said matter to the Bracken Circuit Court. Any party aggrieved by the decision to revoke a variance granted herein will likewise have thirty (30) days from the date of the certificate of service of the written findings of fact and decision to appeal said matter to the Bracken Circuit Court. Should no appeal be filed within thirty (30) days from the date of the certificate of service of the written findings of fact and decision, said decision shall become final and not subject to appeal.

(Ord. 08-02, passed 3-12-08; Am. Ord. 08-06, passed 7-15-08) 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

§ 91.33 REMOVAL OF SNOW, ICE, AND WEEDS.

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

(1) "AGENT." Anyone other than the owner or occupant of realty who is charged and entrusted with care, custody, and control of the realty, with authorization from the owner.

(2) "REFUSE." All solid or liquid waste, whether or not subject to decomposition and decay, including, but not limited to garbage, rubbish, litter, trash, ashes, street cleaning, dead animals, sod, store, market, and industrial wastes, waste paper, and fruit rinds or cores, but excluding junked vehicles and appliances.

(B) Responsibility. Unless otherwise specified herein, all owners, occupants, and agents having the care and custody of buildings and lots in the city shall be responsible for performing the duties herein set out and shall be separately and equally punishable by fine for all violations of this section. However, failure of civil authorities to charge any one of the responsible persons for violation of this section shall not preclude enforcement thereof against another such responsible person.

(C) Snow, ice, and weeds.

(1) The owner, occupant, or agent having the care of any building or lot abutting on any sidewalk in the city shall remove all snow therefrom, to the extent feasible under prevailing weather conditions, within ten hours after it has ceased snowing, or within four hours after daylight, whichever is later, and snow or ice falling from any building or structure shall likewise be removed. With regard to those portions of sidewalks used chiefly by business pedestrians, such removal shall begin immediately after it has ceased snowing or at 9:00 a.m., whichever is later, Monday through Saturday. Whenever the sidewalk, or any portion thereof, adjoining any building or lot on any street shall be encumbered with ice, it shall be the duty of the owner or his agent, or the occupant of any such building or lot, to cause the sidewalk to be made safe for pedestrian travel by removing the ice therefrom or by covering the same with sand or other suitable substance, to the extent feasible

under prevailing weather conditions.

(2) The owner or his agent, or the occupant of any building or structure abutting on any sidewalk shall cause the roof thereof to be drained so that water gathered or accumulated thereon will not flow across or upon any sidewalk.

(3) It shall be the duty of the occupant of any building or lot abutting any sidewalk to keep closely cut the grass, weeds, and other vegetable matter growing between the sidewalk and the curb or in joints or breaks in the sidewalk and curb. If any such building or lot is unoccupied, it shall be the duty of the owner thereof to have such grass, weeds, or vegetable matter cut as above provided, and if the owner is absent from the city or cannot be found, then it shall be the duty of his agent to have such grass, weeds, or other vegetable matter cut.

(D) Depositing refuse.

(1) It shall be unlawful for any person to deposit or cause to be deposited, throw, drop, place, dump, sort, scatter, or sweep any refuse, dirt, or vegetable matter, including but not limited to leaves, grass, weeds, or tree clippings, upon any lot or parcel of ground, whether public or private, including streets, alleys, or sidewalks, or upon any public property of any nature within the corporate limits of the city.

(2) Nothing in this section shall be construed to prevent the sweeping of ordinary street dust from sidewalks into the street.

(E) Presence of refuse. The presence of refuse, dirt, or vegetable matter, including but not limited to leaves, grass, weeds, or tree clippings, in an unnatural or useless state, upon any lot or parcel of ground within the city, or upon a public right-of-way to the edge of the street pavement, for 24 consecutive hours shall be held to constitute a violation of division (C) above on the part of the owner and occupant of the realty; and if the realty is unoccupied and the owner is absent from the city or cannot be found, also on the part of the agent; and on the part of the owner, his agent, or the occupant of the property abutting the public right-of-way upon which same is found. Each day's continuance of such violation shall be a separate offense.

(F) Exceptions. There is excepted and exempted from compliance with the provision of divisions (D) and (E) above:

(1) The use of refuse, dirt, or vegetable matter in a normal manner for the improvement of property by grading, fertilizing, or resurfacing;

(2) The placing of such refuse, dirt, or vegetable matter in proper and appropriate receptacles; and

(3) The placing of such vegetable matter on the street curb away from sewer drains, or at a place specified by the Superintendent of Public Works, for collection by the city, if placed in appropriate containers.

(G) Cleanliness of premises. It shall be the duty of the owner and occupant of any lot or parcel of ground within the city, or if such realty is unoccupied and the owner is absent from the city or cannot be found, it shall be the duty also of the agent of the owner, to cut the grass, weeds, and other vegetable matter growing upon the real estate and to prevent at all times such realty from becoming unsightly or offensive in any manner. Each day's continuance of such violation shall be a separate offense.

(H) Notice.

(1) Whenever the Superintendent of Public Works shall deem that the conditions prohibited by this section exist, he shall issue a notice to the parties hereinafter stated. Such notice shall:

(a) Be in writing;

(b) Specify the violation and its location;

(c) Order that the condition be remedied; and

(d) Advise the owner, occupant, or agent of the owner who receives personal delivery of the notice that he has five days from the date of service of the notice to remedy the condition or to make a written demand to the City Clerk/Treasurer for a hearing before the City Council.

(2) If service on the parties is by mail, it shall be certified return receipt requested, and shall provide the party eight days within which to comply from the date of mailing. Mailing to the owner shall be at the last known address in the assessment rolls of the Bracken County Property Valuation Administrator. Upon failure of the party to comply, the Superintendent of Public Works is authorized to send employees upon the property to remedy the situation.

(Ord. 70-3, passed 5-13-70; Am. Ord. 70-5, passed 9-9-70)Penalty, see § 91.99

§ 91.34 MAINTENANCE OF TREES AND SIDEWALKS.

(A) Maintenance of trees and sidewalks. All trees and sidewalks located in the public right-of-way between property lines and the edge of the street pavement shall be maintained by the owner of the property abutting the public way wherein the sidewalk is located or the tree grows.

(1) It shall be the duty of each owner and occupant of real estate abutting the public way wherein trees are growing or sidewalks exist between property lines and the edge of street pavements, and if the property is unoccupied and the owner is absent from the city or cannot be found, it is also the duty of the agent of such owner or the person having charge of such

realty, upon due notice and within two weeks after receipt of written notice thereof from the city or any citizen of the city who files a written copy thereof with the City Clerk/Treasurer:

(a) To trim the trees and maintain the sidewalks so that same are safe for normal public use;

(b) To maintain tree limbs extending over a sidewalk to such an extent that no portion of same shall be less than seven feet above the sidewalk.

(2) It shall be the duty of each such owner to comply with this section with regard to the trees or sidewalks, and if the owner is absent from the city or cannot be found, then the duty of his agent or the person having charge of the property who shall fail to trim or remove trees or repair the sidewalks as hereinabove required. Any person having said duty and failing to perform same shall be deemed to be personally liable in a civil action for any personal injury or property damage proximately resulting therefrom.

(3) Sidewalks hereinafter installed, repaired, or replaced in the city shall be of concrete, with reinforcements.

(a) Sidewalks shall be repaired or replaced so as to conform with adjoining grades and widths; however, all newly-installed sidewalks shall be 48-inch minimum width.

(b) All walks shall be finished with a tool leaving a nonskid surface.

(c) No steps or uneven surfaces shall be permitted between old and repaired sidewalk surfaces without approval of City Council.

(d) Where possible to conform to adjoining sections of pavement, or if there its no adjoining pavement, the sidewalk shall be constructed with a fall of 1/4-inch per foot with flow toward the curb, and the curb shall be six inches high.

(e) All sidewalks hereinafter installed or replaced shall be so designed as to be accessible to and traversable by the disabled and so as to facilitate the removal of ice and snow.

(4) Any variances from the above specifications may be granted only by City Council upon clear and convincing showing by the owner of the property in question, through a qualified expert or experts, as to the safety of the property and as to the general compliance of the proposed walk with the neighborhood aesthetically.

(Ord. 89-2, passed 5-17-89)

(B) Maintenance by city. Notwithstanding any provision herein to the contrary, the city may, at its election and without notice other than herein provided, effect the trimming or removal of trees or repair or replacement of sidewalks required herein and bill the responsible persons for the actual cost of labor and materials or the contract price. In such event, the responsible person paying the bill within ten days after receipt shall be subject only to the minimum fines herein provided.

(C) Additional planting/sidewalk installation. No additional trees shall be planted nor additional sidewalks installed between the property lines and the street pavements without a permit from the Superintendent of Public Works.

(Ord. 85-2, passed 4-18-85) Penalty, see § 91.99

SIGNAGE IN PUBLIC PLACES AND PUBLIC RIGHTS-OF-WAY

§ 91.40 PURPOSE.

The purpose of this subchapter is protect and promote the public health, safety, and welfare, as well as to help preserve the unique character of the City of Augusta.

(Ord. 2016-05, passed 11-16-16)

§ 91.41 JURISDICTION.

The provisions of this subchapter shall apply to all public property and public right of ways within the incorporated limits of Augusta being within 20 feet of a street/road intersection, and which do not fall within the exclusive jurisdiction of the Commonwealth of Kentucky.

(Ord. 2016-05, passed 11-16-16)

§ 91.42 ALL SIGNS IN REGULATED AREA PROHIBITED EXCEPT FRIDAY EVENING THROUGH SUNDAY EVENING AS SPECIFIED HEREINBELOW, EVENT SIGNS AS SPECIFIED HEREINBELOW, AND THOSE SPECIFICALLY EXCEPTED UNDER § 91.44.

It shall be unlawful to tack, place or affix or allow any sign, bill, poster or advertisement of any nature, on any pole, tree, or other plant or structure, or in or on the surface of any street, alley, sidewalk, curbing, median, or other public place, within 20 feet of any street/road intersection, except during the time period beginning any Friday at 8:00 p.m. and ending the following Sunday at 8:00 p.m., (and the city hereby reserves the right to remove and dispose of any such signs in place before or after such above-specified time period without notice to the sign's owner), and except those signs which advertise a specific event which occurs on a specific date, or on specific consecutive dates, as specifically provided in § 91.43, and, except those signs which are specifically excepted from the provisions of this subchapter under § 91.44.

(Ord. 2016-05, passed 11-16-16; Am. Ord. 2017-01, passed 3-1-17) Penalty, see § 91.99

§ 91.43 APPLICATION AND FEE FOR EVENT SIGN PERMIT.

An application for an event sign permit shall be made to the City Clerk, and a fee of \$1 per sign shall be paid to the city with each such application. The city reserves the right to refuse the issuance of such an event sign permit if the proposed location could inflict damage upon any public property or could result in a public safety issue. No such event sign, poster, or advertisement shall be permitted to be placed in such public within 20 feet of a street or road intersection or place for a period longer than 30 days prior to the first day of the event advertised therein, and all such signs shall be removed within 14 days after the final day of the taking place of the event so advertised. If the applicant does not cause the removal of the sign(s) within that time, then the City may elect to remove and dispose of such sign(s) without further notice to applicant.

(Ord. 2016-05, passed 11-16-16)

§ 91.44 EXCEPTIONS.

The provisions of this subchapter shall not apply to signs or notices posted by law enforcement, or by other Government agencies, or by Order of the Court, or to any public notices that are required by law to be posted in a public place, or to signs specifically protected by the First Amendment, provided that any such signs protected by the First Amendment shall be removed from the public way within seven days after an election or public referendum has taken place, where applicable, or the city may then elect to remove and dispose of such signs without further notice.

(Ord. 2016-05, passed 11-16-16)

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.

(B) Whoever violates any provision of §91.02 shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$25 nor more than \$250 or a jail term of not less than one nor more than 30 days and the violator shall be liable to the city for any and all damages resulting from the violation. Each calendar day or portion thereof during which the violation continues shall be deemed a separate offense.

(Ord. 86-1, passed 1-6-86)

(C) Any owner, agent of such owner, person in charge, or occupant of property who shall fail to trim or remove trees or repair sidewalks as required by § 91.34 shall be guilty of a violation and shall be fined not less than \$10 nor more than \$100 per tree for each offense, and each day's continuance of such violation shall be a separate offense.

(Ord. 85-2, passed 4-18-85)

CHAPTER 92: NUISANCES

Section

- 92.01 Reserved
- 92.02 Common law and statutory nuisances
- 92.03 Reserved
- 92.04 Reserved
- 92.05 Nuisance created by others
- 92.06 Suspension of license
- 92.07 Failure to secure objects above a public right-of-way or passage

Loitering and Loafing

- 92.15 Definitions
- 92.16 Loitering and loafing declared unlawful
- 92.17 Verbal warning; citation
- 92.18 Exempted activities

- 92.99 Penalty

Cross-reference:

Abandoned or junk motor vehicles as nuisances, see Chapter 95

§ 92.01 RESERVED.

§ 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 RESERVED.

§ 92.04 RESERVED.

§ 92.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 92.06 SUSPENSION OF LICENSE.

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

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

(C) Upon application of the licensee, the City Council may remove the suspension upon such terms as it may direct.

§ 92.07 FAILURE TO SECURE OBJECTS ABOVE A PUBLIC RIGHT-OF-WAY OR PASSAGE.

(A) The placement, installation, keeping or display of any objects or items over any public right-of-way or public passage, alley, street or sidewalk which are not properly secured to the overhead structure is a condition which is dangerous and potentially injurious to the health and safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.

(B) The term nuisance shall therefore include the placement, installation, keeping or display of any objects or items over any public right-of-way or public passage, alley, street or sidewalk which are not properly secured to the overhead structure.

(C) It shall be unlawful, and in direct violation of this subchapter, for the owner, occupant or person having control or management of any land within the city to permit the placement, installation, keeping or display of any items or objects over any public right-of-way or public passage, alley, street or sidewalk which are not properly secured to the overhead structure.

(Ord. 07-02, passed 8-15-07) Penalty, see § 92.99

LOITERING AND LOAFING

§ 92.15 DEFINITIONS.

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

"LOAF." To spend time in idleness, as to loaf time away upon any place as described in the definition of **"LOITER."**

"LOITER." To stand idly, sit, to be slow-moving, linger, saunter, to wander as an idle vagrant, and to waste time upon any street, street corner, sidewalk, or public property within the city.

"PUBLIC NUISANCE." The act of any individual or group of individuals who by the individual or collective presence upon a city street, street corner, sidewalk, or other public property, cause or create conditions that shall block and impede public access and travel, use vile or offensive language, and/or direct such offensive language at passers-by, litter the streets, sidewalks, or other public property, commit acts of disorderly conduct or fighting, loiter for the purpose of using or obtaining controlled substances, or by any of the above actions create a fear within any citizen of impending danger upon any street, sidewalk, or public place within this city.

"PUBLIC PROPERTY." Any street, avenue, alley, or part thereof, any sidewalks other than those located upon private residential property, and city park or recreation lands, and any other city-owned properties within the city limits.

(Ord. 87-5, passed 7-29-87)

§ 92.16 LOITERING OR LOAFING DECLARED UNLAWFUL.

It shall be unlawful for any person, male or female, to loiter or loaf, whether an individual or group, and thereby by their presence to create a public nuisance, upon any street, avenue, alley, street corner, or sidewalk or any other property herein described as public property within the city limits.

(Ord. 87-5, passed 7-29-87) Penalty, see § 92.99(B)

§ 92.17 VERBAL WARNING; CITATION.

Whenever a violation of § 92.16 is discovered or if a citizen complaint is made, members of the City Police Department shall give the person or group a verbal warning to disperse, or shall at their discretion issue a citation for violators to appear in District Court.

(Ord. 87-5, passed 7-29-87)

§ 92.18 EXEMPTED ACTIVITIES.

This subchapter shall not prevent any citizen from conducting daily business or activities such as shopping, going to and from work, patronizing businesses or establishments such as restaurants, grocery stores, drugstores, service stations, hotels, bars, public exhibitions, school activities, church activities, sports events, or going to or from them, nor from conducting other business and shall have no effect upon private or residential property.

(Ord. 87-5, passed 7-29-87)

§ 92.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day's continued violation shall constitute a separate offense.

(B) A violation of §§ 92.15 through 92.18 shall be deemed a misdemeanor, and a citation shall be issued for the person to appear in District Court on the date written therein, and that person shall upon conviction be fined not less than ten dollars (\$10.00), nor more than twenty dollars (\$20.00), plus applicable court costs. Further, upon a second or subsequent conviction of §§ 92.15 through 92.18, that person shall be fined not less than twenty-five (\$25.00), nor more than fifty dollars (\$50.00) plus applicable court costs.

(Ord. 87-5, passed 7-29-87)

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 Bond or liability insurance requirement
- 93.04 Exempted sales and uses
- 93.05 Destruction of fireworks

Fire Prevention

- 93.20 Blasting permit
- 93.21 Storage of flammables and other matter
- 93.22 Burning of refuse and other items

- 93.99 Penalty

FIREWORKS

§ 93.01 DEFINITIONS; LEGALITY OF ITEMS.

(A) As used in KRS 227.700 to 227.750, "FIREWORKS" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "consumer fireworks" as defined in division (B) or "display" fireworks as defined in division (D) and as set forth in the U.S. Department of Transportation's (DOT) hazardous materials regulations.

- (1) Exception number 1: Toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufactured

in accordance with DOT regulations, and packed and shipped according to said regulations, are not considered to be fireworks and shall be allowed to be used and sold at all times.

(2) Exception number 2: Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

(3) Exception number 3: Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as being designed for producing audible effects.

(KRS 227.700)

(B) As used in KRS 227.700 through 227.750, "COMMON 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 CPSC, 16 C.F.R. Pts 1500 and 1507, are classified as division 1.4 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 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 1/2 inch.

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least 1/2 inch.

(e) Wheel. A device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel 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.

(f) Aerial shell kit, reloadable tube. A package kit containing a cardboard, high-density polyethylene (HDPE, or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed 1 3/4 inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical composition in the shell. The total chemical composition of all the shells in the 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 fusing 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 "TRICKNOISEMAKERS" and are not classified as consumer fireworks by the U.S. Department of Transportation and their transportation, storage, retail sale, possession, sale, and use shall be allowed throughout the state at all times.

(1) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of composition per item.

(4) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(a) Party popper. Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) Booby trap. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d) Trick match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.

(KRS 227.704)

(D) As used in KRS 227.700 through 227.750, "DISPLAY FIREWORKS" means pyrotechnic devices or large fireworks

designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as consumer fireworks. Display fireworks are defined by the Consumer Product Safety Commission in CPSC, 16 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)(1) above are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.

(2) Items described in divisions (B)(2), (B)(3), and (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)

(F) Age requirement. No person or business shall give, offer for sale, or sell any consumer fireworks listed in KRS 227.702 to any person under eighteen (18) years of age.

(227.715)

§ 93.02 SALE OR USE PROHIBITED; EXCEPTION FOR PUBLIC DISPLAY.

No person, firm, co-partnership or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell, possess, use, or explode, any display fireworks, except as follows:

(A) (1) The Chief of the Fire Department or other authorized city official may grant permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations or groups of individuals.

(2) Every display shall be handled by a competent display operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of the official, after proper inspection, to not be hazardous to property or endanger any person.

(3) "COMPETENT DISPLAY OPERATOR" shall be defined as the person with overall responsibility for the operation and safety of a fireworks display. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) License and have participated as an assistant in firing at least five public displays. A "competent display operator" is also an employee possessor. A permit under division (1) shall be issued only to a competent display operator holding an ATF license.

(4) At least one competent display operator shall be on site during display set-up and firing. This competent display operator shall maintain a copy of the permit application, as signed by the local authority having jurisdiction as identified in this section, on site and at all times the display is in place, and shall be presented on demand of the State Fire Marshal or local Fire Chief. All public displays that require issuance of a permit shall be conducted in accordance with the provisions of National Fire Protection Association (NFPA) 1123 Code for Fireworks Display (adopted edition).

(5) Permits shall be filed with the office of the State Fire Marshal at least fifteen (15) days in advance of the date of the display. After this privilege shall have been granted, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this subsection shall be transferable. For the purpose of this section, "public display of fireworks" shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(6) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least 18 years of age.

(7) The Commissioner of the Department of Housing, Buildings and Construction with recommendation from the State Fire Marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this division. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this division.

(B) The sale, at wholesale, of any display fireworks for permitted displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the U.S. Bureau of Alcohol, Tobacco and Firearms, and Explosives if the sale is to a person holding a display permit as outlined in subsection (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, non-profit, or corporation from offering for sale, exposing for sale, selling at retail, keeping with intent to sell, possessing or using consumer fireworks as defined in KRS 227.702 as permitted pursuant to KRS 227.715.

(KRS 227.710) Penalty, see § 93.99

(I) The sale of common fireworks as permitted by KRS 227.715.

§ 93.03 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 Fire Chief 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

§ 93.04 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 theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.

(KRS 227.730)

§ 93.05 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 (10) days of the date of the last publication, a hearing as set out in division (A) shall be held.

(D) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.

(KRS 227.750)

FIRE PREVENTION

§ 93.20 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the Mayor or other proper administrative officer. The Mayor or other proper administrative officer 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; 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

§ 93.22 BURNING OF REFUSE AND OTHER ITEMS.

(A) With the exception of a small campfire of non-toxic organic material no more than six (6) feet in diameter, or a reasonable and controlled burn of non-toxic organic material contained within a barrel, or a burn occurring on farmland (farmland being defined for the purposes of this ordinance as thirteen (13) acres of contiguous land within the City of Augusta which is owned partly or wholly by the same person or same entity responsible for the burning), no person or legal entity, or agent or employee thereof, shall cause any other burning of wood, leaves, brush, waste paper, or other materials, at any time other than after 6:00 p.m. until 12:01 a.m. the following day.

(B) Any burn which occurs within the city limits must be supervised at all times by the person or representative of the entity responsible for the burning.

(Ord. 2008-09, passed 8-20-08; Am. Ord. 2017-04, passed 6-21-17)

§ 93.99 PENALTY.

(A) Any person violating the provisions of §§93.02 or 93.03, the regulations issued thereunder or any order issued thereunder, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not more than \$1,000, or imprisoned for not more than 30 days, or both.

(KRS 227.990 (4))

(B) Any person who violates any other provision of this chapter 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: JUNK MOTOR VEHICLES

Section

- 95.01 Definitions
- 95.02 Repair work on motor vehicle within residential districts
- 95.03 Junk vehicles, appliances, and the like prohibited
- 95.04 Exceptions and exemptions
- 95.05 Authority of Police Department
- 95.06 Notice
- 95.07 Implied consent
- 95.08 Removal and disposition
- 95.09 Risk of loss
- 95.10 Reclamation
- 95.11 Removal of nuisance before city removal
- 95.12 Junkyard to have screening
- 95.13 Other regulations

- 95.99 Penalty

Statutory reference:

Abandoned vehicles, see KRS 189.751

§ 95.01 DEFINITIONS.

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

"AUTOMOBILE OR MOTOR VEHICLE PARTS." Any portion or part of any motor-driven vehicle that is detached from the vehicle as a whole.

"IMPOUNDMENT PERIOD." The 60 consecutive day period beginning the day the subject nuisance is removed pursuant to this chapter.

"JUNK APPLIANCES." Any unit or part thereof, of machinery, furniture, or equipment, whether mechanical or powered by some source of energy or which is not functioning efficiently and effectively, is unfit for further use, or is abandoned, as those terms are defined in this section, including, but not limited to stoves, refrigerators, television sets, beds, mattresses, lamps, tools, and objects of art. The term, "JUNK APPLIANCES" shall not apply where the unit does not exceed 15 cubic feet or the combination of units in the immediate proximity of each other do not exceed 20 cubic feet.

"JUNK MOTOR VEHICLE."

(1) "MOTOR VEHICLE IN ANY INOPERATIVE CONDITION." Any style or type of motor-driven vehicle used or useful for the conveyance of persons or property which is unable to move under its own power due to defective or missing parts.

(2) "MOTOR VEHICLE UNFIT FOR FURTHER USE." Any style or type of motor-driven vehicle used for the conveyance of persons or property which is in a dangerous condition, has defective or missing parts, or is in such condition as to be unfit for further use as a conveyance.

(3) "ABANDONED MOTOR VEHICLE." Any motor-driven vehicle which the owner thereof, including any person having a security interest therein, has deserted and left unclaimed on any lot or parcel of ground, whether public or private, within the corporate limits of the city for a period in excess of seven consecutive days.

"MOTOR VEHICLE OR APPLIANCE JUNKYARD." Any place where one or more junked vehicles or junked appliances, as those terms are defined in this section, are deposited, parked, or otherwise located pursuant to the legitimate engagement in the business of dealing with such junked motor vehicles or appliances, by one who has obtained the requisite license or written permission of the City Council to operate a junkyard.

(Ord. 70-2, passed 5-13-70)

§ 95.02 REPAIR WORK ON MOTOR VEHICLES WITHIN RESIDENTIAL DISTRICTS.

The practice of persons repairing, stripping, and painting motor vehicles of which the person is not the owner, whether for remuneration or otherwise, within any residential district of the city, is hereby prohibited and declared to be a public nuisance.

(Ord. 70-2, passed 5-13-70) Penalty, see § 95.99

§ 95.03 JUNK VEHICLES, APPLIANCES, AND THE LIKE PROHIBITED.

The presence of any junked motor vehicle, junked appliance, related refuse or rubbish from such vehicles or appliances, or unsightly automobile or motor vehicle parts, on any lot or parcel of ground, public or private, within the corporate limits of the city, shall be deemed a public nuisance; provided, that an abandoned motor vehicle must be abandoned for a period in excess of seven consecutive days unless it becomes hazardous due to its location. It shall be unlawful for any person to cause or maintain such a public nuisance by keeping, storing, placing, or allowing such items to remain in open view.

(Ord. 70-2, passed 5-13-70)

§ 95.04 EXCEPTIONS AND EXEMPTIONS.

The following are excepted and exempted from compliance with the provisions of §§95.02 and 95.03:

(A) Any motor vehicle or appliance in an enclosed building;

(B) Any motor vehicle or appliance on the premises of a business enterprise operating in a lawful manner and having obtained the requisite license or written permission of the appropriate city official to engage in its business. However, the vehicle or appliance must be necessary to the operation of an enterprise dealing in motor vehicles or appliances, so long as no more than five junk vehicles or appliances are present; or, in the alternative, the enterprise shall be a motor vehicle or appliance junkyard which has met the requirements of § 95.12. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of law; and

(C) Any vehicle or appliance in a designated depository maintained in a lawful place and manner by the city.

(Ord. 70-2, passed 5-13-70)

§ 95.05 AUTHORITY OF POLICE DEPARTMENT.

The Chief of Police or his subordinates within the Police Department, are hereby granted the authority, as enforcement officers hereunder, to enter upon private property for the purpose of ascertaining the identity and owner of, and to remove or

cause the removal of, to transport, and to store, a junked motor vehicle or junked appliance declared to be a public nuisance pursuant to this chapter.

(Ord. 70-2, passed 5-13-70)

Statutory reference:

Authority to remove abandoned vehicles, see KRS 189.751(2)

§ 95.06 NOTICE.

(A) Whenever the enforcement officer shall deem a public nuisance to exist, he shall issue a notice to the parties hereinafter stated. Such notice shall:

- (1) Be in writing.
- (2) Specify the public nuisance and its location.
- (3) Order the public nuisance to be abated.

(4) Advise the party that he has five days from the date of service of the notice to abate the nuisance or to make a written demand for a hearing before the City Council, before the public nuisance is removed and abated by the city.

(B) For public nuisances on private property, notice shall be by certified mail, return receipt requested, or by personal service to the owner of the premises, or, if the owner is not the occupant thereof, to the occupant. If receipt of notice is personally refused, notice shall issue by attachment to the offending object and at a conspicuous place at the entrance of the premises. If the nuisance is a junked motor vehicle such notice shall also issue to the last identifiable owner of same, if not the owner or occupant of the premises.

(C) If the junked motor vehicle is on public property, notice to the vehicle owner only is required.

(D) If the identity of the vehicle owner is reasonably undeterminable, in the case of a nuisance, on either public or private property, notice shall be given by attaching such notice to the vehicle no less than five days before action is to be taken.

(E) Where a junked appliance is found on public property, no notice shall be required.

(F) A dated return of the notice shall be made to the enforcement officer by the deliverer.

(Ord. 70-2, passed 5-13-70)

§ 95.07 IMPLIED CONSENT.

The owner of any motor vehicle or parts thereof, or appliance which is stored in violation of this chapter shall be deemed to have given his consent to removal and disposition of same as hereinafter provided.

(Ord. 70-2, passed 5-13-70)

§ 95.08 REMOVAL AND DISPOSITION.

(A) Upon failure to timely either abate the nuisance or demand a hearing as hereinabove provided, the enforcement officer or his contractual designee is hereby authorized, empowered, and directed to remove same and dispose of it. Any person designated by the enforcement officer to remove, transport, or store any junked motor vehicle or junked appliance, or the city if it does so, shall have a lien against same for the reasonable charges of such towing, transporting, or storage, and such person or the city may sell such vehicle or appliance for such charges if the same have not been paid during the impoundment period.

(B) Such sale shall be advertised in accordance with KRS Chapter 424 and notice thereof shall be sent by certified mail, return receipt requested, to the owner of the junked motor vehicle or junked appliance and to any other person known to have any interest therein, addressed to such persons at their last known addresses at least ten days before the sale is held.

(C) All requirements of KRS Chapter 376 regarding notice and sale for towing and storage charges shall be satisfied.

(D) The city shall not be liable to any person towing or storing junked motor vehicles or appliances. Any excess proceeds of sale shall be paid to or held for the benefit of the owner of the property sold and any other person known to have an interest therein.

(Ord. 70-2, passed 5-13-70)

§ 95.09 RISK OF LOSS.

The owner of any junked motor vehicle or junked appliance removed and disposed of pursuant to this chapter shall be solely liable for any loss or damage to the vehicle or appliance while being removed or as a result of any subsequent sale or other disposition. However, the person removing the vehicle or appliance shall exercise ordinary care to prevent damage and loss thereto during transportation and during the impoundment period.

(Ord. 70-2, passed 5-13-70)

§ 95.10 RECLAMATION.

The owner of any interest in any junked motor vehicle or appliance which has been removed, transported, or stored pursuant to this chapter may, prior to the sale thereof, present sufficient proof of ownership thereof or security interest therein to the enforcement officer. The enforcement officer shall thereupon order the release of the vehicle or appliance to that person upon payment of all charges and expenses of removal, transportation, storage, and sale.

§ 95.11 REMOVAL OF NUISANCE BEFORE CITY REMOVAL.

Removal of any junked motor vehicle or appliance prior to time for city removal shall be considered compliance with the provisions of this chapter.

(Ord. 70-2, passed 5-13-70)

§ 95.12 JUNKYARD TO HAVE SCREENING.

Any motor vehicle or appliance junkyard located within the corporate limits of the city shall be screened from view from ground level by a fence, shrubs, trees, other natural foliage, or by natural topography not less than ten feet in height. The person acting as operator of the motor vehicle or appliance junkyard shall be responsible for the erection and maintenance of the screen required hereby.

(Ord. 70-2, passed 5-13-70) Penalty, see § 95.99

§ 95.13 OTHER REGULATIONS.

This chapter is not the exclusive regulation of junked motor vehicles and appliances within the city. The provisions of this chapter are supplemental and in addition to all other regulatory codes, statutes, and ordinances heretofore enacted by the city, state, or any other legal entity or agency having jurisdiction. Where any provision of this chapter conflicts with other ordinances of the city, the provisions hereof shall prevail. Any and all ordinances or parts of previously enacted ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(Ord. 70-2, passed 5-13-70)

§ 95.99 PENALTY.

In addition to the civil remedies provided by this chapter, it shall be unlawful for any person to continue and maintain the public nuisance as described herein. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any amount not less than \$25 nor more than \$500, or be imprisoned for a period not exceeding 90 days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 70-2, passed 5-13-70)

CHAPTER 96: PARKS AND RECREATION

Section

Administration

96.01 Parks, Playground, and Recreation Advisory Board

96.02 Recreation Director

Boat Dock Ramp

96.10 Hours of use

96.11 Boat dock boat launch fee; penalty for non-payment

Trick or Treat

96.20 Trick or treat date and hours

ADMINISTRATION

§ 96.01 PARKS, PLAYGROUND, AND RECREATION ADVISORY BOARD.

(A) There is hereby created and established a Parks, Playground and Recreation Advisory Board consisting of five (5) members to be appointed by the Mayor for terms of four (4) years. The members shall serve without compensation and four (4) out of five (5) of such members shall be legal voters of the city, and the fifth member may be a legal voter of the city, but shall in any event be a resident of the county.

(B) The Parks, Playground and Recreation Advisory Board shall advise the Mayor, City Council and Recreation Director on all matters relating to the acquisition, development, maintenance and operation of parks, playgrounds, recreation centers,

recreation programs and recreation facilities and recommend rules and regulations governing the operation and maintenance of city parks and recreation facilities. The Advisory Board shall meet regularly, at such times and places as it may designate, and shall choose a Chairperson and such other officers as it may deem necessary for the proper functioning of the Advisory Board. The duties of such officers shall be the usual duties incumbent upon such an office and such other duties as the Advisory Board prescribes.

(C) The Mayor, with the approval of City Council, and subject to the availability of funds, may employ trained and qualified park superintendents, playground directors, supervisors or a recreation director to supervise the operation, development and maintenance of city parks, playgrounds, swimming pools, recreation centers, recreation programs and facilities. Any such person or persons employed shall cooperate with the and regularly consult the Parks, Playground and Recreation Advisory Board.

(D) All funds currently appropriated by the City Council for the Parks, Playground and Recreation Board or funds derived from any tax levy for the purpose of purchasing and maintaining public parks within the city limits shall be paid into the General Fund of the city. The City Council shall annually budget and appropriate sufficient funds to acquire, develop, supervise, maintain and operate parks, playgrounds, recreation centers, recreation programs and other recreation facilities owned or controlled by the city or leased or loaned to the city.

(Ord. 2009-01, passed 2-18-09)

Statutory reference:

Authority to establish Board to administer recreation facilities, see KRS 97.030

§ 96.02 RECREATION DIRECTOR.

(A) The position of Recreation Director is hereby created as a part-time employee of the city subject to the provisions of the Personnel Policies and Procedures as adopted and set forth in Ordinance No. 81-10 (See § 37.01) and Executive Order 81-8.

(B) The following job description and class specification is established for the position of Recreation Director:

(1) Characteristics of the class. This position is directly responsible to the Mayor for the administration and coordination of the activities and employees within the Recreation Advisory Board.

(2) Examples of duties. The person holding this position is responsible for the total recreation program in the city. This person is responsible for setting up procedures and seeing that they are carried out to insure proper operation of the various programs associated with the Recreation Advisory Board. This position will require the individual to meet with the Recreation Advisory Board and the City Council to coordinate all activities to be undertaken by this position. The work schedule can be varied to meet the needs of various recreation programs.

(3) Minimum qualifications. The Recreation Director shall be a graduate from high school or its equivalent, and have supplementary college-level training in public or equivalent experience such as a business administrator or involvement in recreation management. A senior life guard certificate and first aid safety training is desirable but not mandatory.

(4) Special knowledge, skills, abilities. The Recreation Director shall have considerable knowledge of municipal accounting and budgeting principles and practices and be able to set procedures and handle daily receipts and expenditures. The Recreation Director shall schedule personnel, and activities, and have the ability to write procedures, reports, and rules and regulations for the Recreation Advisory Board. He shall have the ability to establish and maintain good relations with the public and fellow city employees.

(C) The Recreation Director shall be assigned to Grade Level 32 under the pay and classification plan of the city and the total annual compensation or salary for the position shall be in the amount as established by City Council.

(Ord. 82-11, passed 6-17-82)

BOAT DOCK RAMP

§ 96.10 HOURS OF USE.

(A) The Augusta Boat Dock ramp and area shall not be used for any purpose after 11:00 p.m. (prevailing local time) until daylight without permission from the Police Department or City Clerk/Treasurer.

(B) Violation of this section shall constitute a criminal trespass which is punishable pursuant to KRS 511.080.

(Ord 78-5, passed 11-8-78)

§ 96.11 BOAT DOCK BOAT LAUNCH FEE; PENALTY FOR NON-PAYMENT.

(A) The current daily boat launch fee for the use of the boat launch at the Augusta Boat Dock is \$5.00 per boat, and such fee shall be adjusted as needed in the future as determined by the Mayor of Augusta and approved by the Augusta City Council by municipal order.

(B) All persons launching a boat from the Augusta Boat Launch at the Augusta Boat Dock shall pay the daily boat launch fee as determined herein before using the Augusta Boat Launch at the Augusta Boat Dock.

(C) Failure to remit the boat launch fee shall be a violation, and shall be punishable with a fine of \$20.00 per day.
(Ord. 2019-12, passed 9-18-19)

TRICK OR TREAT

§ 96.20 TRICK OR TREAT DATE AND HOURS.

(A) That the official trick or treat hours for the city are hereby established to take place on every October 31 hereafter that falls on a Sunday, or should October 31 not fall on a Sunday for a given year, then the official trick or treat hours for the city shall then take place that given year on the Sunday prior to October 31.

(B) The official trick or treat hours for the city are hereby established to occur every year on the trick or treat date as established herein from the hours of 3:00 p.m. to 5:00 p.m.

(Ord. 2010-1, passed 12-15-10; Am. Ord. 2017-6, passed 9-20-17)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. OCCUPATIONAL LICENSES
- 111. PAWNBROKERS
- 112. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS
- 113. ALCOHOLIC BEVERAGES
- 114. ADVERTISING; BILL POSTING
- 115. INSURANCE COMPANIES

CHAPTER 110: OCCUPATIONAL LICENSES

- 110.01 Definitions
- 110.02 Occupational license application required
- 110.03 Occupational license tax payment required
- 110.04 Apportionment
- 110.05 Employers to withhold
- 110.06 Returns required
- 110.07 Extensions
- 110.08 Refunds
- 110.09 Federal audit provisions
- 110.10 Administrative provisions
- 110.11 Information to remain confidential
- 110.12 Use of occupational license tax

- 110.99 Penalty

§ 110.01 DEFINITIONS.

As used in this chapter, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

"BUSINESS ENTITY." Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

"BUSINESS." Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. "BUSINESS" shall not include the usual activities of board of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually perform by trade associations or unions. "BUSINESS" shall not

include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, inures to the benefit of any private shareholder or other person.

"CITY." The City of Augusta, Kentucky.

"COMPENSATION." Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by any employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

"CONCLUSION OF THE FEDERAL AUDIT." The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable.

"EMPLOYEE." Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or political subdivision of a state, or any agency of instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

"EMPLOYER." The person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" means the person having control of the payments of such wages; and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" means such person.

"FINAL DETERMINATION OF THE FEDERAL AUDIT." The revenue agent's report or other documents reflecting the final and appealable adjustments made by the Internal Revenue Service.

"FISCAL YEAR." An accounting period of twelve (12) months ending on the last day of any month other than December.

"INTERNAL REVENUE CODE." The Internal Revenue Code in effect on December 31, 2006, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2004, that would otherwise terminate.

"NET PROFIT." Gross income as defined in Section 61 of the Internal Revenue Code minus all deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

(1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

(2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;

(3) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;

(4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.

"PERSON." Every natural person, whether a resident or non-resident of the city. Whenever the word "person" is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

"RETURN" or "REPORT." Any properly completed and, if required, signed form, statement, certification, declaration, or any other documents permitted or required to be submitted or filed with the city.

"SALES REVENUE." Receipts from the sale, lease, or rental of goods, services, or property.

"TAX DISTRICT." Any city of the first to fifth class with the authority to levy net, profits, or occupational license taxes.

"TAXABLE NET PROFIT." In case of business entity having payroll or sales revenue only within the city means net profits defined in this section.

"TAXABLE NET PROFIT." In case of a business entity having payroll or sales revenue both within and without the city means net profit as defined in this section, and as apportioned under § 110.04 of this chapter.

"TAXABLE YEAR." The calendar year or fiscal year ending during the calendar year, upon the basis of which net profit is computed.

(Ord. 2008-08, passed 7-15-08)

§ 110.02 OCCUPATIONAL LICENSE APPLICATION REQUIRED.

Every person and business entity engaged in any business in the city shall be required to apply for and obtain an occupational license from the city before the commencement of business or in the event of a change of business status. Licenses are required to notice the city of any changes in address, the cessation of business, or any other changes with render the information supplied to the city in the license application inaccurate.

(Ord. 2008-08, passed 7-15-08)

§ 110.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in division (B) of this section, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured as follows:

(1) One and thirty one hundredths percent (1.30%) of all wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident or nonresident who is an employee;

(2) One and twenty-five one hundredths percent (1.25%) of the net profit from business conducted in the city by a resident or non-resident business entity or person;

(3) The minimum tax shall be zero (0) as to net profits and zero (0) as to wages and compensation. The maximum tax shall be nine-hundred dollars (\$900) as to net profits; there shall be no maximum tax for wages and compensation. All resident or non-resident business entities or persons with business conducted in the city shall be required to submit a minimum of seventy-five dollars (\$75) with their application for an occupational license, unless such application/ return is accompanied by an appropriate tax schedule indicating the net profits from such business within in the city would warrant a lower net profits tax, which lower amount of net profits tax will then be due to the city, or that no net profits tax is due the city as a result of a loss, as shown on such tax schedule, in which case, no net profits tax will be due to the city.

(B) The occupational license tax imposed in this section shall not apply to the following persons or business entities, except as noted specifically otherwise in division (B)(4) below:

(1) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association, whether state or federally chartered;

(2) Any compensation received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training;

(3) Any compensation received by precinct workers for election training or work at election booths in any state, county, and local primary, regular, and special elections;

(4) Public service corporations that pay an ad valorem tax on property values and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their net profit derived from the non-public service activities apportioned to the city;

(5) Persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of the net profits derived from the manufacturing or trafficking in alcoholic beverages; and

(6) Life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky.

(Ord. 2008-08, passed 7-15-08; Am. Ord. 2016-03, passed 4-20-16; Am. Ord. 2019-1, passed 1-16-19; Am. Ord. 2020-3, passed 7-15-20; Am. Ord. 2020-6, passed 11-18-20)

§ 110.04 APPORTIONMENT.

(A) Except as provided in division (D) of this section, net profit shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue in more than one (1) tax district by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in division (B), plus the sales factor, described in division (C), and the denominator of which is two (2); and

(2) For business entities with sales revenue in more than one (1) tax district, by multiplying the net profit by the sales factor as set forth in division (C).

(B) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

(1) The sale, lease, or rental of tangible personal property is in the city if:

(a) The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is in the United States government.

(2) Sales revenues, other than revenues from the sale, lease, or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.

(3) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.

(D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one (1) or more of the factors;

(3) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.

(E) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the city bears to the total wages and compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this division, the taxpayer shall maintain adequate records.

(F) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this chapter. The occupational license tax imposed in this chapter is assessed against income before it is "passed through" these entities to the owners.

(G) If any business entity dissolves, ceases to operate, or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.

(H) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this chapter on the basis of the same calendar of fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

(Ord. 2008-08, passed 7-15-08)

§ 110.05 EMPLOYERS TO WITHHOLD.

(A) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under § 110.03.

(B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the city, and pay to the city, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city.

(C) Every employer who fails to withhold or pay to the city any sums required by this chapter to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.

(D) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.

(E) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 or each year complete and file on a form furnished or approved by the city a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the city, shall be submitted.

(F) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.

(G) An employer shall be liable for payment of the tax required to be deducted and withheld under this section.

(H) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the city, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax become or became obligated. No person shall be personally and individually liable under this subsection unless such person had authority to collect, truthfully account for, or pay over the tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due. Notwithstanding divisions (G) and (H), every employee receiving compensation in the city subject to the tax imposed under § 110.03 shall be personally liable for any amount due. In all case where the employer does not withhold the tax levied under this chapter from the employee, such employee or employees shall be responsible for filing with the city each quarter in the same manner as if they were the employer.

(Ord. 2008-08, passed 7-15-08)

§ 110.06 RETURNS REQUIRED.

(A) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city.

(B) Every business entity shall submit a copy of its Federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the city. Whenever, in the opinion of the city, it is necessary to examine the Federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The city may also require copies of reports of adjustments made by the Federal government.

(C) Every business entity subject to an occupational license tax governed by the provisions of this chapter shall keep records, render under oath statements, including but not limited to a sworn Affidavit regarding number, name and address of current and past employees and payroll amounts for each of same, and number, name and address of independent contractors with which such business entity has contracted with in the past or currently contracts with, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by notice served to the business entity, to make a return, complete city forms, provide the city with exact copies of tax returns and schedules. render statements under oath, including but not limited to a sworn Affidavit regarding number, name and address of current and past employees and payroll amounts for each of same, and number, name and address of independent contractors with which such business entity has contracted with for past services or is contracting with for current services, or keep records, as the city deems sufficient, to determine the tax liability of the business entity for itself and its employees, and for independent contractors with which such business entity has contracted with for past services, or is contracting with for current services.

(D) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.

(E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the occupational license return, determined without regard to any extension of time for filing the return.

(Ord. 2008-08, passed 7-15-08; Am. Ord. 2019-1, passed 1-16-19)

§ 110.07 EXTENSIONS.

(A) The city may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the amount for filing a return is extended, the business shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due on the return, but not previously paid, from the time the time was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.

(Ord. 2008-08, passed 7-15-08)

§ 110.08 REFUNDS.

(A) Where there has been an overpayment of tax under §110.05, a refund or credit shall be made to the employer to the extent of overpayment if a written application for refund or credit is received by the city from the employer within two (2) years from the date the overpayment was made.

(B) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted to this city, the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.

(Ord. 2008-08, passed 7-15-08)

§ 110.09 FEDERAL AUDIT PROVISIONS.

(A) As soon as practicable after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within five (5) years from the date the return was filed, except as otherwise provided in this section.

(1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.

(2) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, which understatement or omission, or both, is in excess of twenty-five percent (25%) of the amount of net profit started in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.

(3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six (6) months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.

(B) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.

(C) The city may initiate a civil action for the collection of any additional tax within the times prescribed in division (A).

(Ord. 2008-08, passed 7-15-08)

§ 110.10 ADMINISTRATIVE PROVISIONS.

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(B) Any tax collected pursuant to the provisions of this chapter may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is the later, except the:

(1) In any case where the assessment period contained in §110.09 has been extended by an agreement between the business entity and the city, the limitation contained in this subsection shall be extended accordingly.

(2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later.

(3) For the purposes of this subsection and division (A), a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) The authority to refund or credit overpayments of taxes collected pursuant to this chapter is vested exclusively in the city.

(Ord. 2008-08, passed 7-15-08)

§ 110.11 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of any tax district shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorize agent with information respecting his or her own return. Further, this prohibition does not preclude any

employee of the tax district from testifying in any court, of from introducing as evidence returns or reports filed with the tax district, in any action for violation of a tax district tax law or in any action challenging a tax district tax law.

(B) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city if the Commission of Revenue of the Commonwealth of Kentucky grants to the city the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profits or compensation of any person or business entity.

(C) In addition, the city is empowered to execute similar reciprocity agreements as described in division (B) with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this chapter.

(Ord. 2008-08, passed 7-15-08)

§ 110.12 USE OF OCCUPATIONAL LICENSE TAX.

All money derived from the license taxes under the provisions of this chapter shall be paid to the city and placed to the credit of the city's general revenue fund.

(Ord. 2008-08, passed 7-15-08)

§ 110.99 PENALTY.

(A) A business entity subject to tax on net profits may be subject to a penalty equal to five percent (5%) of the tax due for each calendar month or fraction thereof if the business entity:

- (1) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or
- (2) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

(3) The total penalty levied pursuant to this chapter shall not exceed twenty-five percent (25%) of the total due; however, the penalty shall not be less than twenty-five dollars (\$25.00).

(B) Every employer who fails to file a return or pay the tax on or before the time prescribed under § 10.05 may be subject to a penalty in the amount equal to five percent (5%) of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this chapter shall not exceed twenty-five percent (25%) of the total tax due however, the penalty shall not be less than twenty-five dollars (\$25.00).

(C) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(E) The city may enforce the collection of the occupational tax due under §110.03 and any fees, penalties, and interest as provided in divisions (A) through (D) by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter.

(F) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing and collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A Misdemeanor.

(G) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this chapter of a return, affidavit, claim or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim or document, shall be guilty of a Class A Misdemeanor.

(H) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and require to be filed with the city by the provisions of this chapter, or by the rules of the city or by written request for information to the business entity by the city.

(I) Any person violating the provisions of § 110.12 by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than five hundred dollars (\$500) or imprisoned for not longer than six (6) months, or both.

(J) Any person violating the provisions of § 110.12 by divulging confidential taxpayer information shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

(Ord. 2008-08, passed 7-15-08)

Section

- 111.01 Definitions
- 111.02 Bond
- 111.03 Register to be kept; daily reports
- 111.04 Receipt to be given for each article; sale of article
- 111.05 Maximum interest, resale price
- 111.06 Receipt to be given for payment of loan
- 111.07 Prohibited activities
- 111.08 Enforcement

- 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.

"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)

§ 111.02 BOND.

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of \$1000. This bond shall be conditioned that he will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.

(KRS 226.020)

§ 111.03 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 names and:
 - (a) A driver's license number;
 - (b) Another state or federally issued picture identification card number; or
 - (c) If the identification specified in division (a) or (b) of this division is not available, a Social Security number may be accepted; of all persons who have left any property that has been pawned or sold;
- (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 paragraph, "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 twelve (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, furnish to the Chief of Police a true and correct written report of all goods received by him or her, whether by pawn or purchase, during the twenty-four (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 § 111.99

§ 111.04 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 § 111.03(A) to be kept in his register. He shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying such person that, unless the redeems the article within ten days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 111.99

§ 111.05 MAXIMUM INTEREST, RESALE PRICE.

Any pawnbroker as defined in § 111.01, 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 § 111.03, 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 § 111.99

§ 111.06 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 § 111.99

§ 111.07 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 § 111.99

§ 111.08 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)

§ 111.99 PENALTY.

Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter shall, 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))

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Provision for service of process
- 112.09 Exhibition of licenses and badges

- 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.

"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.

§ 112.02 LICENSE REQUIREMENT.

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

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

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

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

Penalty, see § 112.99

§ 112.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file a written, sworn application with the Clerk/Treasurer. 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. Applications should be made on forms available in the office of the Clerk/Treasurer. The application shall state:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

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

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

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

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

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

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

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

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

(B) All applications for peddler or solicitor licenses shall state, in addition to statements required by division (A):

(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) Two letters of recommendation from any person residing or doing business in the city certifying the applicant's good moral character and business responsibility; or, in lieu of such letters, other evidence which may be used by the Clerk/Treasurer to satisfy his duties under § 112.04;

(2) If required by the Clerk/Treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business;

(3) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to 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.

(E) Upon receipt of the application, the Clerk/Treasurer shall cause a set of applicant's fingerprints to be taken and attached to the application; he shall also cause a picture of the applicant to be taken and to be attached to the application.

Penalty, see § 112.99

§ 112.04 STANDARDS FOR ISSUANCE.

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

(B) The Clerk/Treasurer shall approve the application 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.

§ 112.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk/Treasurer after notice and hearing, pursuant to the standards in § 112.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 112.06 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.

§ 112.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 112.04 or 112.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 112.05.

(B) The order of the legislative body after the hearing shall be final.

§ 112.08 PROVISION FOR SERVICE OF PROCESS.

(A) Requirements of successful applicant.

(1) Upon receipt of notice of approval of his application, the applicant shall file with Clerk/Treasurer an instrument appointing the Clerk/Treasurer as his true and lawful agent with full power and authority to acknowledge service of process for and on behalf of applicant in respect to any matter arising under this chapter.

(2) Forms for the required statement are available at the Clerk/Treasurer's office. Such form or instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon this agent, and when so made shall be taken and held to be as valid as if personally served upon the applicant, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment.

(B) Duty of Clerk/Treasurer. Immediately upon service of any process upon the Clerk/Treasurer under this chapter, the Clerk/Treasurer shall send, by registered mail, a copy of the process to the licensee at his last known address.

Penalty, see § 112.99

§ 112.09 EXHIBITION OF LICENSES AND BADGES.

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

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

(C) Peddlers or solicitors shall exhibit their license at the request of any citizen.

Penalty, see § 112.99

§ 112.99 PENALTY.

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

CHAPTER 113: ALCOHOLIC BEVERAGES

Section

- 113.01 Creation of office of City Alcoholic Beverage Control Administrator
- 113.02 Trafficking alcohol
- 113.03 Kind of licenses and amount of license tax
- 113.04 Applications and issuance for licenses
- 113.05 Closing hours; hours for sales and consumption
- 113.06 No refund of license tax

113.07 Duty of Police Department

113.08 License tax

113.09 Continuing evaluation

113.99 Penalty

§ 113.01 CREATION OF OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

Any prior ordinances, resolutions, orders or other acts taken by the Augusta City Council or Mayor of Augusta in creation of and appointment to the Office of City Alcoholic Beverage Control Administrator are hereby ratified and confirmed; and in the apparent absence of a prior ordinance creating such office, the Office of City Alcoholic Beverage is hereby created.

(Ord. 2002-3, passed 7-17-02)

§ 113.02 TRAFFICKING ALCOHOL.

On or after the date this chapter is published, it shall be unlawful for any person, firm, corporation, or other entity to engage in the business of trafficking in alcoholic and malt beverages within the corporate limits of the city, without first having obtained the license or licenses as required by this chapter.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)Penalty, see § 113.99

§ 113.03 KIND OF LICENSES AND AMOUNT OF LICENSE TAX.

All licenses issued under this chapter shall expire on June 30 of each year, except special event or temporary licenses which shall be subject to expiration as specifically stated therein.

(A) There shall be the following kinds of licenses, issued by the City of Augusta after payment to the City of Augusta of the specified fees, and which shall be subject to the provisions stated herein, to wit:

- (1) Distiller's license, per annum
- KRS 243.070(1)(a) \$250.00
- (2) Rectifier's license - KRS 243.070(1)(a):
 - (a) Class A, per annum: \$600.00
 - (b) Class B (craft rectifier), per annum: \$600.00
- (3) Wholesaler's distilled spirits
and wine license, per annum
- KRS 243.070(1)(c) \$600.00
- (4) Quota retail package license, per annum
- KRS 243.070(1)(d)(2): \$210.00
- (5) Quota retail drink license, per annum
- KRS 243.070(1)(e): \$210.00
- (6) Special temporary license, per event
- KRS 243.070(1)(f)(2): \$50.00
- (7) Nonquota type 2 retail drink license,
per annum - KRS 243.070(1)(h)(2): \$210.00
- (8) Caterer's license. per annum
- KRS 243.070(1)(m): \$250.00
- (9) Bottling house or bottling house storage
license, per annum - KRS 243.070(1)(n): \$500.00
- (10) Brewer's license, per annum
- KRS 243.070(1)(o): \$300.00
- (11) Microbrewery license, per annum
- KRS 243.070(1)(p): \$300.00

- (12) Malt beverage distributor's license,
per annum - KRS 243.070(1)(q) \$200.00
- (13) Nonquota retail malt beverage package
license, per annum - KRS 243.070(1)(r) \$52.50
- (14) Nonquota type 4 retail malt beverage
drink license, per annum - KRS 243.070(1)(s) \$52.50
- (15) Limited restaurant license, per annum
- KRS 243.070(1)(t)(2) \$210.00
- (16) Authorized public consumption license,
per annum - KRS 243.070(1)(v) \$50.00

(B) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50.00). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50.00).

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06; Am. Ord. 2014-2, passed 4-16-14; Am. Ord. 2019-7, passed 6-19-19) Penalty, see § 113.99

§ 113.04 APPLICATIONS AND ISSUANCE FOR LICENSES.

(A) Applications for licenses shall be made to the City Clerk in writing, on forms furnished by the City Clerk setting forth in detail, such information concerning the applicant and the premises sought to be licensed, and required by the Kentucky Alcoholic Beverage Control Law of 1938, as amended. Each application shall be accompanied by a certified check, cash or money order, in the amount required by this chapter for a license of the kinds or class applied for. The City Clerk shall immediately forward the application to the City Administrator for review. No license shall be issued by the City Clerk without the approval of the City Administrator.

(B) Any license authorized to be issued under this chapter must be refused if the applicant therefor, or the premises for which same is sought, does not comply fully with the rules and regulations of the Kentucky Alcoholic Control Board, or City Administrator, or if the applicant shall have done any act for which a revocation of license would be authorized under the Statutes of Kentucky, or if the applicant has made any false statement in his or her application. The license may also be refused by the City Administrator, for any reason which the Administrator, in the exercise of his or her sound discretion, deems sufficient. Among those factors that the Administrator shall consider in the exercise of his or her discretion are:

- (1) Public sentiment in the area;
- (2) Number of licensed outlets in the area;
- (3) Potential for future growth;
- (4) Type of area involved;
- (5) Type of transportation available; and
- (6) Financial potential of the area.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

§ 113.05 CLOSING HOURS; HOURS FOR SALES AND CONSUMPTION.

(A) No premises for which there has been granted a license for the sale of distilled spirits or wine and malt beverages at retail shall be permitted to remain open for any purpose at any time during the twenty-four (24) hours of a Sunday (except as otherwise specifically authorized herein) unless the licensee provides a separate locked department in which all stocks of distilled spirits and wines are kept during those times, or if a malt beverage licensee, the malt beverage licensee provides a separate department within his or her premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his or her business or such licenses, and said department is kept covered or closed during those times. The sale of alcoholic beverages at all places offering same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours: Monday through Saturday and following mornings: 1:00 a.m.

(B) Provided however, that premises for which there has been granted a license for the sale of alcoholic beverages by the drink may sell distilled spirits and wine and malt beverages by the drink on Sundays from 10:00 a.m. to 10:30 p.m., and on every December 31 occurring on a Sunday, from 10:00 a.m. to 1:00 a.m. the next morning, and retailers shall be permitted to sell package distilled spirits, wine and malt beverages on Sundays from 10:00 a.m. to 10:30 p.m., and on every December 31 occurring on a Sunday, from 10:00 a.m. to 1:00 a.m. the next morning.

(C) Consumption of alcoholic beverages on licensed premises may not continue for more than thirty (30) minutes after the respective hours above for sales thereof to stop.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06; Am. Ord. 2014-2, passed 4-16-14; Am. Ord. 2019-3, passed 2-22-19) Penalty, see § 113.99

§ 113.06 NO REFUND OF LICENSE TAX.

No refund of any license tax authorized under this chapter shall be made after any license shall have been granted in any case; including but not limited to those cases where a license is revoked during the license year by state or local authorities for a violation of this chapter or other law and including but not limited to those cases where a license is revoked during a license year by operation of law through the modification of this chapter.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)Penalty, see § 113.99

§ 113.07 DUTY OF POLICE DEPARTMENT.

(A) It shall be the duty of the Police Department to keep all premises licensed under this chapter under surveillance and each member of the force shall thoroughly acquaint himself or herself with the prohibitions, restrictions, and regulations of this chapter.

(B) All provisions of this chapter shall be strictly enforced. Any Police Officer who knowingly shall permit any infraction of this chapter shall be subject to removal from the force and subject to the other penalties provided for herein.

(C) The Police Department shall provide written notice of an alleged violation of this chapter to the person appearing to be in charge of the licensed premises upon which a violation is alleged at the time of the alleged violation, and the written notice of the alleged violation shall also be copied to the licensee. Such notice shall indicate which portion of this chapter has allegedly been violated.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)Penalty, see § 113.99

§ 113.08 LICENSE TAX.

All licenses, fees and taxes collected under this chapter shall be paid into the General Fund of the city and used as other monies in the fund.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)Penalty, see § 113.99

§ 113.09 CONTINUING EVALUATION.

The City Council shall continue its evaluation and updating of this chapter as necessary through methods including but not limited to:

(A) Within three (3) months and the again within six (6) months after the implementation of this chapter, the Chief of Police shall provide the City Council with a report concerning the effect of this chapter on the neighborhoods and areas surrounding the establishments licensed under such chapter; and any such other information as Council may request.

(B) The City Council shall evaluate the necessity and effect of the chapter within six (6) months after its adoption, and in so doing, shall consider any reports received under division (A) and any statements and opinions offered by city citizens.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)Penalty, see § 113.99

§ 113.99 PENALTY.

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by fine not to exceed five hundred dollars (\$500) or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)

CHAPTER 114: ADVERTISING; BILL POSTING

Section

114.01 License required; fee

114.02 Destroying advertisements prohibited

114.99 Penalty

§ 114.01 LICENSE REQUIRED; FEE.

(A) It shall be unlawful for any company, corporation, or person to post, paint, or attach in any way whatsoever on or to any billboard, fence, house, stable, or outbuilding, or to any building, public or private, or any fence within the city limits, any written bills, posters, or advertising signs of any kind or character, or to distribute within and about the city in any way

whatsoever, any bills, posters, signs, or advertising matter of any kind whatsoever, without first having procured a license to do so from the City Clerk/Treasurer.

(B) The license shall be for a term of one year from the date of procuring same.

(C) The license fee for each company, corporation, or person shall be \$10 per annum.

(Ord. 03-1, passed 9-11-03)Penalty, see § 114.99

§ 114.02 DESTROYING ADVERTISEMENTS PROHIBITED.

No person shall wantonly tear down, destroy, or deface any printed or written advertisement that has lawfully been put up.

(Ord. 03-1, passed 9-11-03)Penalty, see § 114.99

§ 114.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$500.

CHAPTER 115: INSURANCE COMPANIES

Section

115.01 Imposition of fee

115.02 Fee for companies issuing insurance policies

115.03 Due date; interest on delinquencies

115.04 Written breakdown of collections by category

§ 115.01 IMPOSITION OF 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 for each calendar year.

(Ord. 2001-5, passed 6-25-01; Am. Ord. 2018-4, passed 8-29-18)

§ 115.02 FEE FOR COMPANIES ISSUING INSURANCE POLICIES.

The license fee imposed on each insurance company which issues any insurance policy shall be eight percent (8%) 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; however, no license fee shall be imposed on the premiums received for insuring worker's compensation, flood, or individual or group health insurance policies.

(Ord. 2001-5, passed 6-25-01; Am. Ord. 2018-4, passed 8-29-18)

§ 115.03 DUE DATE; INTEREST ON DELINQUENCIES.

All license fees imposed by this chapter shall be due no later than thirty (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 defined in KRS 131.010(6).

(Ord. 2001-5, passed 6-25-01; Am. Ord. 2018-4, passed 8-29-18)

§ 115.04 WRITTEN BREAKDOWN OF COLLECTIONS BY CATEGORY.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a written breakdown of collections in the preceding calendar year for the following categories of insurance:

(A) Casualty.

(B) Automobile.

(C) Inland marine.

(D) Fire and allied peril.

(E) Life.

(Ord. 2001-5, passed 6-25-01; Am. Ord. 2018-4, passed 8-29-18)

Chapter

- 130. OFFENSES AGAINST PERSONS
- 131. FAMILY OFFENSES
- 132. OFFENSES AGAINST PROPERTY
- 133. OFFENSES AGAINST PUBLIC MORALS
- 134. GAMBLING OFFENSES
- 135. OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE
- 136. OFFENSES AGAINST PUBLIC ORDER
- 137. SEXUAL OFFENSES
- 138. INCHOATE OFFENSES
- 139. GENERAL PENALTY FOR TITLE XIII

CHAPTER 130: OFFENSES AGAINST PERSONS

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against persons. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
ASSAULT		
First degree	508.010	B felony
Second degree	508.020	C felony
Third degree	508.025	D felony
Fourth degree	508.030	A misdemeanor
Under emotional disturbance	508.040	B misdemeanor or D felony
CRIMINAL ABUSE		
First degree	508.100	C felony
Second degree	508.110	D felony
Third degree	508.120	A misdemeanor
CRIMINAL COERCION	509.080	A misdemeanor
CUSTODIAL INTERFERENCE	509.070	D felony
KIDNAPPING	509.040	A or B felony; capital offense
MANSLAUGHTER		
First degree	507.030	B felony
Second degree	507.040	C felony
MENACING	508.050	B misdemeanor
MURDER	507.020	Capital offense
RECKLESS HOMICIDE	507.050	D felony
TERRORISTIC THREATENING	508.080	A misdemeanor
UNLAWFUL IMPRISONMENT		
First degree	509.020	D felony
Second degree	509.030	A misdemeanor
WANTON ENDANGERMENT		
First degree	508.060	D felony
Second degree	508.070	A misdemeanor

CHAPTER 131: FAMILY OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common family offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
OFFENSE	KRS SECTION	PENALTY CLASS
BIGAMY	530.010	D felony
CONCEALING BIRTH OF INFANT	530.030	A misdemeanor
INCEST	530.020	A, B, C felony
INCOMPETENT PERSON, ENDANGERING WELFARE OF MINORS	530.080	A misdemeanor
Abandonment of	530.040	D felony
Endangering welfare of	530.060	A misdemeanor
Unlawful transaction with		
First degree	530.064	A, B, C felony
Second degree	530.065	D felony
Third degree	530.070	A misdemeanor
NONSUPPORT	530.050	A misdemeanor
NONSUPPORT, FLAGRANT	530.050	D felony

Penalty, see Ch. 139

CHAPTER 132: OFFENSES AGAINST PROPERTY

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against property. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
OFFENSE	KRS SECTION	PENALTY CLASS
ARSON		
Defrauding insurer	513.060	D felony
First degree	513.020	A felony
Second degree	513.030	B felony
Third degree	513.040	D felony
BURGLARY		
First degree	511.020	B felony
Second degree	511.030	C felony
Third degree	511.040	D felony
Possession of burglar's tools	511.050	A misdemeanor
CRIMINAL MISCHIEF		
First degree	512.020	D felony
Second degree	512.030	A misdemeanor
Third degree	512.040	B misdemeanor
CRIMINAL TRESPASS		

First degree	511.060	A misdemeanor
Second degree	511.070	B misdemeanor
Third degree	511.080	Violation
FORGERY AND RELATED OFFENSES		
Criminal simulation	516.110	A misdemeanor
Forgery		
First degree	516.020	C felony
Second degree	516.030	D felony
Third degree	516.040	A misdemeanor
Possession of forged instrument		
First degree	516.050	C felony
Second degree	516.060	D felony
Third degree	516.070	A misdemeanor
Possession of forgery device	516.090	D felony
Using slugs		
First degree	516.120	D felony
Second degree	516.130	B misdemeanor
LITTERING, CRIMINAL	512.070	A misdemeanor
NOXIOUS SUBSTANCES		
Criminal possession of	512.060	B misdemeanor
Criminal use of	512.050	B misdemeanor
POSTING ADVERTISEMENTS UNLAWFULLY	512.080	Violation
ROBBERY		
First degree	515.020	B felony
Second degree	515.030	C felony
THEFT AND RELATED OFFENSES		
Device for theft of telephone services	514.065	A misdemeanor or D felony
Obscuring identity of machine	514.120	A misdemeanor or D felony
Possession of stolen mail	514.150	D felony
Receiving stolen property	514.110	A misdemeanor or D felony
Theft by deception	514.040	A misdemeanor or D felony
Theft by extortion	514.080	A misdemeanor or D felony
Theft by failure to make disposition	514.070	A misdemeanor or D felony
Theft by unlawful taking	514.030	A misdemeanor or A, B, C, or D felony
Theft of labor	514.090	A misdemeanor or D felony
Theft of mail matter	514.140	D felony
Theft of property	514.050	A misdemeanor or D felony
Theft of services	514.060	A misdemeanor or D felony
Unauthorized use of vehicle	514.100	A misdemeanor or D felony

Penalty, see Ch. 139

CHAPTER 133: OFFENSES AGAINST PUBLIC MORALS

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public morals. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
OFFENSE	KRS SECTION	PENALTY CLASS
PORNOGRAPHY		
Advertising obscene material	531.050	B misdemeanor
Distribution		
Distribution of obscene matter	531.020	A or B misdemeanor
Distribution to minor	531.030	A misdemeanor or D felony
Using minors to distribute	531.040	A misdemeanor or D felony
Portrayal of sexual performance by minor		
Advertising material containing	531.360	A misdemeanor
Distributing matter containing	531.340	A misdemeanor or D felony
Promoting sale of matter containing	531.350	A misdemeanor; C or D felony
Using minors to distribute such matter	531.370	C or D felony
Promoting sale of obscenity	531.060	A or B misdemeanor; D felony
Sexual performance by minor		
Promotion of	531.320	A, B, or C felony
Use of minor	531.310	A, B, or C felony
PROSTITUTION OFFENSES		
Loitering for prostitution purposes	529.080	Violation or B misdemeanor
Permitting prostitution	529.070	B misdemeanor
Promoting prostitution		
First degree	529.030	A, B, or C felony
Second degree	529.040	D felony
Third degree	529.050	A misdemeanor
Prostitution	529.020	B misdemeanor

Penalty, see Ch. 139

CHAPTER 134: GAMBLING OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common gambling offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
OFFENSE	KRS SECTION	PENALTY CLASS
CONSPIRACY TO PROMOTE GAMBLING	528.040	D felony
HORSE RACES, MESSENGER BETTING PROHIBITED	528.110	A misdemeanor
PARI-MUTUEL WAGERING	558.120	A misdemeanor
PERMITTING GAMBLING	528.070	B misdemeanor
POSSESSION OF GAMBLING DEVICE	528.080	A misdemeanor
POSSESSION OF GAMBLING RECORDS		
First degree	528.050	D felony
Second degree	528.060	A misdemeanor
PROMOTING GAMBLING		

First degree	528.020	D felony
Second degree	528.030	A misdemeanor

Penalty, see Ch. 139

CHAPTER 135: OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public administration and justice. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
OFFENSE	KRS SECTION	PENALTY CLASS
BRIBERY AND RELATED OFFENSES		
Bribery of public servant	521.020	D felony
Receiving unlawful compensation	521.040	A misdemeanor
Soliciting unlawful compensation	521.030	B misdemeanor
ESCAPE AND RELATED OFFENSES		
Bail jumping		
First degree	520.070	D felony
Second degree	520.080	A misdemeanor
Escape		
First degree	520.020	C felony
Second degree	520.030	D felony
Third degree	520.040	B misdemeanor
Hindering prosecution or apprehension		
First degree	520.120	D felony
Second degree	520.130	A misdemeanor
Promoting contraband		
First degree	520.050	D felony
Second degree	520.060	A misdemeanor
Resisting arrest	520.090	A misdemeanor
Resisting order to stop motor vehicle	520.100	A misdemeanor
JUDICIAL ADMINISTRATION, INTERFERENCE WITH		
Bribe receiving by juror	524.070	D felony
Bribe receiving by witness	524.030	D felony
Bribing a juror	524.060	D felony
Bribing a witness	524.020	D felony
Harassing a witness	524.045	A misdemeanor
Intimidating a judicial officer	524.120	D felony
Intimidating a juror	524.080	D felony
Intimidating a witness	524.040	D felony
Jury tampering	524.090	A misdemeanor
Retaliating against a witness	524.055	D felony
Simulating legal process	524.110	B misdemeanor
Tampering with physical evidence	524.100	D felony
Tampering with a witness	524.050	A misdemeanor
Unlawful practice of law	524.130	B misdemeanor

Penalty, see Ch. 139

<i>OFFENSE</i>	<i>KRS SECTION</i>	<i>PENALTY CLASS</i>
PERJURY AND RELATED OFFENSES		
False swearing	523.040	B misdemeanor
Perjury		
First degree	523.020	D felony
Second degree	523.030	A misdemeanor
Unsworn falsification to authorities	523.100	B misdemeanor
PUBLIC ADMINISTRATION, OBSTRUCTION OF		
Compounding a crime	519.030	A misdemeanor
Falsely reporting an incident	519.040	A misdemeanor
Impersonating a public servant	519.050	A misdemeanor
Obstructing governmental operations	519.020	A misdemeanor
Tampering with public records	519.060	A misdemeanor
PUBLIC OFFICE, ABUSE OF		
Misuse of confidential information	522.040	D felony
Official misconduct		
First degree	522.020	A misdemeanor
Second degree	522.030	B misdemeanor

Penalty, see Ch. 139

CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER

Section

- 136.01 Discharging air rifles or BB guns
- 136.02 Curfew
- 136.03 Discharging of firearms
- 136.04 Statutory offenses
- 136.05 Use of bows and arrows

- 136.99 Penalty

§ 136.01 DISCHARGING AIR RIFLES OR BB GUNS.

It shall be unlawful to discharge any air rifle or BB gun in the city in any manner endangering the person or property of another.

(Ord. 56-2, passed 8-23-56) Penalty, see § 136.99

§ 136.02 CURFEW.

(A) Definitions. For the purposes of the section the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

“ALLOW.” Either permit or neglect to prevent conduct in violation hereto, provided that the parent or guardian must have actual constructive knowledge of the offending conduct. The parent or guardian must actually know that the minor in his or her custody is violating this Ordinance or the circumstances must be such that a reasonably prudent parent or guardian should have known that the conduct of the minor was in violation of this section.

“CITY.” The City of Augusta, Kentucky, with administrative offices at 219 Main Street, Augusta, Kentucky, 41002.

“EMERGENCY.” An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a man-made or natural disaster, automobile accident, or any situation requiring immediate action to prevent bodily injury or loss of life.

“ESTABLISHMENT.” Any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement or entertainment.

“MINOR.” Any unemancipated person under 18 years of age.

“OPERATOR.” Any individual, firm, association, partnership, corporation, limited liability company, or other entity operating, managing, or conducting any establishment. The term includes but is not limited to the members or partners of an association, partnership or other entity and the officers of a corporation.

“PARENT.” Any person having legal custody of a minor;

- (1) As a natural or adoptive parent;
- (2) As a legal guardian;
- (3) As a person who stands “in loco parentis”;
- (4) As a person to whom legal custody has been given or directed by order of the Court;
- (5) As a person having physical possession and claims a right of custody.

“PUBLIC PLACE.” A place to which the public or a substantial group of persons has access, and includes, but is not limited to, highways, streets, alleyways, transportation facilities, schools, places of amusement, parks, places of business, playgrounds and hallways, lobbies and other common areas of apartment houses, hotels, hospitals, office buildings, shops, stores, restaurants, and other similar commercial establishments.

“REMAIN.” To stay behind, to tarry, or linger upon or in any public place.

“TIME OF NIGHT.” The prevailing standard of time, specifically, Eastern Daylight Time, generally observed at that hour by the public in the city; prima facie the time then observed in the city administrative offices and police station.

“YEARS OF AGE.” From one birthday, such as the fifteenth to (but not including) the day of the next, such as the sixteenth birthday, making it clear that fifteen or less years of age is herein treated as equivalent to the phrase “under sixteen years of age,” the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that sixteen years might be involved. Similarly, for example, 11 or less years of age means “under 12 years of age.”

(B) **Curfew for minors established.** It shall be unlawful for any person under the age of eighteen to be or remain in or upon any public place within the City during the hours between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and 6:00 a.m. on the following day; and during the hours between 12:00 midnight on Fridays and Saturdays and 6:00 a.m. the following day. It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be in or remain in or upon a public place in the City under circumstances not constituting an exception as enumerated below during the time period during the hours between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and 6:00 a.m. on the following day; and during the hours between 12:00 midnight on Fridays and Saturdays and 6:00 a.m. the following day.

(C) **Exceptions.** In the following exceptional cases, a minor, may be in, or upon a public place in the city during the hours between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and 6:00 a.m. on the following day; and during the hours between 12:00 midnight on Fridays and Saturdays and 6:00 a.m. the following day.

- (1) When the minor is accompanied by a parent or guardian;
- (2) When the minor is accompanied by an adult authorized by a 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 the minor’s 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 the case of reasonable necessity demonstrated by the minor’s parent or guardian such as necessity caused by illness in the family or unavailability of an adult to make a trip to obtain needed items for the family;
- (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 or police department;
- (6) When attending or returning home, by 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 engaged in any lawful employment activity, or going to or returning home from any lawful employment activity;
- (8) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle for the purpose of passing through, by direct route, from one location to another, including all minors that may also be within the vehicle.
- (9) When involved in an emergency.

(D) **Parental responsibility.** It shall be unlawful for a parent to knowingly permit or by inefficient control to allow the

juvenile to remain in any city public place under the circumstances not constituting an exception to, or otherwise beyond the scope of, the section. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(E) Operator responsibility. It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of, the section. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's position should have known that the patron was a juvenile in violation of the section.

(F) Enforcement of curfew.

(1) A police officer, upon finding or being notified of any minor in a public place whose parent is believed to be in violation of this Ordinance, may stop and question such minor and request such information as his or her name and age and the name, address and number of his or her parent, guardian, or person having 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 take the minor to his or her home, or direct the minor to proceed immediately to his or her home, or take the minor to the Augusta Police Department until released to the parent, guardian, person having legal custody. If the parent, guardian, or person having legal custody does not appear within two hours from the time the minor is taken into custody, the police shall follow the requirements set forth in KRS Chapter 610 and other applicable provisions of the Kentucky Unified Juvenile code.

(G) Construction and severability.

(1) Severability is intended throughout and within the provisions of this chapter. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the chapter in any and all other respects shall not be affected thereby.

(2) Advisory opinions.

(a) The Mayor, after consultation with the City Attorney, is hereby authorized to give advisory opinions in writing, which shall be binding and shall be adhered to by the police, until the section is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to the Mayor or to a member of City Council, questioning the Curfew Ordinance as:

1. Ambiguous;
2. Having a potentially chilling effect on constitutional rights specifically invoked; or
3. Otherwise invalid, in all three categories with respect to proposed conduct definitely described.

(b) This administrative remedy must be exhausted prior to presenting to any court a question in any of the three categories. The City Council does not intend a result through the enforcement of the section that is absurd, impossible of execution or unreasonable. Council intends that the section be held inapplicable in cases, if any, where its application would be unconstitutional under the Constitution of the Commonwealth of Kentucky or Constitution of the United States of America.

(H) Continuing evaluation. The City Council shall continue its evaluation and updating of the section through methods including but not limited to:

(1) Within six months after the implementation of this section, the Chief of Police shall provide the City Council with a report concerning the effect of this section on crimes committed by and against minors, and of the number of warnings issued and arrests of minors, parents, and operators hereunder, and such other information as Council may request.

(2) On a regular basis, the City Council shall receive informal reports of all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the special permits and the regulations authorized above, and the advisory opinions for consideration by the Council in further updating and continuing evaluation of the section.

(Ord. 99-6, passed 11-17-99; Am. Ord. 2002-4, passed 8-21-02; Am. Ord. 2005-03, passed 5-18-05; Am. Ord. 2019-14, passed 9-18-19) Penalty, see § 136.99

§ 136.03 DISCHARGING OF FIREARMS.

(A) For the purpose of this section "FIREARMS" shall mean any instrument capable of propelling a projectile by the action of the gunpowder exploded within it, or by the action of compressed air, CO2, or other gases and shall include, but is not limited to B.B. guns, or pellet guns, pistols or handguns, rifles, shotguns, and automatic weapons.

(B) This section shall not apply to the discharge of a firearm by a peace officer in the line of duty nor to the discharge of a firearm by a citizen in circumstances reasonably necessary for same.

(C) The discharge of any firearm within the city limits is prohibited.

(Ord. 86-10, passed 6-25-86)

§ 136.04 STATUTORY OFFENSES.

EDITOR'S NOTE:

This section contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public order. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
ABUSE OF A CORPSE	525.120	D felony
CRUELTY TO ANIMALS		
First degree	525.125	D felony
Second degree	525.130	A misdemeanor
DESECRATION OF VENERATED OBJECTS	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS	525.150	B misdemeanor
EAVESDROPPING AND RELATED OFFENSES		
Divulging illegally obtained Information	526.060	A misdemeanor
Eavesdropping	526.020	D felony
Installing eavesdropping device	526.030	D felony
Possessing eavesdropping device	526.040	A misdemeanor
Tampering with private Communications	526.050	A misdemeanor
FAILURE TO DISPERSE	525.160	B misdemeanor
HARASSING COMMUNICATIONS	525.080	B misdemeanor
HARASSMENT	525.070	Violation
INCITING TO RIOT	525.040	A misdemeanor
LOITERING	525.090	Violation
OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE	525.140	B misdemeanor
PUBLIC INTOXICATION	525.100	B misdemeanor
RIOT		
First degree	525.020	D felony
Second degree	525.030	A misdemeanor
UNLAWFUL ASSEMBLY	525.050	B misdemeanor

Penalty, see § 136.99

§ 136.05 USE OF BOWS AND ARROWS.

The use of bows and arrows within the city limits of the City of Augusta for non-hunting purposes is hereby prohibited, provided that this section shall not prohibit students and faculty members from participating in an Augusta Independent School sponsored archery program conducted upon the premises of the Augusta Independent School.

(Ord. 2016-04, passed 5-18-16) Penalty, see § 136.99

§ 136.99 PENALTY.

(A) Whoever violates § 136.01 or § 136.03 shall be fined not more than five hundred dollars (\$500.00).

(Ord. 86-10, passed 6-25-86)

(B) (1) If, after the warning notice required pursuant to §136.02(F)(3) of a first and second violation of this section has been made, any subsequent violation by a parent may be treated and charged by the Chief of Police or City Police Officer or other appropriate party as a first offense in violation of KRS § 530.060. Endangering welfare of minor, a Class A Misdemeanor, and the penalty imposed on the parent shall be a fine not in excess of five hundred dollars (\$500.00) and/or one (1) year's imprisonment.

(2) Violation of any provision of § 136.02 shall be a Class B Misdemeanor by the parent, guardian, or person having

legal custody and shall be punishable with a fine of fifty dollars (\$50.00) to two hundred fifty dollars (\$250.00) and imprisonment up to thirty (30) days.

(3) If, after the warning notice required pursuant to §136.03(F)(4) of a first and second violation of this section has been made, any subsequent violation by an operator of an establishment shall be treated as a first offense by the operator. For the first offense of an operator, the fine shall be one hundred dollars (\$100.00), and for each subsequent offense by an operator, the fine shall be increased by an additional one hundred dollars (\$100.00), e.g., a two hundred dollar (\$200.00) penalty for the second offense, and a three hundred dollar (\$300.00) penalty for the third offense.

(C) See Chapter 139 for a description of the statutory penalties provided for those state law offenses listed in §136.04 above.

(D) The violation of § 136.05 shall be punishable by the assessment of a fine of not less than twenty five dollars (\$25.00), nor more than one hundred dollars (\$100.00).

(Ord. 2005-03, passed 5-18-05; Am. Ord. 2016-04, passed 5-18-16; Am. Ord. 2019-14, passed 9-18-19)

CHAPTER 137: SEXUAL OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common sexual offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
INDECENT EXPOSURE	510.150	B misdemeanor
RAPE		
First degree	510.040	A or B misdemeanor
Second degree	510.050	C felony
Third degree	510.060	D felony
SEXUAL ABUSE		
First degree	510.110	D felony
Second degree	510.120	A misdemeanor
Third degree	510.130	B misdemeanor
SEXUAL MISCONDUCT	510.140	A misdemeanor
SODOMY		
First degree	510.070	A or B felony
Second degree	510.080	C felony
Third degree	510.090	D felony
Fourth degree	510.100	A misdemeanor

Penalty, see Ch. 139

CHAPTER 138: INCHOATE OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common inchoate offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

OFFENSE	KRS SECTION	PENALTY CLASS
CRIMINAL ATTEMPT	506.010	A or B misdemeanor; B or C felony
CRIMINAL CONSPIRACY	506.040	A or B misdemeanor; B or C felony
CRIMINAL FACILITATION	506.080	A or B misdemeanor; D felony

CRIMINAL SOLICITATION
CRIMINAL SYNDICATE

506.030
506.120

A or B misdemeanor; B or C felony
B felony

Penalty, see Ch. 139

CHAPTER 139: GENERAL PENALTY FOR TITLE XIII

EDITOR'S NOTE:

This chapter is included for informational purposes only. The provisions of this chapter are specifically not incorporated by reference.

Section

- 139.01 Fines for misdemeanors and violations
- 139.02 Sentence of imprisonment for misdemeanor
- 139.03 Fines for felonies
- 139.04 Sentence of imprisonment for felony

§ 139.01 FINES FOR MISDEMEANORS AND VIOLATIONS.

(A) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized a fine may be levied in addition to the imprisonment or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether or not the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury then the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(B) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any offense other than a felony may be sentenced to pay a fine in an amount not to exceed:

- (1) For a Class A misdemeanor, \$500; or
- (2) For a Class B misdemeanor, \$250; or
- (3) For a violation, \$250.

(C) This section does not apply to a corporation.

(KRS 534.040)

§ 139.02 SENTENCE OF IMPRISONMENT FOR MISDEMEANOR.

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

- (A) For a Class A misdemeanor, the term shall not exceed 12 months; and
- (B) For a Class B misdemeanor, the term shall not exceed 90 days.

(KRS 532.090)

§ 139.03 FINES FOR FELONIES.

(A) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any felony and granted a sentence of probation or conditional discharge may be sentenced to pay a fine in an amount not to exceed \$10,000 or double his gain from commission of the offense, whichever is the greater.

(B) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

- (1) The defendant's ability to pay the amount of the fine;
- (2) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;
- (3) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and
- (4) The amount of the defendant's gain, if any, derived from the commission of the offense.

(C) When a defendant is convicted of two or more felonies committed through a single act and is sentenced to fines pursuant to division (A) above, the aggregate amount of such fines shall not exceed \$10,000 or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(D) This section does not apply to a corporation.

(KRS 534.030)

§ 139.04 SENTENCE OF IMPRISONMENT FOR FELONY.

(A) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by division (B) below, and subject to modification by the trial judge pursuant to KRS 532.070.

(B) The authorized maximum terms of imprisonment for felonies are:

- (1) For a Class A felony, not less than 20 years nor more than life imprisonment;
- (2) For a Class B felony, not less than 10 years nor more than 20 years;
- (3) For a Class C felony, not less than 5 years nor more than 10 years; and
- (4) For a Class D felony, not less than one year nor more than 5 years.

(C) The actual time of release within the maximum established by division (A) above, or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

(KRS 532.060)

TITLE XV: LAND USAGE

Chapter

- 150. BLIGHTED OR DETERIORATED PROPERTY**
- 151. BUILDING REGULATIONS**
- 152. FLOOD DAMAGE PREVENTION**
- 153. HISTORIC PRESERVATION**
- 154. PLANNING**
- 155. UNSAFE BUILDINGS**
- 156. INDUSTRIAL DEVELOPMENT AUTHORITY**
- 157. PROHIBITED DISCRIMINATORY PRACTICES**

CHAPTER 150: BLIGHTED OR DETERIORATED PROPERTY

Section

- 150.01 Adoption of state law
- 150.02 Vacant Property Review Commission

§ 150.01 ADOPTION OF STATE LAW.

The city, pursuant to KRS 83A.060(5), hereby adopts the provisions of KRS 99.700 through 99.730 relating to blighted or deteriorated properties and incorporates the provisions of the above-referenced statutes on blighted or deteriorated properties by reference.

(Ord. 86-2, passed 1-6-86)

§ 150.02 VACANT PROPERTY REVIEW COMMISSION.

There is hereby established a Vacant Property Review Commission which shall certify properties as blighted or deteriorated to the City Council. The Commission shall consist of three members, residents of the city, to be appointed by the Mayor and approved by the City Council for one-year terms. No officer or employee of the city whose duties include enforcement of city housing, building, plumbing, fire, or related codes shall be appointed to the Commission. The Commission shall investigate and review any property referred to it by the Mayor or his designee in accordance with KRS 99.720 as blighted or deteriorated and certify its findings to the City Council.

(Ord. 86-2, passed 1-6-86)

CHAPTER 151: BUILDING REGULATIONS

Section

151.01 Adoption of Kentucky Building Code; Standards of Safety

151.99 Penalty

§ 151.01 ADOPTION OF KENTUCKY BUILDING CODE; STANDARDS OF SAFETY.

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations; and, to the extent they are not in conflict with the above referenced Kentucky Code, the latest editions of the Southern Standard Housing Code, Southern Standard Building Code, and Southern Standard Gas Code, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours.

(B) The Council may, to the extent allowed by the state law, make deletions and additions to the codes adopted in division (A) above, which deletions or additions shall be made by ordinance. Unless additions or deletions to the codes are made, each of the codes, including all penalty provisions thereof and including any amendments thereto, shall be in force throughout the city.

Penalty, see § 151.99

§ 151.99 PENALTY.

Any person who violates any provision of the state codes adopted in §151.01 shall be subject to the following penalties:

(A) Violators of the Uniform State Building Code or Uniform State Residential Code shall, upon conviction, be subject to a fine of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) for each offense.

(KRS 198B.990(1))

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

(KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), imprisonment for not more than ninety (90) days, or both for each offense.

(KRS 318.990)

CHAPTER 152: FLOOD DAMAGE PREVENTION

Section

General Provisions

152.01 Statutory authorization

152.02 Findings of fact

152.03 Statement of purpose

152.04 Objectives

152.05 Definitions

152.06 Lands to which this chapter applies

152.07 Basis for establishing the special flood hazard areas

152.08 Establishment of development permit

152.09 Compliance

152.10 Abrogation and greater restrictions

152.11 Interpretation

152.12 Warning and disclaimer of liability

152.13 Enforcement; violation notice

Administration

152.25 Designation of local administrator

152.26 Establishment of development permit

152.27 Duties and responsibilities of the local administrators

Provisions for Flood Hazard Reduction

152.40 General construction standards

152.41 Specific standards

152.42 Standards for streams without established base flood elevation (unnumbered A zones) and/or floodways

152.43 Standards for shallow flooding zones

152.44 Standards for subdivision proposals

152.45 Standards for accessory structures in all zones beginning with the letter "A"

152.46 Critical facilities

Appeals and Variance Procedures

152.55 Nature of variances

152.56 Designation of Variance and Appeal Board

152.57 Duties of Variance and Appeals Board

152.58 Variance procedures

152.59 Conditions for variances

152.60 Variance notification

152.61 Historic structures

152.99 Penalty

GENERAL PROVISIONS

§ 152.01 STATUTORY AUTHORIZATION.

The Legislature of the Commonwealth of Kentucky has in KRS 82.082 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Augusta, Kentucky, hereby adopts the following floodplain management ordinance, as follows.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13)

§ 152.02 FINDINGS OF FACT.

(A) The flood hazard areas of Augusta are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13)

§ 152.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

(D) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13)

§ 152.04 OBJECTIVES.

The objectives of this chapter are to:

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;

(F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;

(G) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and,

(H) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13)

§ 152.05 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A ZONE." Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are not determined.

"ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)." A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. **"ACCESSORY STRUCTURES"** should constitute a minimal initial investment,

may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of **"ACCESSORY STRUCTURES"** are detached garages, carports, storage sheds, pole barns, and hay sheds.

"ACCESSORY USE." A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"ADDITION (TO AN EXISTING STRUCTURE)." Any walled and roofed expansion to the perimeter or height of a structure.

"AE ZONES." Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

"AH ZONE." An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are determined.

"AO ZONE." An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are determined.

"APPEAL." A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or from the Floodplain Administrator's ruling on a request for a variance.

"AR/A1-A30, AR/AE, AR/AH, AR/AO, AND AR/A ZONES." Special flood hazard areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

"A99 ZONE." That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

“AREA OF SHALLOW FLOODING.” A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“BASE FLOOD.” A flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this chapter.

“BASE FLOOD ELEVATION (BFE).” The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, AI-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

“BASEMENT.” Any area of a structure having its floor sub-grade (below ground level) on all sides.

“BUILDING.” See definition for **“STRUCTURE.”**

“COMMUNITY.” A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

“COMMUNITY FLOOD HAZARD AREA (CFHA).” An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

“COMMUNITY RATING SYSTEM (CRS).” A program developed by the Federal Insurance Administration to provide incentives to those communities in the regular program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

“CRITICAL FACILITY.” Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. **“CRITICAL FACILITIES”** include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

“D ZONE.” An area in which the flood hazard is undetermined.

“DEVELOPMENT.” Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

“ELEVATED STRUCTURE.” For insurance purposes, a non-basement structure built to have the lowest floor elevated above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

“ELEVATION CERTIFICATE.” A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure’s elevation and other related information to verify compliance with this chapter.

“EMERGENCY PROGRAM.” The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

“ENCLOSURE.” That portion of a structure below the lowest floor used solely for parking of vehicles, limited storage, or access to the structure.

“ENCROACHMENT.” The physical advance or infringement of uses, plant growth, fill, excavation, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“EXISTING CONSTRUCTION.” Any structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **“EXISTING CONSTRUCTION”** may also be referred to as existing structures.

“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by a community.

“EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.” The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FIVE-HUNDRED YEAR FLOOD.” The flood that has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate risk of flooding.

“FLOOD” or **“FLOODING.”** A general and temporary condition of partial or complete inundation of normally dry land areas

from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source;
- (3) Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and/or

(4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)." A map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and the regulatory floodway.

"FLOOD HAZARD BOUNDARY MAP (FHBM)." A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA).

"FLOOD INSURANCE RATE MAP (FIRM)." A map on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk premium zones.

"FLOOD INSURANCE STUDY." The report provided by the Federal Emergency Management Agency (FEMA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

"FLOODPLAIN OR FLOOD-PRONE AREA." Any land area susceptible to being inundated by flood waters from any source.

"FLOODPLAIN ADMINISTRATOR." The individual appointed by the community to administer and enforce the floodplain management ordinances.

"FLOODPLAIN MANAGEMENT." The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

"FLOODPLAIN MANAGEMENT REGULATIONS." This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"FLOOD PROOFING." Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"FLOODPROOFING CERTIFICATE." A certification by a registered professional engineer or architect, the FEMA form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

"FLOODWAY." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "regulatory floodway".

"FLOODWAY FRINGE." That area of the floodplain on either side of the regulatory floodway.

"FREEBOARD." A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. **"FREEBOARD"** must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, and the like.

"FRAUD AND VICTIMIZATION." As related in §§ 152.55 through 152.61, Appeals and Variance Procedures, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for 50 to 100 years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“FUNCTIONALLY DEPENDENT USE FACILITY.” A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“GOVERNING BODY.” The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

“HAZARD POTENTIAL.” The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or miss-operation of a dam or appurtenances. The **“HAZARD POTENTIAL”** classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g. safety, structural integrity, flood routing capacity).

“HIGHEST ADJACENT GRADE.” The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“HISTORIC STRUCTURE.” Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

“INCREASED COST OF COMPLIANCE (ICC).”

(1) Increased cost of compliance coverage means under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are flood proofing (nonresidential), relocation, elevation, demolition, or any combination thereof.

(2) ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

“LETTER OF MAP CHANGE (LOMC).” An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. Letters of Map change include the following categories:

- (1) **“LETTER OF MAP AMENDMENT (LOMA).”** A revision based on technical data showing that a property was inadvertently included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- (2) **“LETTER OF MAP REVISION (LOMR).”** A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
- (3) **“LETTER OF MAP REVISION - BASED ON FILL (LOMR-F).”** A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SFHA.

“LEVEE.” A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“LEVEE SYSTEM.” A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“LIMITED STORAGE.” An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

“LOWEST ADJACENT GRADE.” The lowest elevation of the sidewalk, patio, attached garage, deck support, basement entryway or grade immediately next to the structure and after the completion of construction.

“LOWEST FLOOR.” The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure’s **“LOWEST FLOOR”**, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

“MANUFACTURED HOME.” A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term **“MANUFACTURED HOME”** does not include a “recreational vehicle” (see **“RECREATIONAL VEHICLE”**).

“MANUFACTURED HOME PARK OR SUBDIVISION.” A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“MAP.” The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

“MAP PANEL NUMBER.” The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

“MARKET VALUE.” The property value (as agreed between a willing buyer and seller), excluding the value of the land as established by what the local real estate market will bear. **“MARKET VALUE”** of the structure can be established by independent certified appraisal; replacement cost depreciated by age of structure (actual cash value) or adjusted assessed values.

“MEAN SEA LEVEL (MSL).” The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on the community’s FIRM. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.

“MITIGATION.” Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

“MUDSLIDE (I.E. MUDFLOW).” Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A **“MUDSLIDE (I.E. MUDFLOW)”** may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

“MUDSLIDE (I.E. MUDFLOW) AREA MANAGEMENT.” The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

“MUDSLIDE (I.E. MUDFLOW) PRONE AREA.” An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

“NATIONAL FLOOD INSURANCE PROGRAM (NFIP).” The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

“NATIONAL GEODETIC VERTICAL DATUM (NGVD).” As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM’S. Refer to FIRM legend panel for correct datum.)

“NEW CONSTRUCTION.” Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“NEW MANUFACTURED HOME PARK OR SUBDIVISION.” A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“NON-RESIDENTIAL.” Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months duration.

“NORTH AMERICAN VERTICAL DATUM (NAVD).” As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM’S and Digitally Referenced FIRM’S (DFIRM’s). (Refer to FIRM or DFIRM panel legend for correct datum.)

“OBSTRUCTION.” Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD) (see BASE FLOOD).” The flood that has a 1% or greater chance of

being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to inundation by the 100-year flood. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood with the SFHA.

"PARTICIPATING COMMUNITY." A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

"PRE-FIRM CONSTRUCTION." New construction or substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

"POST-FIRM CONSTRUCTION." New construction or substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

"PROBATION." A FEMA imposed change in community's status resulting from violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

"PROGRAM DEFICIENCY." A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards.

"PUBLIC SAFETY AND NUISANCE." Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"RECREATIONAL VEHICLE." A vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"REGULAR PROGRAM." The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and flood elevations determined in the FIS.

"REGULATORY FLOODWAY." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See **"BASE FLOOD."**

"REMEDY A VIOLATION." The process by which a community brings a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

"REPAIR." The reconstruction or renewal of any part of an existing structure.

"REPETITIVE LOSS." Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damage occurred.

"REPETITIVE LOSS PROPERTY." Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

"RIVERINE." Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

"SECTION 1316." That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"SEVERE REPETITIVE LOSS STRUCTURE." Any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

- (1) Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
- (2) Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

"SHEET FLOW AREA." See **"AREA OF SHALLOW FLOODING"**.

"SPECIAL FLOOD HAZARD AREA (SFHA)." That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 - A30, AH, AO, or AR.

"START OF CONSTRUCTION" (includes substantial improvement and other proposed new development). The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

"STRUCTURE." A walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"SUBDIVISION." Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

"SUBROGATION." A legal action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

"SUBSTANTIAL DAMAGE." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

"SUBSTANTIAL IMPROVEMENT." Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 1-year period in which the cumulative percentage of improvements equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS." Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

"SUSPENSION." Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP.

"UTILITIES." Include, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment that service the structure and the site.

"VARIANCE." Relief from some or all of the requirements of this chapter.

"VIOLATION." Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"WATERCOURSE." A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

"WATER SURFACE ELEVATION." The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"WATERSHED." All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

"X (SHADED) AND B ZONES." Areas of the 0.2% annual chance (500-year) flood that are outside of the SFHA, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

"X (UN-SHADED) AND C ZONES." Areas determined to be outside the 500-year floodplain.

"ZONE." A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13)

§ 152.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Council of Augusta from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Council of Augusta which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Augusta.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Augusta, dated May 16, 2013, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by City of Augusta, and for those land areas acquired by the city through annexation. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the city and are on file and available for review by the public during regular business hours at 219 Main Street, Augusta KY, 41002.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.08 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA). See § 152.26 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.09 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.10 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.11 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.12 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City Council of Augusta, any officer or employee, thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.13 ENFORCEMENT; VIOLATION NOTICE.

(A) Civil Offense. If, at any time, development occurs which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications, such development shall constitute a civil offense.

(B) Notice of violation. If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this chapter and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

(C) Notice of citation. If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. 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 carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

ADMINISTRATION

§ 152.25 DESIGNATION OF LOCAL ADMINISTRATOR.

The City Council hereby appoints the Augusta City Clerk and the Assistant City Clerk to administer, implement, and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.26 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 152.07. Application for a development permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

(B) Endorsement of the Floodplain Administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(1) Application stage.

(a) Proposed elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or

(b) Proposed elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in §§ 152.41(B) and 152.43(B);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage.

(a) Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. In AE, AI-30, AH, and A zones where the Community has adopted a regulatory base flood elevation, the certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(b) When flood proofing is utilized for a particular structure, the certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the

certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.27 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATORS.

(A) The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

(B) The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

(1) Permit review. Review all development permits to ensure that:

(a) Permit requirements of this chapter have been satisfied;

(b) All other required state and federal permits have been obtained: review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.;

(c) Flood damages will be reduced in the best possible manner; and

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this chapter, "**ADVERSELY AFFECTS**" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(2) Review and use of any other base flood data. When base flood elevation data has not been provided in accordance with § 152.07, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer the provisions of §§ 152.40 through 152.46. Any such information shall be submitted to the City Council for adoption.

(3) Notification of other agencies.

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse;

(b) Submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

(4) Documentation of floodplain development. Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 152.41(A) (lowest floor elevations) as shown on an accurately completed and certified elevation certificate. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, in accordance with § 152.26(B);

(b) Certification required by § 152.41(B) (elevation or floodproofing of nonresidential structures) as shown on an accurately completed and certified FEMA flood proofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved structures have been flood-proofed, in accordance with § 152.26(B);

(c) Certification required by § 152.41(C) (elevated structures);

(d) Certification of elevation required by § 152.44(A) (subdivision standards);

(e) Certification required by § 152.41(E) (floodway encroachments);

(f) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is maintained;

(g) Review certified plans and specifications for compliance; and

(h) Remedial action. Take action to remedy violations of this chapter as specified in §152.13.

(5) Map determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 152.57(A);

(b) When base flood elevation data and floodway data have not been provided in accordance with §152.07, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 152.40 through 152.46;

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 152.41(B) a floodproofing certificate;

(d) All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) Right of entry.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Floodplain Administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Floodplain Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Floodplain Administrator by this chapter.

(b) If such structure or premises are occupied, the Floodplain Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the Floodplain Administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the Floodplain Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Floodplain Administrator for the purpose of inspection and examination pursuant to this chapter.

(7) Stop work orders. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person performing the work, and shall state the conditions under which work may be resumed.

(8) Revocation of permits.

(a) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Floodplain administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(9) Liability. Any officer, employee, or member of the Floodplain Administrator's staff, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this chapter shall be defended by the department of law until the final termination of the proceedings.

(10) Expiration of floodplain construction permit. A floodplain development permit, and all provisions contained therein, shall expire if the "start of construction" has not occurred within 180 calendar days from the date of its issuance.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 152.40 GENERAL CONSTRUCTION STANDARDS.

In all special flood hazard areas the following provisions are required:

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(B) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(C) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(E) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

(F) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(G) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(H) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(I) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(J) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter;

(K) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in §152.07, the following provisions are required.

(A) Residential construction. New construction and substantial improvement of any residential structure (including manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than at or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of hydrostatic flood forces on walls shall be provided in accordance with standards of § 152.41(C).

(1) In an AO zone, the lowest floor shall be elevated above the highest adjacent grade to a height equal to or higher than the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

(2) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, the Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include, but are not limited to, detailed hydrologic and hydraulic analyses, use of existing data available from other sources, approximate methods, use of historical data, best supportable and reasonable judgment in the event no data can be produced. The lowest floor shall be elevated no lower than one foot above such base flood elevation. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a state floodplain permit: the applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(3) In all other zones, elevated no lower than at or above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) Non-residential construction. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for nonresidential purposes) shall be elevated to conform with § 152.41(A) or together with attendant utility and sanitary facilities:

(1) Be flood proofed to an elevation no lower than at or above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris;

(3) A registered professional engineer or architect shall certify that the standards of this division are satisfied. Such certification along with the design and operational maintenance plans shall be provided to the Floodplain Administrator.

(4) Manufactured homes shall meet the standards in §152.41(D).

(5) All new construction and substantial improvement with fully enclosed areas below the lowest floor (including basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall

be constructed of flood resistant materials to an elevation no lower than at or above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Openings for meeting this requirement must meet or exceed the standards of § 152.41(C).

(C) Elevated structures. New construction and substantial improvements of elevated structures on columns, posts, or pilings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Openings for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and

(3) The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

(D) Standards for manufactured homes and recreational vehicles.

(1) (a) All new and substantially improved manufactured homes placed on sites located within A, AI-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

(i) On individual lots or parcels;

(ii) In expansions to existing manufactured home parks or subdivisions;

(iii) In new manufactured home parks or subdivisions; or

(iv) In substantially improved manufactured home parks or subdivisions;

(v) Outside of a manufactured home park or subdivision; and

(vi) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) All such manufactured homes must be:

(i) Elevated on a permanent foundation; and

(ii) Have its lowest floor elevated no lower than at or above the level of the base flood elevation; and

(iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

(a) The lowest floor of the manufactured home is elevated no lower than at or above the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(3) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for "manufactured homes".

(4) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(E) Floodways. Located within areas of special flood hazard established in §152.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

(2) If § 152.41(E) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 152.40 through 152.46.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.42 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS.

Located within the special flood hazard areas established in §152.07, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction and substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with § 152.07.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.43 STANDARDS FOR SHALLOW FLOODING ZONES.

Located within the special flood hazard areas established in §152.07 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply.

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade; and

(2) Together with attendant utility and sanitary facilities be completely flood proofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in § 152.41(B).

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.44 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) In areas where base flood elevation and floodway data is not available, base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall be provided.

(E) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.45 STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER "A".

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- (A) Must be non-habitable;
- (B) Must be anchored to resist floatation and lateral movement;
- (C) Must be provided with flood openings in accordance with the standards of §152.41(C);
- (D) Must be built of flood resistant materials to at or above the base flood elevation;
- (E) Must elevate utilities at or above the base flood elevation;
- (F) Can only be used for storage or parking; and
- (G) Must not be modified for a different use after permitting.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.46 CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

APPEALS AND VARIANCE PROCEDURES

§ 152.55 NATURE OF VARIANCES.

(A) The variance criteria set forth in this subchapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(B) It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.56 DESIGNATION OF VARIANCE AND APPEAL BOARD.

City Council shall establish a Variance and Appeal Board consisting of residents of Augusta.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.57 DUTIES OF VARIANCE AND APPEALS BOARD.

(A) The Variance and Appeal Board shall hear and decide requests for variances from the requirements of this chapter and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this chapter.

(B) Any person aggrieved by the decision of the Variance and Appeal Board may appeal such decision to the Bracken Circuit Court, as provided in Kentucky Revised Statutes.

(Ord. 2013-01, passed 3-20-13)

§ 152.58 VARIANCE PROCEDURES.

In passing upon such applications, the Variance and Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:

- (A) Danger that materials may be swept onto other lands to the injury of others;
- (B) Danger to life and property due to flooding or erosion damage;
- (C) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

- (D) Importance to the community of the services provided by the existing or proposed facility;
- (E) Necessity that the facility be located on a waterfront, in the case of functionally dependent use;
- (F) Availability of alternative locations, which are not subject to flooding or erosion damage;
- (G) Compatibility of the proposed use with existing and anticipated development;
- (H) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (I) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (J) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (K) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges and culverts.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.59 CONDITIONS FOR VARIANCES.

Upon consideration of the factors listed above and the purposes of this chapter, the Variance and Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(A) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(B) Variances shall only be issued upon a determination that the variance is the “minimum necessary” to afford relief considering the flood hazard. “MINIMUM NECESSARY” means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

(C) Variances shall only be issued upon:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under “Public safety and nuisance”), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

(D) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor being situated below the base flood elevation.

(E) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

(F) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of § 152.58 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.60 VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(A) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(B) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Bracken County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(C) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in the community’s biennial report submission to the Federal Emergency Management Agency.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.61 HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of “historic structures” (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13) Penalty, see § 152.99

§ 152.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100 or imprisoned for not more than ten days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2004-25, passed 12-29-04; Am. Ord. 2013-01, passed 3-20-13)

CHAPTER 153: HISTORIC PRESERVATION

Section

153.01 Purpose and declaration of public policy

153.02 Historic Heritage and Revolving Loan Fund Advisory Board

153.03 Survey of historic buildings

153.04 Revolving loan program

§ 153.01 PURPOSE AND DECLARATION OF PUBLIC POLICY.

(A) The City Council declares as a matter of public policy that the preservation, protection, and use of historic buildings and sites is a public necessity because they have a historic, architectural, or cultural value and thus serve as visible reminders of the history and heritage of this county, state, and nation. The Council finds that this chapter benefits all the residents of the city and all the owners of property and declares as a matter of public policy that this chapter is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people.

(B) The purpose of this chapter is to achieve the goals set forth in the above findings and declaration of public policy and specifically, but not exclusively, to:

(1) Help the preservation, protection, and use of historic buildings and sites having a historic, architectural, or cultural value to this city, state, and nation;

(2) Promote the educational, cultural, economic, and general welfare of the people and safeguard the city's history and heritage as reflected in such buildings and sites;

(3) Stabilize and improve property value in the city;

(4) Foster civic pride in the notable accomplishments of the past;

(5) Strengthen the economy of the city;

(6) Protect and enhance the city's attractions to residents and tourists; and

(7) Encourage owners of historic buildings to renovate and establish business using low interest RLF funds.

(Ord. 86-4, passed 3-26-86)

§ 153.02 HISTORIC HERITAGE AND REVOLVING LOAN FUND ADVISORY BOARD.

(A) There is established the Augusta Historic Heritage and Revolving Loan Fund Advisory Board. The Board shall consist of five members appointed by the Mayor and approved by City Council. The Board shall include a Chairman designated by the Mayor and, to the extent available, four persons with interest or experience in architecture, history, architectural history, archeology, or another preservation-related field.

(B) The term of office of the Chairman and the members shall be two years, unless sooner removed by the Mayor, except the terms of two members of the original Board shall expire after one year. Each member shall serve until the appointment and qualification of his successor. When a vacancy occurs during a term of office, it shall be filled as provided above within 60 days, and the person selected shall be appointed for the unexpired portion of the term.

(C) Members of the Board shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties.

(D) No members of the Board shall participate in any matter that may affect the property, income, or business interests of that member.

(E) In addition to the powers and duties stated elsewhere, the Board shall take action necessary and appropriate to accomplish the purpose of this chapter.

(1) These actions may include, but are not limited to:

(a) Advising and assisting owners of historic buildings that potential low interest revolving loan funds may be available to establish cottage industries when historical buildings have been restored.

(b) Identifying historic buildings threatened with destruction including those needing major repairs and suggesting to the owners ways those buildings can be preserved, prior to referral to the Vacant Property Review Commission.

(c) Collecting material on the preservation of historic buildings and suggesting to owners appropriate ways to make necessary repairs or changes.

(2) The Board may prepare plans for the preservation and rehabilitation of individual historic buildings, hold meetings to educate the public on preservation and its potential economic impact to the city, and place historic markers on buildings with the consent of the owner.

(3) The Board shall also be charged with executing all duties formerly exercised by the Revolving Loan Fund Committee under Ordinance 85-3, which is specifically amended to abolish the Revolving Loan Fund Committee per se and to place those powers and duties in the Board created by this section (see § 153.04).

§ 153.03 SURVEY OF HISTORIC BUILDINGS.

The Historic Heritage and Revolving Loan Fund Advisory Board should conduct a survey of the historic buildings in the city. The Board may use the inventory of historic buildings in the city prepared by the Kentucky Heritage Council, and the Board may conduct its survey in accordance with the guidelines of the Heritage Council if it deems that appropriate. The Board shall include properties that meet one or more of the following criteria for any survey of historic buildings:

(A) The property is a significant reminder of the cultural or archeological heritage of the city, state, or nation;

(B) Its location is a site of a significant local, state, or national event;

(C) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;

(D) It is the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation;

(E) It has value because of the quality of its architecture, and it retains sufficient elements showing its architectural significance; or

(F) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

(Ord. 86-4, passed 3-26-86)

§ 153.04 REVOLVING LOAN PROGRAM.

(A) The city is eligible to participate in and has in the past participated in the Kentucky Community Development Block Grant Program (CDBG). The city is desirous of creating a revolving loan program under which guidelines for the use of the proceeds from the CDBG Program would be utilized. Therefore, there is hereby created the Revolving Loan Fund (RLF) of the city.

(B) The RLF shall be funded with the proceeds of CDBG funds repaid to the city.

(C) The RLF may make loans under the policies set forth in the Criteria for Selection, Eligible Uses, Standards and Ineligible Uses attached to Ordinance 85-3 as Exhibits A, B, C, and D and incorporated herein by reference.

(D) The Historic Heritage and Revolving Loan Fund Advisory Board shall execute all duties set forth in this section.

(1) The Board shall keep all information obtained from RLF applications confidential under penalty of immediate removal.

(2) The Board shall meet as required to timely review applications, and shall make its recommendations within 30 days of submission by the Clerk/Treasurer, unless good cause is shown for delay.

(3) The Board shall, by a majority vote, recommend acceptance or rejection of an application and shall submit its recommendation and the reasons for same in writing to the Council, which shall, by Municipal Order, approve or reject the Board's recommendation.

(E) In exceptional cases, the Board may request that limits set forth in Exhibit C (incorporated by reference in division (C) above) be varied by amendment of this section.

(F) The Board shall review loans approved to see that the loan proceeds are being used for the purposes stated, that the

projects related to applications submitted and approved have commenced within 30 days of the date of the loan, and that the projects are completed within one year. The Board shall cause progress reports to be filed in the project record by the borrower, to document the date on which work began and was completed.

(G) Failure by a borrower to begin and finish work within the specified time or to file the stated reports, shall be immediately reported to Council by the Board.

(Ord. 85-3, passed 5-1-85; Am. Ord. 86-4, passed 3-26-86)

CHAPTER 154: PLANNING

Section

- 154.01 Establishment
- 154.02 Boundaries
- 154.03 Commission
- 154.04 Financing
- 154.05 Boards of Adjustment
- 154.06 Administrative Officials
- 154.07 Effective date
- 154.08 Execution

§ 154.01 ESTABLISHMENT.

The planning unit hereby established shall be known as the Bracken County Municipal Planning and Zoning Commission, hereinafter referred to as the Commission.

(Ord. 2001-1, passed 3-21-01)

§ 154.02 BOUNDARIES.

The jurisdiction of the Commission shall be coterminous with the boundaries of Bracken County and with the boundaries of the city of Germantown but there shall be excluded from the area of jurisdiction any land lying within the corporate limits of any city in the county which does not become a signatory hereto or which, having executed this agreement, subsequently withdraws therefrom.

(Ord. 2001-1, passed 3-21-01)

§ 154.03 COMMISSION.

(A) The Commission shall consist of seven members appointed as follows: four by the Bracken County Judge, one of which must be provided to him by the Mayor of Germantown; two by the Mayor of the city of Augusta; one by the Mayor of the city of Brooksville. All are subject to the approval of their respective legislative bodies. Provided, however, should one or more of the aforementioned cities fail to become a party to this agreement or, having done so, subsequently withdraw therefrom, the number of members on the Commission shall be reduced from seven by the number of appointees the mayor of such city is authorized to appoint.

(B) At the first meeting of the Commission, the citizen members shall draw lots to determine the term of office of each. The drawing shall be so designed that a proportionate number of the citizen members shall serve one, two, three and four years respectively. In the event the number of citizen members does not divide evenly by four the longer term or terms shall have the greater number of positions.

(1) Upon expiration of the term of each citizen member, his successor shall be appointed by the officer who made his original appointment.

(2) All terms shall initially be deemed to commence even though the appointments are made prior to said date and the Commission commences operation prior thereto.

(C) All initial appointments shall be made forthwith upon signature hereto by each signatory possessing a right of appointment. The Commission shall be deemed established and may commence business upon the appointment of three (3) members. Any signatory whose Mayor or judge possesses a right of appointment and for which no appointment is made, shall be deemed to have withdrawn from this agreement.

(Ord. 2001-1, passed 3-21-01)

§ 154.04 FINANCING.

(A) The Commission shall establish from time to time a schedule of fees to be charged for each type of application made to it and reasonably designed to meet the cost of acting thereon to the end that the Commission may meet its expenses and the reimbursable expenses of its members from its own revenues.

(1) The Fiscal Court of Bracken County and each city signatory hereto (prorated according to population of each signatory political subdivision) shall provide from the respective general fund of each political subdivision a sum sufficient to meet any operating deficit of the Commission.

(2) The undertaking of the parties above set forth shall be conditioned upon approval of each annual budget of the Commission by the parties which shall include review of the fee schedule of the Commission. The budget and fee schedule for each year shall be submitted to the parties prior to April 1st of the year preceding.

(3) The compensation, if any, for the services of each citizen member of the Commission shall be fixed by the Commission, subject to approval of the legislative bodies of the signatories hereto in the above mentioned of financing.

(4) In the event the Commission acts to fill a vacancy, (as provided by statute in the event of failure of the appropriate appointing authority to do so) such appointee shall have a claim for compensation in the same amount as his predecessor.

(Ord. 2001-1, passed 3-21-01)

§ 154.05 BOARD OF ADJUSTMENT.

(A) Each political subdivision may have a Board of Adjustment whose authority is exclusive within such political subdivision. The expenses in connection with the operation of such board shall be the sole responsibility of the political subdivision.

(B) Two or more political subdivision may by appropriate resolution and agreement establish a joint Board upon any acceptable terms.

(C) Since it is imperative that all the territory included within the definition of "Boundaries", supra, be within the jurisdiction of some Board of Adjustment, the territory within any signatory city whose Mayor fails to appoint members to a Board or whose legislative body fails to provide for the establishment of such a Board of a joint Board, shall be deemed to be under the jurisdiction of the Board appointed by the County Judge. Jurisdiction over any city territory shall later pass to the Board of Adjustment of the city, if such a Board is subsequently established. Expenses for the Boards shall be the responsibility of the Fiscal Court and each signatory hereto which does not name its own Board, prorated, based upon population.

(Ord. 2001-1, passed 3-21-01)

§ 154.06 ADMINISTRATIVE OFFICIALS.

(A) Each political subdivision signatory hereto shall appoint one or more persons to administer any provisions of the planning, zoning, subdivision or other regulations of such political subdivision in accordance with the terms of the applicable statutes.

(1) In the absence of appointment the City Clerk shall act as such administrative official.

(2) The salary and any other expense connected with the office of administrative official shall be borne by each signatory separately.

(3) In the event a signatory hereto chooses not to appoint an administrative official, then the administrative official appointed by the county shall serve in which case, the salary and other expenses of such person shall be divided between the signatories participating in the services, pro rata, according to population.

(B) All applications to the Commission concerning any land within a given political subdivision shall be made through the office of the administrative official of the political subdivision who shall forward the same to the Commission for action. The administrative official shall be supplied by the Commission with such authorized forms of application as the Commission may require.

(1) The administrative official shall collect from the applicant the appropriate fee as established by the Commission for the action sought and shall forward the same to the Commission with the application. If authorized by the city or county which appointed him, he may also collect a fee for his or her services over and above that fixed by the Commission.

(2) The administrative official may append to the application transmitted to the Commission, his or her recommendation as to the disposition thereof, or the recommendation of the legislative body or appropriate committee of the political subdivision.

(Ord. 2001-1, passed 3-21-01)

§ 154.07 EFFECTIVE DATE.

This agreement shall become effective upon the execution thereof by two (2) political subdivisions whose Mayor or judge possesses the right of appointment of one or more members of the Commission.

(Ord. 2001-1, passed 3-21-01)

§ 154.08 EXECUTION.

The original hereof may be recorded in the office of the Bracken County Clerk upon execution by two political subdivisions. Execution by other political subdivisions may be made by separate writings making reference to the original hereof, signed by the authorized officials and recorded in the office of the Bracken County Clerk. The separate instrument by which other political subdivisions may become a party to this agreement shall read substantially as follows:

WHEREAS, at a regular (special) meeting of the City Commission (Council) of the City of ___, held the ___ day of ___, 20 ___, by an ordinance duly passed, it was determined that said City should become a party to a certain contract entitled Agreement to Form and Operate a Planning Unit Pursuant to Chapter 100, Kentucky Revised Statutes, which contract was executed by

Bracken County on the ___ day of ___, 20 ___, and which is of record in ___ Book ___, page ___, in the records of the Bracken County Clerk at Brooksville, therefore

The City of _____ hereby becomes a party to said Agreement as fully and effectively as if the original of said Agreement had been executed.

(Ord. 2001-1, passed 3-21-01)

CHAPTER 155: UNSAFE BUILDINGS

Section

- 155.01 Authority
- 155.02 Definition
- 155.03 Procedure for designated structure as unsafe
- 155.04 Conditions indicating unfit or unsafe structure
- 155.05 Mayor or Planning Commission to issue order to owner
- 155.06 Vacation or demolition of structure on failure of owner to act; costs create a lien
- 155.07 Authority of Mayor

§ 155.01 AUTHORITY.

This chapter is adopted pursuant to the provisions of KRS 82.082.

(Ord. 82-3, passed 2-24-82)

§ 155.02 DEFINITION.

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

"STRUCTURE." Includes, but is not limited to one-family and other dwellings, and any building or part thereof used, occupied, or intended for use or occupancy for human habitation or commercial or residential purposes, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

(Ord. 80-16, passed 11- -80; Am. Ord. 82-3, passed 2-24-82)

§ 155.03 PROCEDURE FOR DESIGNATING STRUCTURE AS UNSAFE.

(A) Whenever a petition is filed with the Mayor by at least five residents of the city charging that any structure is unsafe, or whenever it appears to the Mayor that any structure is unsafe or unfit for human habitation, occupancy, or use due to serious dilapidation; major disrepair; structural defects increasing the hazards of fire, accidents, and other calamities; lack of sanitary facilities, ventilation, or light; or due to other conditions rendering such structures unsafe, unsanitary, or dangerous or detrimental to health, safety, or morals, or otherwise contrary to the welfare of the residents of the city; the Mayor shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such structure a complaint stating the charges in that respect.

(B) The Mayor may use expert advice in the investigation of a structure to determine his findings and these testimonies can be a part of the complaint to the owners of the property.

(C) The complaint shall state that a hearing will be held before the Mayor or a majority of the Planning Commission at a place therein fixed not less than ten days nor more than 30 days after the serving of the complaint; that the owner and parties in interest may file an answer to the complaint and appear in person or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law shall not be controlling in hearings before the Mayor or the Planning Commission.

(Ord. 80-16, passed 11- -80; Am. Ord. 82-3, passed 2-24-82)

§ 155.04 CONDITIONS INDICATING UNFIT OR UNSAFE STRUCTURE.

The Mayor or the Planning Commission may determine that a structure is unsafe or unfit for human habitation, occupancy, or use if it is found that conditions exist in such a structure which are dangerous or injurious to the health, safety, or morals of the occupants of such structure, the occupants of neighboring structures, or other residents of the city. Such conditions may include the following: defects increasing the hazard of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; serious dilapidation; major disrepair; or structural defects.

(Ord. 80-16, passed 11- -80; Am. Ord. 82-3, passed 2-24-82)

§ 155.05 MAYOR OR PLANNING COMMISSION TO ISSUE ORDER TO OWNER.

If after the notice and hearing the Mayor or a majority of the Planning Commission determines that the structure under consideration is unsafe, the Mayor or Planning Commission shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the owner:

(A) Within the time specified in the order, to repair, alter, or improve the structure to render it safe, or, at the option of the owner, to vacate and close the structure if the repair, alteration, or improvement of the structure cannot be made; or

(B) Within the time specified in the order, to remove or demolish the structure if the repair, alteration, or improvement of the structure cannot be made and there is present an imminent and immediate threat to the safety of persons or other property.

(Ord. 80-16, passed 11- -80; Am. Ord. 82-3, passed 2-24-82)

§ 155.06 VACATION OR DEMOLITION OF STRUCTURE ON FAILURE OF OWNER TO ACT; COSTS CREATE A LIEN.

(A) If the owner fails to comply with an order to repair, alter, or improve, or, at the option of the owner, to vacate and close the structure, the Mayor may cause the structure to be repaired, altered, improved, or vacated and closed. The Mayor may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This structure is unsafe; the use or occupation of this structure is prohibited and unlawful".

(B) If the owner fails to comply with an order to remove or demolish the structure, the Mayor may cause such structure to be removed or demolished.

(C) The amount of the cost of repairs, alterations, or improvements; or of vacation and closing; or of removal or demolition shall be a lien upon the real property upon which such cost was incurred. If the structure is removed or demolished by order of the Mayor, he shall sell the materials of the structure and shall credit the proceeds of such sale against the cost of the removal or demolition. Any balance remaining shall be deposited in the appropriate court by the Mayor, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of the court.

(Ord. 80-16, passed 11- -80)

§ 155.07 AUTHORITY OF MAYOR.

The Mayor shall exercise such powers as are necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(A) To investigate the structural conditions in the city in order to determine which structures therein are unfit for human habitation, occupancy, or use;

(B) To administer oaths, affirmations, examine witnesses, and receive evidence;

(C) To enter upon premises for the purposes of making examinations, but such entries shall be made in such manner as to cause the least possible inconvenience to the persons and their possessions;

(D) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter; and

(E) To delegate any of his functions and powers under this chapter to such officers and agents as he designates.

(Ord. 82-3, passed 2-24-82)

CHAPTER 156: INDUSTRIAL DEVELOPMENT AUTHORITY

Section

156.01 County Industrial Development Authority established

§ 156.01 COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY ESTABLISHED.

There is hereby created and established a joint county/city industrial development authority to be composed of the City of Augusta, the City of Brooksville, and the County of Bracken. This authority shall be hereafter known as the Augusta,

Brooksville, Bracken County Industrial Development Authority and shall possess all the powers and duties and be subject to all the limitations set forth in KRS 152.810 to 152.930.

(Ord. 89-1, passed 3-15-89)

CHAPTER 157: PROHIBITED DISCRIMINATORY PRACTICES

Section

- 157.01 Definitions
- 157.02 Unlawful housing practices
- 157.03 Exemptions from unlawful housing practices
- 157.04 Unlawful financial practices
- 157.05 Block busting
- 157.06 Unlawful practice in connection with public accommodations
- 157.07 Unlawful practice in connection with employment
- 157.08 General exception
- 157.09 Enforcement procedure
- 157.10 Obstruction and retaliation

§ 157.01 DEFINITIONS.

Unless the context requires otherwise, the following terms as used in this chapter shall have the following meanings.

"DISCRIMINATION." Any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof, made unlawful under this chapter.

"DWELLING." Any building, structure or portion thereof occupied as, or designated or intended for occupancy as, a residence by one (1) or more families, and any vacant land offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.

"EMPLOYEE." Any individual employed by an employer, but not including an individual employed by his or her parents, spouse or child, or an individual employed to render services as a nurse, domestic or personal companion in the home of an employer.

"EMPLOYER." A person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of that person, excluding the United States and the Commonwealth of Kentucky, or one (1) of its agencies or corporations, or an Indian tribe.

"CITY ADMINISTRATOR." The Mayor of the city or a city employee who has been designated as such by the Mayor.

"FAMILIAL STATUS." One (1) or more individuals who have not attained the age of eighteen (18) years and are being domiciled with a parent or another person having legal custody of that individual or individuals; or the designee of the parent or other person having legal custody, with the written permission of the parent or another person. The protection afforded against discrimination on the basis of "FAMILIAL STATUS" shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

"FAMILY." Includes a single individual, spouse, and children, whether related by blood, legal guardianship, adoption or marriage.

"FINANCIAL INSTITUTION." A bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

"GENDER IDENTITY." The gender-related identity, appearance, mannerisms, or other characteristics of a person, with or without regard to the person's designated sex at birth.

"HOUSING ACCOMMODATIONS." Includes improved and unimproved property and means a building, structure, lot, or part thereof, used or occupied as the home or residence of one (1) or more individuals.

"PERSON." One (1) or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

"PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT." Any place, building, facility, store, or other establishment, either licensed or unlicensed, that supplies goods or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds; except that a private club is not a "PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT" if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests. "PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT" does not include a dwelling or rooming or boarding house containing no more than one (1) room for rent or hire, and which is within a building occupied by the proprietor as his or her residence.

"REAL PROPERTY." Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

"REAL ESTATE BROKER" or "REAL ESTATE SALESMAN." An individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who, with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself or herself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he or she undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for that purpose; or an individual employed by or acting on behalf of any of these.

"REAL ESTATE OPERATOR." Any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the county or any of its agencies, who or that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

"SEXUAL ORIENTATION." An individual's actual or imputed heterosexuality, homosexuality or bisexuality.

(Ord. 21-3, passed 6-16-21)

§ 157.02 UNLAWFUL HOUSING PRACTICES.

It is hereby unlawful for any person to refuse or perceive to refuse to sell, lease, and/or transfer, attempt to evict or otherwise treat differently any person based upon race, color, national origin, sex and/or gender identity, religion, age and/or sexual orientation.

(Ord. 21-3, passed 6-16-21)

§ 157.03 EXEMPTIONS FROM UNLAWFUL HOUSING PRACTICES.

Nothing in § 157.02 shall apply to:

(A) The rental of a housing accommodation in a building that contains housing accommodations for not more than two (2) families living independently of each other, if the owner or a member of his or her family resides in one (1) of the housing accommodations;

(B) The rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner of the housing accommodation, if he or she or a member of his or her family resides therein;

(C) A religious institution, or an organization operated for charitable or educational purposes that is operated, or supervised, or controlled by a religious corporation, association, society, to the extent that the religious corporation, association, or society limits, or gives preferences in, the sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or sublessees, that is calculated by the religious corporation, association, or society to promote the religious principles for which it was established or is maintained;

(D) The private sale by a private individual homeowner who disposes of his or her property without the aid of any real estate operator, broker, or salesman, and without advertising or public display;

(E) A real estate operator to require him or her to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.

(Ord. 21-3, passed 6-16-21)

§ 157.04 UNLAWFUL FINANCIAL PRACTICES.

It is an unlawful practice for a financial institution, or an individual employed by or acting on behalf of a financial institution, to:

(A) Discriminate against a person because of the race, color, creed, national origin, age (forty (40) years old and older), disability, sex, gender identity, sexual orientation, or familial status of the individual, or the present or prospective owner, tenant, or occupant, of the real property, or a member, stockholder, director, officer, employee, or representative of any of

these, and the granting, withholding, extending, modifying or renewing of the rates, terms conditions, privileges, or other provisions of financial assistance, or in the extension of services in connection therewith;

(B) Use a form of application for financial assistance, or make or keep a record or inquiry in connection with applications for financial assistance that indicate, directly or indirectly, a limitation, specification, or discrimination as to race, color, creed, national origin, age (forty (40) years old and older), disability, sex, gender identity, sexual orientation, or familial status, or an intent to make such a limitation, specification, or discrimination;

(C) Discriminate by refusing to give full recognition, because of sex, to the income of each spouse or the total income and expenses of both spouses, where both spouses become or are prepared to become joint or several obligators in real estate transactions.

(Ord. 21-3, passed 6-16-21)

§ 157.05 BLOCK BUSTING.

It is an unlawful practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he or she may benefit financially, to:

(A) Represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, sex, disability, familial status, gender identity, sexual orientation, or national origin, of the owners or occupants in the block, neighborhood, or area in which the real property is located;

(B) Represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located;

(C) Induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, gender identity, sexual orientation, or national origin.

(Ord. 21-3, passed 6-16-21)

§ 157.06 UNLAWFUL PRACTICE IN CONNECTION WITH PUBLIC ACCOMMODATIONS.

(A) Except as otherwise provided herein, it is an unlawful practice for a person to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement, as defined herein, on the ground of race, color, religion, national origin, sex, age (forty (40) years old and older), disability, sexual orientation, or gender identity.

(B) It shall be an unlawful practice to deny any person, because of race, color, religion, national origin, sex, age (forty (40) years old and older), disability, sexual orientation or gender identity, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a restaurant, hotel, motel, or any facility supported, directly or indirectly, by government funds.

(C) The provisions of this section shall not apply to:

(1) Restrooms, shower rooms, bath houses, locker rooms, changing areas, and similar facilities that are, by their nature, distinctly private, or designed or intended for separate sexes;

(2) YMCA, YWCA and similar type dormitory lodging facilities;

(3) The exemptions contained in the definition of "PLACES OF PUBLIC ACCOMMODATIONS, RESORT OR AMUSEMENT" in § 157.01 ;

(4) Hospitals, nursing homes, penal or similar facilities, with respect to any requirement that men and women not be in the same room.

(Ord. 21-3, passed 6-16-21)

§ 157.07 UNLAWFUL PRACTICE IN CONNECTION WITH EMPLOYMENT.

(A) It is prohibited, unlawful practice for an employer or employment agency to:

(1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions or privileges of employment, because of that individual's race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation; or

(2) Limit, segregate, or classify his or her employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of his or her race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation.

(B) It is an unlawful practice for an employment agency to fail or refuse to refer for employment or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation, or to classify or refer for employment an individual on the basis of race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity or sexual

orientation.

(C) It is an unlawful practice for a labor organization to:

(1) Exclude or to expel from its membership or to otherwise discriminate against a member or an applicant for membership because of his or her race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation; or

(2) Limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way or manner that would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect one's status as an employee, or as an applicant for employment, because of that individual's race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation; or

(3) Cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(D) It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation, in admission to or employment in any program established to provide such apprenticeship, training, or retraining.

(E) It is an unlawful practice for any employer, labor organization, or employment agency to print or publish or cause to be printed or published, any notice or classification or referral for employment by such a labor organization or classification or limitation, specification or discrimination based on race, color, religion, national origin, age (forty (40) years old and older), disability, sex, gender identity, or sexual orientation, except that such a notice or advertisement may indicate a preference, limitation, or specification, based on religion, national origin, age (forty (40) years old and older), disability, or sex, when religion, national origin, age (forty (40) years old and older), disability, or sex is a bona fide occupational qualification for employment.

(F) Nothing herein shall be construed to prevent an employer from:

(1) Enforcing a written employees dress policy; or

(2) Designating appropriate restroom and shower facilities.

(G) Employment exceptions. Notwithstanding any other provisions of this chapter, it shall not be an unlawful practice for:

(1) An employer to hire and employ employees, or an employment agency to classify or refer for employment an individual, or for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his or her religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise;

(2) A religious organization, corporation, association, or society to employ an individual on the basis of his or her religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity;

(3) A school, college, university, or other educational institution to hire and employ individuals of a particular religion, if the school, college, university, or other educational institution is, in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is determined by that organization to promote the religious principles for which it was established or is maintained;

(4) An employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or to employees who work in different locations, if the differences are not the result of an intention to discriminate because of race, color, national origin, sex, age (forty (40) years old and older), disability, gender identity, or sexual orientation; nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed competency or ability test, provided that the test, its administration or action based upon the test results is not designed, intended, or used to discriminate because of race, color, religion, national origin, sex, age (forty (40) years old and older), disability, gender identity, or sexual orientation.

(Ord. 21-3, passed 6-16-21)

§ 157.08 GENERAL EXCEPTION.

The provisions of this chapter regarding sexual orientation or gender identity shall not apply to a religious institution, association, society, or entity, or to an organization operated for charitable or educational purposes that is owned, operated, or controlled by a religious institution, association, society, or entity; except that when that institution or organization receives a majority of its annual funding from any federal, state, local, or other governmental body or agency, or any combination thereof, it shall not be entitled to this exemption.

(Ord. 21-3, passed 6-16-21)

§ 157.09 ENFORCEMENT PROCEDURE.

(A) General.

(1) Rights created under this chapter may be enforced by civil action in the state or local courts of general jurisdiction by aggrieved individuals by bringing an action within one hundred eighty (180) days after the alleged discriminatory practice has occurred.

(2) 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 punitive damages, together with court costs and reasonable attorney's fees in the case of prevailing plaintiff.

(B) The city's relationship with the Kentucky Commissions on Human Rights. In order to effectuate and enforce the provisions of this chapter, the city shall enter into a cooperative, working agreement with the Kentucky Commission on Human Rights, whereby all claims filed with the City Administrator alleging discrimination in employment, public accommodations, housing, financial and credit transactions based on race, color, national origin, religion, age (over forty (40) years old), familial status and disability, shall be referred to the Kentucky Commission on Human Rights for investigation and enforcement in accordance with the Kentucky Civil Rights Act, KRS Chapter 344 et seq. The city shall reserve to itself the resolution of all claims of discrimination based on sexual orientation or gender identity.

(C) Filing and processing complaints.

(1) Any person claiming to be aggrieved by a violation of this chapter may, within one hundred eighty (180) days of the alleged violation, or within one (1) year if the alleged violation pertains to housing, file a written complaint under oath with the City Administrator, containing the following information:

(a) The name and address (if known) of the alleged violator ("respondent"), or facts sufficient to identify that person;

(b) An outline of the material facts upon which the complaint is based;

(c) The alleged violation;

(d) That any conduct of the complainant was for the purpose of obtaining the housing, employment or public accommodation in question, and not for the purpose of harassment or entrapment of the person against whom the complaint is made;

(e) That a complaint concerning this same matter has not been filed with another agency, or that any complaint concerning this matter filed with another agency has been dismissed by such agency without a final judgment on its merits.

(2) Upon receipt of the complaint, the City Administrator shall first make the following determination and take the following action:

(a) If the complaint alleges discrimination based on race, color, national origin, religion, sex, age (over forty (40) years old), familial status or disability, the complaint shall immediately be referred to the Kentucky Commission on Human Rights for further processing, investigation and/or administrative proceedings in accordance with the Kentucky Civil Rights Act, KRS Chapter 344 et seq.

(b) If the complaint alleges discrimination based on sexual orientation or gender identity, a copy of the complaint shall be served on the respondent by certified mail. The respondent shall file a written response to the complaint within twenty (20) days from the receipt thereof.

(D) Investigation - findings and conciliation.

(1) If, after investigation, the City Administrator determines that there is no probable cause to believe that a violation has occurred, the City Administrator shall dismiss the complaint. Written notices of the dismissal shall be served upon the complainant and respondent by U.S. mail, postage prepaid. The notice shall state that the complainant, or his or her designee, may file a written request for reconsideration within ten (10) days in accordance with the provisions set out in KRS 344.200.

(2) If, after investigation, the City Administrator determines that there is probable cause to support the allegations contained in the complaint, the City Administrator shall endeavor to eliminate the alleged violation by a conciliation agreement, signed by all parties and the City Administrator, wherein the alleged violation is eliminated and the complainant is made whole to the greatest extent practicable.

(3) If a settlement is achieved, the City Administrator shall furnish a copy of a signed conciliation agreement to the complainant and the respondent. The terms of the conciliation agreement may be made public, but no other information relating to any complaint, its investigation or its disposition may be disclosed without consent of the complainant and the person charged. A conciliation agreement need not contain a declaration or finding that a violation has in fact occurred, and it may provide for dismissal of the complaint without prejudice. The City Council shall have discretion to approve, modify, or reject the conciliation agreement.

(4) If conciliation is not achieved either by agreement between the parties or approval by the City Council, the City Administrator shall proceed with a hearing in accordance with the Kentucky Civil Rights Act and KRS Chapter 13B.

(E) Hearing procedures, judicial review, and appeals.

(1) The City Administrator shall set a date, time, and location for a hearing, and shall notify the complainant and respondent in writing at least twenty (20) days in advance of that hearing date.

(2) The City Administrator will conduct an administrative hearing and regulate the course of the proceedings in a manner that will promote the orderly and prompt conduct of the hearing.

(3) All pre-hearing proceedings, hearings, judicial review, and appeals shall be conducted in accordance with all applicable provisions of the Kentucky Civil Rights Act, including KRS 344.240 and KRS Chapter 13B, the provisions of all of which are hereby adopted in full and incorporated herein by reference.

(4) If the City Administrator finds that a violation has occurred, he or she may recommend a civil penalty in an amount not to exceed two hundred fifty dollars (\$250).

(5) The City Administrator shall submit the final adjudication and recommended order to the City Council for approval.

(6) Upon approval by the City Council, the City Administrator shall mail a copy of the order to the complainant and respondent, postage pre-paid. The respondent shall have thirty (30) days to pay any penalty issued in the order. If the respondent does not pay the penalty within the time given, then City Council may direct the City Attorney to place a lien against the respondent's property in the office of the County Clerk where the property is located.

(7) An appeal from any final order may be made to the Bracken County District Court within thirty (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 order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The appeal shall be tried de novo. A judgment of the district court may be appealed to the Bracken Circuit Court in accordance with the Kentucky Rules of Civil Procedure.

(Ord. 21-3, passed 6-16-21)

§ 157.10 OBSTRUCTION AND RETALIATION.

It shall be an unlawful practice for a person, or for two (2) or more persons to conspire to:

(A) Retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter;

(B) Aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter;

(C) Obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder;

(D) Resist, prevent, impede, or interfere with the city, or any of its members or representatives, in the lawful performance of its duty under this chapter; or

(E) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter and KRS 344.360, 344.367, 344.370, 344.380 or 344.680.

(Ord. 21-3, passed 6-16-21)

TABLE OF SPECIAL ORDINANCES

Table

- I. ACCEPTANCE AND DEDICATIONS**
- II. ANNEXATIONS**
- III. BOND ISSUES**
- IV. CONVEYANCES**
- V. FRANCHISES**
- VI. VACATIONS**
- VII. INTERLOCAL COOPERATION AGREEMENTS**
- VIII. AD VALOREM TAXES**
- IX. STREET NAME CHANGES**

TABLE I. ACCEPTANCES AND DEDICATIONS

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
82-16	1-20-83	Accepting the dedication of a a portion of East Third Street as a public way

TABLE II. ANNEXATIONS

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
69-3	8-13-69	Annexing certain unincorporated territory lying contiguous to the present corporation limits between the waters of Big Bracken Creek and Kentucky State Highway No. 8

TABLE III. BOND ISSUES

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
68-2	4-10-68	Combining and consolidating the municipal waterworks, sewer system, and gas system in a single project for revenue bonds
74-10	11-13-74	Issuance of \$75,000 general obligation bonds to pay a part of the cost of municipal park and recreational properties
95-2	7-6-95	Authorizing the issuance of \$1,500,000 water system revenue bonds for the construction and installation of major improvements and additions to the city's municipal water system.
2004-15	1-21-04	Authorizing issuance of \$100,000 water system revenue bonds for the construction and installation of major improvements and additions to the city's municipal water system.

TABLE IV. CONVEYANCES

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
59-1	5-13-59	Conveying certain street rights-of-way to the Commonwealth in connection with a highway improvement project
72-1	3-30-72	Conveying 0.126 acres to Clopay Corporation, beginning at an iron pin in the south right-of-way line of Chapel Avenue

TABLE V. FRANCHISES

Ord. No.	Date	Description
Ord. No.	Date	Description
55-6	11-11-55	Granting a telephone franchise to Northeastern Telephone Company
-	2-3-60	Granting an electric franchise to Kentucky Utilities Company
75-8	11-12-75	Granting a cable TV franchise to Bracken Cable Vision, Inc.
78-1	8-24-78	Granting a cable TV franchise to Bracken Cable Vision, Inc.
80-21	12-17-80	Granting an electric franchise to Kentucky Utilities Company
86-5	3-26-86	Granting a garbage disposal franchise to Rumpke Waste, Inc.
91-2	2-20-91	Granting a cable TV franchise to Bracken Cable Vision, Inc.
91-4	12-28-91	Granting a garbage disposal franchise to Rumpke Waste, Inc.
94-1	2-23-94	Granting a garbage pick-up and disposal franchise to Rumpke of Kentucky
99-2	6-16-99	Granting an electric franchise to Kentucky Utilities Company
2003-5	5-30-03	Granting a garbage pick-up and disposal franchise to Rumpke of Kentucky
2004-19	5-19-04	Amending garbage franchise's garbage rates assessed; 3% increase
2005-04	6-15-05	Granting a franchise for refuse collection and disposal to Rumpke of Kentucky.
2006-02	2-15-06	Granting a cable TV franchise to Bracken Cable Vision, Inc.
2011-02	8-17-11	Granting a franchise for refuse collection and disposal to Rumpke of Kentucky.
2018-3	7-18-18	Amending refuse collection and disposal franchise's garbage rates for Rumpke.
2019-2	3-20-19	Creating a franchise for the erection and maintenance of electric facilities in the city, and providing for the sale thereof.
2021-1	2-17-21	Granting a cable TV franchise to Bracken Cable Vision, Inc.

TABLE VI. VACATIONS

Ord. No.	Date	Description
Ord. No.	Date	Description
55-7	12-6-55	Closing a portion of Cuff Alley
56-1	1-3-56	Closing a portion of Cuff Alley and a portion of Fronk Alley
62-1	3- -62	Closing a portion of Cuff Alley between East Fourth Street and Fronk Alley
66-4	- -66	Closing a portion of Cuff Alley
82-6	3-18-82	Closing a portion of Fronk Alley
82-13A	9-1-82	Closing a portion of Fronk Alley

89-3	12-20-89	Closing a portion of 4th Street
99-4	6-16-99	Closing all of that portion of Chapel Avenue from Hamilton Avenue to Cuff Alley
2001-3	5-30-01	Closing a portion of Chapel Avenue from Hawkins Alley to the East Terminus of Chapel Avenue; closing Cuff Alley from Chapel Avenue to the railroad; closing Short Alley from Hawkins Alley to Cuff Alley.
2011-3	10-13-11	Closing a portion of Chapel Avenue between the east line of an unnamed 12 foot wide alley and the southward extension thereof; closing a portion of Fronk Alley from Minerva Road to the existing east terminus of Fronk Alley; closing a portion of Hawkins Alley from its existing south terminus with Chapel Avenue to the existing south line of the CSX Railroad right-of-way; closing a portion of Short Alley from the existing east right-of-way line of an unnamed alley to its existing east terminus with Hawkins Alley.

TABLE VII. INTERLOCAL COOPERATION AGREEMENTS

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
90-1	12-19-90	Authorized participation in the Kentucky League of Cities Investment Pool Plus.
93-1	6-16-93	Authorizing participation in the Kentucky Municipal Risk Management Association.
07-03	9-19-07	Adopting an interlocal agreement with Brooksville involving the purchase, operation and maintenance of sewer diagnostic equipment.
2014-3	6-18-14	Establishing the Augusta Regional Sewer Authority, Inc., and charging same with ownership, operation, and management of designated wastewater facilities and the determination of cost based rates for wastewater services.
2017-5	9-5-17	Relating to the establishment of the August Regional Sewer Authority, Inc., and charging the same with ownership, operation, and management of designated wastewater facilities and the determination of cost based rates for wastewater services.

TABLE VIII. AD VALOREM TAXES

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
99-T-1	99-22-99	For Fiscal Year ending June 30, 2000:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.156 per one hundred dollars (\$100.00) assessed valuation;

		(2) All personal property taxed at \$0.269 per one hundred dollars (\$100.00) assessed valuation;
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.32 per one hundred dollars (\$100.00) assessed valuation;
		(2) All personal property, except bank deposits, taxed at \$0.043 per one hundred dollars (\$100.00) assessed valuation
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.32 per one hundred dollars (\$100.00) assessed valuation;
		(2) All personal property, except bank deposits, taxed at \$.043 per one hundred dollars (\$100.00) assessed valuation.
2000-T-1	9-28-00	For fiscal year ending June 30, 2001:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.176 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.321 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.033 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.046 one hundredth dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.033 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.046 per one hundred dollars (\$100.00) assessed valuation.
2001-T-1	9-26-01	For fiscal year ending June 30, 2002:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.196 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.336 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.033 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.044 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities;
		(1) All real property taxed at \$0.033 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
2002-T-2	9-25-02	For fiscal year ending June 30, 2003:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.249 per one hundred dollars (\$100.00) assessed valuation:

		(2) All personal property taxed at \$0.524 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.038 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.083 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.038 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.083 per one hundred dollars (\$100.00) assessed valuation.
2003-T-1	9-25-03	For fiscal year ending June 30, 2004:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.246 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.524 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.037 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.083 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.037 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.083 per one hundred dollars (\$100.00) assessed valuation.
2003-T-2	9-25-03	For fiscal year ending June 30, 2004:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2004-T-1	9-23-04	For fiscal year ending June 30, 2005:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.283 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.543 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.

2004-T-2	9-23-04	For fiscal year ending June 30, 2005:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2005-06	8-17-05	Establishing a tax amnesty program for delinquent ad valorem taxes - expires October 31, 2005
2005-T-1	9-22-05	For fiscal year ending June 30, 2006:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.284 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.543 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
2005-T-2	9-22-05	For 2006:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2007-T-1	9-19-07	For fiscal year ending June 30, 2008:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.284 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.647 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
2007-T-2	9-19-07	For 2008:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2008-T-1	8-27-08	For fiscal year ending June 30, 2009:
		(A) Use and benefit of general fund:

		(1) All real property taxed at \$0.284 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.647 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
2008-T-2	8-27-08	For 2009:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2009-T-1	9-16-09	For fiscal year ending June 30, 2010:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.284 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.647 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
2009-T-2	9-16-09	For 2010:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2010-T-1	9-15-10	For fiscal year ending June 30, 2011:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.284 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.647 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.

		(2) All personal property, except bank deposits taxed at \$0.086 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
2010-T-2	9-15-10	For 2011:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2011-T-1	9-2-11	For fiscal year ending June 30, 2012:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.284 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.647 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.086 per one hundred dollars (\$100.00) assessed valuation.
2011-T-2	9-2-11	For 2012:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2012-T-1	9-19-12	For fiscal year ending June 30, 2013:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.300 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.618 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.078 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.044 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.078 per one hundred dollars (\$100.00) assessed valuation.
2012-T-2	9-19-12	For 2013:

		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2013-T-1	9-18-13	For fiscal year ending June 30, 2014:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.306 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.589 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.0449 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.074 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.0449 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.074 per one hundred dollars (\$100.00) assessed valuation.
2013-T-2	9-18-13	For 2014:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2014-T-5	9-17-14	For fiscal year ending June 30, 2015:
		(A) Use and benefit of general fund:
		(1) All real property taxed at \$0.299 per one hundred dollars (\$100.00) assessed valuation:
		(2) All personal property taxed at \$0.509 per one hundred dollars (\$100.00) assessed valuation.
		(B) Operation and maintenance of recreational facilities:
		(1) All real property taxed at \$0.0449 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.074 one hundred dollars (\$100.00) assessed valuation.
		(C) Operation and maintenance of library facilities:
		(1) All real property taxed at \$0.0449 per one hundred dollars (\$100.00) assessed valuation.
		(2) All personal property, except bank deposits taxed at \$0.074 per one hundred dollars (\$100.00) assessed valuation.
2014-T-6	9-17-14	For 2015:
		(A) For city purposes:
		(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.

2015-T-1	9-16-15	<p>For fiscal year ending June 30, 2016:</p> <p>(A) Use and benefit of general fund:</p> <p>(1) All real property taxed at \$0.305 per one hundred dollars (\$100.00) assessed valuation:</p> <p>(2) All personal property taxed at \$0.4503 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(B) Operation and maintenance of recreational facilities:</p> <p>(1) All real property taxed at \$0.046 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All personal property, except bank deposits taxed at \$0.0658 one hundred dollars (\$100.00) assessed valuation.</p> <p>(C) Operation and maintenance of library facilities:</p> <p>(1) All real property taxed at \$0.046 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All personal property, except bank deposits taxed at \$0.0658 per one hundred dollars (\$100.00) assessed valuation.</p>
2015-T-2	9-16-15	<p>For 2016:</p> <p>(A) For city purposes:</p> <p>(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.</p>
2016-T-1	9-21-16	<p>For fiscal year ending June 30, 2017:</p> <p>(A) Use and benefit of general fund:</p> <p>(1) All real property taxed at \$0.305 per one hundred dollars (\$100.00) assessed valuation:</p> <p>(2) All personal property taxed at \$0.4503 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(B) Operation and maintenance of recreational facilities:</p> <p>(1) All real property taxed at \$0.046 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All personal property, except bank deposits taxed at \$0.0658 one hundred dollars (\$100.00) assessed valuation.</p> <p>(C) Operation and maintenance of library facilities:</p> <p>(1) All real property taxed at \$0.046 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All personal property, except bank deposits taxed at \$0.0658 per one hundred dollars (\$100.00) assessed valuation.</p>
2016-T-2	9-21-16	<p>For 2017:</p> <p>(A) For city purposes:</p> <p>(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.</p>
2017-T-1	9-5-17	<p>For 2018:</p> <p>(A) For city purposes:</p> <p>(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.</p>

2017-T-2	9-20-17	<p>For fiscal year ending June 30, 2018:</p> <p>(A) Use and benefit of general fund:</p> <p>(1) All real property taxed at \$0.305 per one hundred dollars (\$100.00) assessed valuation:</p> <p>(2) All personal property taxed at \$0.4733 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(B) Operation and maintenance of recreational facilities:</p> <p>(1) All real property taxed at \$0.050 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All tangible personal property, except bank deposits taxed at \$0.0754 one hundred dollars (\$100.00) assessed valuation.</p> <p>(C) Operation and maintenance of library facilities:</p> <p>(1) All real property taxed at \$0.046 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All personal property, except bank deposits taxed at \$0.0658 per one hundred dollars (\$100.00) assessed valuation.</p>
2018-T-1	9-19-18	<p>For 2019:</p> <p>(A) For city purposes:</p> <p>(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.</p>
2018-T-2	9-20-18	<p>For fiscal year ending June 30, 2019:</p> <p>(A) Use and benefit of general fund:</p> <p>(1) All real property taxed at \$0.310 per one hundred dollars (\$100.00) assessed valuation:</p> <p>(2) All personal property taxed at \$0.49 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(B) Operation and maintenance of recreational facilities:</p> <p>(1) All real property taxed at \$0.050 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All tangible personal property, except bank deposits taxed at \$0.0951 one hundred dollars (\$100.00) assessed valuation.</p> <p>(C) Operation and maintenance of library facilities:</p> <p>(1) All real property taxed at \$0.045 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All personal property, except bank deposits taxed at \$0.0829 per one hundred dollars (\$100.00) assessed valuation.</p>
2019-T-1	9-18-19	<p>For 2020:</p> <p>(A) For city purposes:</p> <p>(1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.</p>
2019-T-2	9-18-19	<p>For fiscal year ending June 30, 2020:</p> <p>(A) Use and benefit of general fund:</p> <p>(1) All real property taxed at \$0.3480 per one hundred dollars (\$100.00) assessed valuation:</p> <p>(2) All tangible personal property taxed at \$0.6172 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(B) Operation and maintenance of recreational facilities:</p> <p>(1) All real property taxed at \$0.0571 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All tangible personal property, except bank deposits taxed at \$0.1219 one hundred dollars (\$100.00) assessed valuation.</p> <p>(C) Operation and maintenance of library facilities:</p> <p>(1) All real property taxed at \$0.0518 per one hundred dollars (\$100.00) assessed valuation.</p> <p>(2) All tangible personal property, except bank deposits taxed at \$0.1050 per one hundred dollars (\$100.00) assessed valuation.</p>

2020-T-1	10-21-20	For fiscal year ending June 30, 2021: (A) Use and benefit of general fund: (1) All real property taxed at \$0.386 per one hundred dollars (\$100.00) assessed valuation: (2) All tangible personal property taxed at \$0.6537 per one hundred dollars (\$100.00) assessed valuation. (B) Operation and maintenance of recreational facilities: (1) All real property taxed at \$0.067 per one hundred dollars (\$100.00) assessed valuation. (2) All tangible personal property, except bank deposits, taxed at \$0.1366 per one hundred dollars (\$100.00) assessed valuation. (C) Operation and maintenance of library facilities: (1) All real property taxed at \$0.060 per one hundred dollars (\$100.00) assessed valuation. (2) All tangible personal property, except bank deposits taxed at \$0.1161 per one hundred dollars (\$100.00) assessed valuation.
2020-T-2	10-21-19	For the fiscal year ending June 30, 2021: (A) For city purposes: (1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.
2021-T-1	9-15-21	For the fiscal year ending June 30, 2022: (A) Use and benefit of general fund: (1) All real property taxed at \$0.386 per one hundred dollars (\$100.00) assessed valuation: (2) All tangible personal property taxed at \$0.6537 per one hundred dollars (\$100.00) assessed valuation. (B) Operation and maintenance of recreational facilities: (1) All real property taxed at \$0.067 per one hundred dollars (\$100.00) assessed valuation. (2) All tangible personal property, except bank deposits, taxed at \$0.1366 per one hundred dollars (\$100.00) assessed valuation. (C) Operation and maintenance of library facilities: (1) All real property taxed at \$0.060 per one hundred dollars (\$100.00) assessed valuation. (2) All tangible personal property, except bank deposits taxed at \$0.1161 per one hundred dollars (\$100.00) assessed valuation.
2021-T-2	9-15-21	For the fiscal year ending June 30, 2022: (A) For city purposes: (1) All motor vehicles and watercraft taxed at \$0.185 per one hundred dollars (\$100.00) assessed valuation.

TABLE IX. STREET NAME CHANGES

Ord. No.	Date	Description
99-5	11-17-99	Renaming a portion of Kentucky State Route #8 within the territorial limits of the city, as Heather Renee French Boulevard

2006-03	4-19-06	Designating that portion of Kentucky State Route #8 from its intersection with Kentucky State Route #19 (aka "New 19") and including the portion of Kentucky State Route #8 adjoining 110 West Fifth Street and excluding that portion and those corresponding addresses west of 110 West Fifth Street as Heather Renee French Boulevard.

PARALLEL REFERENCES

References to Kentucky Revised Statutes

References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
<i>KRS Section</i>	<i>Code Section</i>
Section 43, Ky. Const.	32.48
Section 228, Ky. Const.	31.01, 31.37, 35.05, 35.09(C)
6.050	32.48
6.955 - 6.975	33.04
Ch. 13A	93.02
Ch. 13B	93.05, 157.09
16.220	72.22
Ch. 18A	115.03
Ch. 31	34.12
39A.010	31.21
39A.020	31.21
39A.030	31.21
39A.100	31.21
42.450 - 42.495	33.04
43.050	33.04
Ch. 45A	34.12 , 34A.05
Ch. 56	34.12 , 34A.05
Ch. 61	32.22
61.168	34.12
61.169	34.12
61.805 - 61.850	34A.10
61.805(1)	34A.01
61.805(2)	34A.01
61.805(3)	34A.01
61.805(4)	34A.01
61.805(5)	34A.01
61.810	34A.05, 38.46
61.815	34A.06
61.820	34A.07
61.823	34A.08
61.826	34A.09
61.840	34A.09
61.870 - 61.882	31.36

61.870 - 61.884	38.50
61.870	34.01 , 34.05
61.872 - 61.884	38.15
61.872(1)	34.05
61.872(2)	34.05
61.872(3)	34.05
61.872(4)	34.06
61.872(5)	34.07
61.872(6)	34.08
61.874(1)	34.05
61.874(2)(b)	34.05
61.874(4)	34.05
61.874(5)	34.05
61.874(6)	34.05
61.876	34.05
61.878	34.01, 34.12
61.878(1)(i)	34A.05
61.880(1)	34.09 , 34.12
61.880(2)	34.09
61.880(3)	34.09
61.880(4)	34.09
61.880(5)	34.09
61.882	34.09
61.884	34.11
62.020	31.01
Ch. 65	31.02
65.003	38.03, 38.20
82.082	38.03, 152.01, 155.01
82.600 - 82.640	72.01
82.605 - 82.640	72.07
82.620 et seq.	72.03
82.625	72.05 , 72.06
Ch. 83A	31.20, 37.02
83A.010(5)	10.02
83A.010(6)	10.02
83A.010(7)	10.02
83A.010(9)	10.02
83A.010(10)	10.02
83A.010(11)	10.02
83A.030(1)	30.02
83A.040(1), (2)	31.21
83A.040(2)(c)	31.21
83A.040(3)	31.21
83A.040(4),(5)	32.01
83A.040(6)	31.21
83A.040(7)	31.21, 32.02
83A.040(8)	31.21, 32.02
83A.040(9)	31.04
83A.050	31.20
83A.060(1)	32.35
83A.060(2)	32.36

83A.060(3)	32.37
83A.060(4),(7)	32.38
83A.060(5)	32.40, 72.01, 150.01
83A.060(6)	32.22
83A.060(8)	32.41, 32.42
83A.060(9)	32.43
83A.060(10)	32.44
83A.060(11)	32.45
83A.060(12),(13)	32.46
83A.060(14)	32.47
83A.060(15)	32.48
83A.065	10.02
83A.070	31.03
83A.075	31.03
83A.080	31.37, 35.09, 38.04
83A.080(1)	31.35
83A.080(2)	31.04, 31.35
83A.080(3)	31.20
83A.080(4)	31.20
83A.085	31.36
83A.130	31.21
83A.130(1)	30.01
83A.130(2)	30.02
83A.130(3)	31.21
83A.130(4)	31.21
83A.130(5)	32.20
83A.130(6)	32.39
83A.130(7)	31.21
83A.130(8)	31.21
83A.130(9)	31.21
83A.130(10)	31.21
83A.130(11)	32.03, 32.21
83A.130(12)	32.03
83A.130(13)	32.03
83A.165	31.20
83A.175	32.02
91A.010	33.01
91A.010(6)	33.01
91A.010(7)	10.02, 33.01
91A.020	33.02
91A.030	33.03
91A.030(7)	33.03
91A.040	33.04
91A.050	33.04
91A.060	33.05
91A.200	33.11
91A.210	33.10
91A.220	33.11
91A.230	33.12
91A.240	33.13
91A.250	33.14
91A.260	33.15

91A.270	33.16
91A.280	33.17
91A.290	33.18
96.550 - 96.900	35.10
96.750 et seq.	35.10
99.700 - 99.730	150.01
99.720	150.02
Chs. 116 - 121	31.20
131.010(6)	115.03
131.190	34.12
136.120	110.03
151.250	152.06
152.810 - 152.930	156.01
Ch. 173	35.07
173.340	35.07
173.370	35.07
174.100	91.15
174.100(1)	91.16
174.100(2), (3)	91.17
174.100(4)	91.18
174.100(5)	91.19
174.100(6), (7)	91.20
186.020	72.06, 72.22
186A.145	72.22
186A.190	72.22
Ch. 189	78.06
189.010(18)	70.01
189.010(19)	70.01
189.080	78.01
189.290	71.25
189.338	70.15
189.378	71.30, 71.99
189.378(1)	70.01
189.390	Ch. 75, Sch. I
189.394	Ch. 75, Sch. I
189.580	71.15
189.635(8)(b)1.a. - e	34.01
189.700	70.01, 71.40
189.751	Ch. 95
189.751(2)	95.05
189.820	78.03
189.910	71.05, Ch. 75, Sch. I, 71.30
189.920	71.30
196.099	34.01
198B.990(1)	151.99
226.010	111.01
226.020	111.02
226.030	111.07
226.040	111.03
226.050	111.04
226.060	111.08
226.070	111.03

226.080	111.05
226.090	111.06
226.100	111.08
226.990(1)	111.99, 151.99
227.700 - 227.750	93.01, 93.05
227.700	93.01
227.702	93.01
227.704	93.01
227.706	93.01
227.708	93.01
227.710	93.02
227.715	93.01, 93.02
227.720	93.03
227.730	93.04
227.750	93.05
227.990(4)	93.99
Ch. 243	110.03
243.070(1)(a)	113.03
243.070(1)(c)	113.03
243.070(1)(d)(2)	113.03
243.070(1)(e)	113.03
243.070(1)(f)(2)	113.03
243.070(1)(h)(2)	113.03
243.070(1)(m)	113.03
243.070(1)(n)	113.03
243.070(1)(o)	113.03
243.070(1)(p)	113.03
243.070(1)(q)	113.03
243.070(1)(r)	113.03
243.070(1)(s)	113.03
243.070(1)(t)(2)	113.03
243.070(1)(v)	113.03
257.100	90.06
257.100(4)	90.01
Ch. 258	90.21
Ch. 281	72.22, 72.23
281.605(12)	72.22
281.920 - 281.936	72.22
281.926	72.22
281.928	72.22
281.928(1)	72.22
281.932	72.22
304.39-080	78.05
318.990	151.99
Ch. 344 et seq.	157.09
344.200	157.09
344.240	157.09
344.360	157.11
344.367	157.11
344.370	157.11
344.380	157.11

344.680	157.11
359.230	72.22
376.275	72.22
Ch. 376	95.08
376.275	72.23
376.275(1) - (4)	72.22
Ch. 393	72.23
Ch. 424	32.43 , 33.04 , 33.14 , 33.15 , 91.16 , 95.08
424.220	33.04
436.600	90.04, 90.99
446.010(1)	10.02
446.010(2)	10.02
446.010(9)	10.02
446.010(10)	10.02
446.010(12)	10.02
446.010(13)	10.02
446.010(14)	10.02
446.010(15)	10.02
446.010(17)	10.02
446.010(18)	10.02
446.010(23)	10.02
446.010(25)	10.02
446.010(26)	10.02
446.010(27)	10.02
446.010(28)	10.02
446.010(30)	10.02
446.010(31)	10.02
446.010(33)	10.02
446.010(37)	10.02
446.010(39)	10.02
446.010(43)	10.02
446.010(46)	10.02
446.010(47)	10.02
446.010(49)	10.02
446.010(55)	10.02
446.020(1)	10.03
446.020(2)	10.03
446.030	10.04
446.050	10.05
446.060	10.06
446.080(1)	10.03
446.080(3)	10.03
446.080(4)	10.03
446.090	10.07
446.100	10.08
446.110	10.09
446.140	10.01
506.010	Ch. 138
506.030	Ch. 138
506.040	Ch. 138
506.080	Ch. 138

506.120	Ch. 138
507.020	Ch. 130
507.030	Ch. 130
507.040	Ch. 130
507.050	Ch. 130
508.010	Ch. 130
508.020	Ch. 130
508.025	Ch. 130
508.030	Ch. 130
508.040	Ch. 130
508.050	Ch. 130
508.060	Ch. 130
508.070	Ch. 130
508.080	Ch. 130
508.100	Ch. 130
508.110	Ch. 130
508.120	Ch. 130
509.020	Ch. 130
509.030	Ch. 130
509.040	Ch. 130
509.070	Ch. 130
509.080	Ch. 130
510.040	Ch. 137
510.050	Ch. 137
510.060	Ch. 137
510.070	Ch. 137
510.080	Ch. 137
510.090	Ch. 137
510.100	Ch. 137
510.110	Ch. 137
510.120	Ch. 137
510.130	Ch. 137
510.140	Ch. 137
510.150	Ch. 137
511.020	Ch. 132
511.030	Ch. 132
511.040	Ch. 132
511.050	Ch. 132
511.060	Ch. 132
511.070	Ch. 132
511.080	96.10, Ch. 132
512.020	Ch. 132
512.030	Ch. 132
512.040	Ch. 132
512.050	Ch. 132
512.060	Ch. 132
512.070	Ch. 132
512.080	Ch. 132
513.020	Ch. 132
513.030	Ch. 132
513.040	Ch. 132
513.060	50.05, Ch. 132

514.030	Ch. 132
514.040	Ch. 132
514.050	Ch. 132
514.060	Ch. 132
514.065	Ch. 132
514.070	Ch. 132
514.080	Ch. 132
514.090	Ch. 132
514.100	Ch. 132
514.110	Ch. 132
514.120	Ch. 132
514.140	Ch. 132
514.150	Ch. 132
515.020	Ch. 132
515.030	Ch. 132
516.020	Ch. 132
516.030	Ch. 132
516.040	Ch. 132
516.050	Ch. 132
516.060	Ch. 132
516.070	Ch. 132
516.090	Ch. 132
516.110	Ch. 132
516.120	Ch. 132
516.130	Ch. 132
519.020	Ch. 135
519.030	Ch. 135
519.040	Ch. 135
519.050	Ch. 135
519.060	Ch. 135
520.010	34.01
520.020	Ch. 135
520.030	Ch. 135
520.040	Ch. 135
520.050	Ch. 135
520.060	Ch. 135
520.070	Ch. 135
520.080	Ch. 135
520.090	Ch. 135
520.100	Ch. 135
520.120	Ch. 135
520.130	Ch. 135
521.020	Ch. 135
521.030	Ch. 135
521.040	Ch. 135
522.020	Ch. 135
522.030	Ch. 135
522.040	Ch. 135
523.020	Ch. 135
523.030	Ch. 135
523.040	Ch. 135

523.100	Ch. 135
524.020	Ch. 135
524.030	Ch. 135
524.040	Ch. 135
524.045	Ch. 135
524.050	Ch. 135
524.055	Ch. 135
524.060	Ch. 135
524.070	Ch. 135
524.080	Ch. 135
524.090	Ch. 135
524.100	Ch. 135
524.110	Ch. 135
524.120	Ch. 135
524.130	Ch. 135
525.020	136.04
525.040	136.04
525.050	136.04
525.060	136.04
525.070	136.04
525.080	136.04
525.090	136.04
525.100	136.04
525.110	136.04
525.120	136.04
525.125	90.03, 136.04
525.130	90.03, 90.99(B), 136.04
525.140	136.04
525.150	136.04
525.160	136.04
526.020	136.04
526.030	136.04
526.040	136.04
526.050	136.04
526.060	136.04
528.020	Ch. 134
528.030	Ch. 134
528.040	Ch. 134
528.050	Ch. 134
528.060	Ch. 134
528.070	Ch. 134
528.080	Ch. 134
528.110	Ch. 134
528.120	Ch. 134
529.020	Ch. 133
529.030	Ch. 133
529.040	Ch. 133
529.050	Ch. 133
529.070	Ch. 133
529.080	Ch. 133
530.010	Ch. 131

530.020	Ch. 131
530.030	Ch. 131
530.040	Ch. 131
530.050	Ch. 131
530.060	Ch. 131, 136.99
530.064	Ch. 131
530.065	Ch. 131
530.070	Ch. 131
530.080	Ch. 131
531.020	Ch. 133
531.030	Ch. 133
531.040	Ch. 133
531.050	Ch. 133
531.060	Ch. 133
531.310	Ch. 133
531.320	Ch. 133
531.340	Ch. 133
531.350	Ch. 133
531.360	Ch. 133
531.370	Ch. 133
532.090(1)	10.02
532.060	139.04
532.090	139.02
534.030	139.03
534.040	139.01
534.040(2)(a)	10.02
534.040(2)(c)	10.02
Ch. 610	136.02

REFERENCES TO ORDINANCES

ORD. NO.	DATE	CODE SECTION
ORD. NO.	DATE	CODE SECTION
03-01	9-11-03	Ch. 114
55-1	6-9-55	74.01
55-6	11-11-55	T.S.O. V
55-7	12-6-55	T.S.O. VI
56-1	1-3-56	T.S.O. VI
56-2	8-23-56	136.01
58-3	1-20-58	31.36(D)
59-1	5-13-59	T.S.O. IV
-	2-3-60	T.S.O. V
62-1	3- -62	T.S.O. VI
66-4	- -66	T.S.O. VI
67-2	4-12-67	Ch. 75 Schs. I, II
68-2	4-10-68	T.S.O. III
69-3	8-13-69	T.S.O. II
70-2	5-13-70	Ch. 95

70-3	5-13-70	91.33
70-5	9-9-70	91.33
72-1	3-3-72	T.S.O. IV
72-2	4-12-72	74.02
74-7	8-14-74	33.06
74-10	11-13-74	T.S.O. III
74-13	12-11-74	50.23
75-8	11-12-75	T.S.O. V
77-7	11-16-77	Repealed
78-1	8-24-78	T.S.O. V
78-5	11-8-78	96.10
79-2	1-17-79	51.01
79-3	6-13-79	Repealed
80-1	2-13-80	Repealed
80-10	--	50.01 - 50.21
80-11	10-21-80	Repealed
80-16	11- -80	155.02 - 155.06
80-12	10-20-80	Repealed
80-18	12-10-80	35.07
80-20	12-17-80	32.20(A)
80-21	12-17-70	T.S.O. V
81-2	- -81	Ch. 152
81-3	2-26-81	33.07
81-4	2-26-81	50.22
81-6	2-26-81	33.03(F), (G)
81-10	4-27-81	31.36(C), (E), 31.37(E), (F), 37.01, 37.02
81-11	5-13-81	Repealed
82-2	2-24-82	32.21
82-3	2-24-82	155.01, 155.05, 155.07
82-5	2-10-82	51.01, 51.02, 51.04 - 51.06, 51.99
82-6	3-18-82	T.S.O. VI
82-7	4-15-82	Repealed
82-8	4-15-82	Repealed
82-9	4-15-82	51.01, 51.03, 51.06
82-10	6-17-82	30.01, 30.02, 32.01
82-11	6-17-82	96.02
82-12	6-25-82	71.05, Ch. 75 Schs. I-III, Ch. 76, Sch. I
82-13A	9-1-82	T.S.O. VI
82-16	6-20-83	T.S.O. I
83-2	3-17-83	50.20
83-3	6-21-83	31.35 - 31.37
83-4	4-19-84	50.21
83-4A	6-23-84	50.21
84-9	10-18-54	Repealed
85-1	3-21-85	90.15, 90.99
85-2	4-18-85	91.34, 91.99
85-3	5-1-85	153.04
85-4	6-20-85	Ch. 76, Sch. I
86-1	1-6-86	91.02, 91.99
86-2	1-6-86	Ch. 150
86-3	1-29-86	32.21
86-4	3-26-86	Ch. 153

86-5	3-26-86	T.S.O. V
86-6	4-30-86	50.35 - 50.41
86-7	5-17-86	50.22
86-8	6-25-86	35.09
86-10	6-25-86	136.03, 136.99(A)
86-11	7-30-86	50.17, 50.20
86-12	7-30-86	Repealed
87-1	2-18-87	Adopting Ordinance
87-2	3-18-87	Repealed
87-3	5-20-87	35.10
87-4	7-15-87	50.20
87-5	7-29-87	92.15 - 92.18, 92.99
87-7	8-19-87	Repealed
87-8	11-24-87	50.20
88-1	2-17-88	Adopting Ordinance
88-2	2-17-88	Repealed
89-1	3-15-89	156.01
89-2	5-17-89	91.34(A)
89-3	12-20-89	T.S.O. VI
90-1	12-19-90	T.S.O. VII
91-1	2-20-91	31.36, 31.37
91-2	2-20-91	T.S.O. V
91-3	12-28-91	50.23
91-4	12-28-91	50.20, T.S.O. V
92-1	6-17-92	90-15 - 90.22, 90.99
92-2	2-19-92	37.01

ORD. NO.	DATE PASSED	DESCRIPTION	CODE SECTION
ORD. NO.	DATE PASSED	DESCRIPTION	CODE SECTION
93-1	6-16-93	Authorizing participation in Kentucky Municipal Risk Management Association	T.S.O. VII
93-2	6-16-93	Prohibiting semi-trailer truck traffic from Second Street to Boat Dock and parking area	Ch. 75, Sch. III
93-3	6-16-93	Prohibiting parking on certain city streets	Ch. 76, Sch. I
93-4	7-21-93	Prohibiting animal gaming	90.01 , 90.03 (C), 90.99
93-5	7-21-93	Amending gas and water rate	50.20 (A)(D)
93-6	8-18-93	Amending utility service rates and fees	50.15 , 50.17 , 50.18 , 50.18A
93-7	11-28-93	Establishing flood damage prevention regulations	Ch. 152
94-1	2-23-94	Granting garbage franchise to Rumpke of Kentucky	T.S.O. V
94-2	2-23-94	Assigning responsibility for Personnel policies and procedures	37.02
94-3	6-15-94	Establishing Fair Housing regulations	Repealed
94-4	8-17-94	Pertaining to water hook-ups in flood plain	50.02

94-5	8-17-94	Authorizing use of city property for systems installation	51.06
94-6	8-18-94	Requiring use of city water	50.02
94-7	11-9-94	Code of Ethics	Ch. 38
94-8	vetoed		
95-1	7-6-95	Amending water rates	50.20 (D)
95-2	7-6-95	Authorizing revenue bonds for water system	T.S.O. III
96-1	6-19-96	Relating to noise disturbance	90.23
96-2	6-19-96	Changing Hawking Alley to one-way traffic	Repealed
96-3	10-16-96	Amending number of Playground and Recreation Board members	Repealed
96-4	11-20-96	Amending definition of public nuisance	92.03 , 92.04
96-5	11-27-96	Amending the sewer rates	50.20 (C)
97-1	5-21-97	Amending sanitation rates	50.20 (B)
97-2	8-20-97	Establishing restrictive covenants	Repealed
97-3	12-17-97	Establishing occupational license tax	Repealed
97-4	12-17-97	Amending traffic control devices	Ch. 75, Sch. IV
98-1	1-21-98	Repealing Ord. 97-3 and amending occupational license fees	Repealed
98-2	7-15-98	Amending regulations to traffic code	Repealed
98-3	7-15-98	Amending monthly rate schedule for sewer service	50.20
98-4	9-28-98	Adopting the 1997 S-4 Supplement to the city's Code of Ordinances	Front
99-1	4-21-99	Repealing Ord. 80-11 and Ord. 82-8 and establishing occupational license tax provisions	Repealed
99-2	6-16-99	Granting a franchise to Kentucky Utilities Company	T.S.O. V
99-3	5-19-99	Repealing Ord. 99-1 and establishing an occupational license tax	Repealed
99-4	6-16-99	Closing a portion of a public way	T.S.O. VI
99-T-1	9-22-99	Assessing and levying ad valorem property taxes	36.01 -36.05 , 36.99 , T.S.O. VIII
99-5	11-17-99	Renaming a certain street	T.S.O. IX
99-6	11-17-99	Repealing Ord. 87-7 and 79-3 and establishing curfew regulations	136.02 , 136.99
99-7	12-17-99	Amending gas rates	50.20
99-8	12-17-99	Repealing Ord. 96-2 and changing direction of a one-way alley	Ch. 75, Sch. II
2000-1	2-16-00	Providing for the re-reading of gas and water meters upon accountholder's request	50.21 (F)
2000-2	4-19-00	Amending tap fees for water, gas and sewer systems	50.15
2000-3	7-19-00	Amending flood damage prevention regulations	Repealed
2000-4	8-16-00	Providing for non-partisan elections for officers	31.20

2000-T-1	9-28-00	Assessing and levying ad valorem property taxes	T.S.O. VIII
2000-5	10-4-00	Amending gas rates	50.20
2000-6	10-18-00	Requiring removal of canine excrement by owner	90.24 , 90.99
2000-7	11-15-00	Adopting the 2000 S-5 Supplement to the city's Code of Ordinances	Front
2001-1	3-21-01	Approving an agreement to form and operate a planning unit with the Bracken County Fiscal Court and repealing Ord. 77-7	Ch. 154
2001-2	5-16-01	Relating to abandoned vehicles	72.23
2001-3	5-30-01	Closing certain streets	T.S.O. VI
2001-4	6-25-01	Establishing an employment pay and classification plan for the police department	37.01
2001-5	6-25-01	Imposing license fee on insurance companies and repealing Ord. 84-9	Ch. 115
2001-6	8-21-01	Amending nuisance regulations, establishing a nuisance code and repealing Ord. 96.4	Repealed
2001-7	9-19-01	Amending sewer and water rates and fees	50.20
2001-T-1	9-26-01	Assessing and levying ad valorem property taxes	T.S.O. VIII
2001-8	10-17-01	Appointing flood damage prevention administrator	
2001-9	11-21-01	Adopting the 2001 S-6 Supplement to the Code of Ordinances	Front
2001-10	12-3-01	Amending gas rates	50.20 (A)
2001-11	12-19-01	Amending provisions relating to payment of license fees	Repealed
2002-1	1-16-02	Amending provisions of occupational license tax	Repealed
2002-2	4-17-02	Amending garbage rates	50.20 (B)
2002-3	7-17-02	Creating Office of City Alcoholic Beverage Control Administrator	113.01
2002-4	8-21-02	Establishing curfew regulations	136.02
2002-T-2	9-25-02	Assessing and levying ad valorem property taxes	T.S.O. VIII
2003-1	1-29-03	Amending code of ethics provisions	38.12 , 38.20 , 38.24
2003-2	4-10-03	Repealing Ord. 80-12 and revising Alcoholic Beverage provisions	Repealed
2003-3	4-10-03	Amending provisions related to the office of Mayor	31.21
2003-4	5-21-03	Adopting the 2002 S-7 Supplement to the Code of Ordinances	Front
2003-5	5-30-03	Granting a garbage pick-up and disposal franchise	T.S.O. V
2003-6	6-18-03	Amending definition of "Nuisance"	Repealed
2003-7	6-18-03	Amending provisions related to the office of Mayor	31.21
2003-T-1	9-25-03	Assessing and levying ad valorem property taxes	T.S.O. VIII

2003-T-2	9-25-03	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2003-08	7-8-03	Elizabeth Street into a one way street	Ch. 75, Sched. II
2003-09	8-20-03	All-Terrain Vehicles	77.01 , 77.02 , 77.99
2003-10	9-25-03	Amends mileage reimbursement	37.02
2003-11	9-25-03	Stop signs added; no right turn sign removed	Ch. 75, Sched. IV
2003-12	9-25-03	Speed limit reduced on Riverside Drive	Ch. 75, Sched. I
2003-13	9-25-03	Adopting the 2003 S-8 Supplement to the Code of Ordinances	Front
2003-14	11-19-03	Alcoholic beverages	Repealed
2004-15	1-21-04	Bonds for improvements to municipal water system	T.S.O. III
2004-16	2-18-04	Gas rate schedules	50.20
2004-17	4-21-04	Tampering with gas meters	50.07
2004-18	5-19-04	Amending sewer and water rates	50.20
2004-19	5-19-04	Garbage rate increase	T.S.O. V
2004-20	6-21-04	Amending sewer and water rates	50.20
2004-21	7-21-04	Opening and/or reading water meters prohibited	50.08
2004-T-1	9-23-04	Assessing and levying ad valorem taxes	T.S.O. VIII
2004-T-2	9-23-04	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2004-22	11-17-04	Amending the personnel policies	37.01
2004-23	11-17-04	Adopting the 2004 S-9 Supplement to the Code of Ordinances	Front
2004-24	12-15-04	Water/sewer bill adjustments for leaks	50.24
2004-25	12-29-04	Flood damage prevention	152.01 - 152.13 , 152.25 - 152.27 , 152.40 - 152.46 , 152.55 , 152.56 , 152.58 - 152.61 , 152.99
2005-01	1-19-05	Amending the meeting time for City Council to 7:30	32.21
2005-02	2-16-05	Amending provisions for alcoholic beverages	Repealed
2005-03	5-18-05	Amending provisions for juvenile curfews	136.02 , 136.99
2005-04	6-15-05	Establishing a franchise for refuse collection and disposal	T.S.O. V
2005-05	7-20-05	Adjusting gas rates for inside and outside of the city	50.20
2005-06	8-17-05	Establishing a tax amnesty program of delinquent ad valorem taxes	T.S.O. VIII
2005-07	8-17-05	Repealing and replacing provisions for alcoholic beverages	113.02 - 113.09 , 113.99
2005-T-1	9-22-05	Assessing and levying ad valorem taxes	T.S.O. VIII

2005-T-2	9-22-05	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2005-08	11-23-05	Adopting 2005 S-10 Supplement to Code of Ordinances	Front
2006-01	1-9-06	Allowing Mayor to adjust gas rates	50.24
2006-02	2-15-06	Granting cable television franchise	T.S.O. V
2006-03	4-19-06	Street name change	T.S.O. IX
2006-07	12-20-06	Amending alcoholic beverages	113.02 - 113.09 , 113.99
07-02	8-15-07	Establishing provisions for objects above public rights-of-way	92.07
2007-T-1	9-19-07	Assessing and levying ad valorem taxes	T.S.O. VIII
2007-T-2	9-19-07	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
07-03	9-19-07	Adopting an interlocal agreement	T.S.O. VII
2008-01	3-12-08	Adopting 2008 S-12 Supplement to the Code of Ordinances	Front
08-02	3-12-08	Obstructions in right-of-way	91.31
2008-03	5-21-08	Allowing for mayoral adjustments of gas rates to reflect market fluctuations	50.20 , 50.24
2008-04	6-18-08	Amending rates and fees for sewerage usage and water service	50.20
2008-05	7-15-08	Amending the deposit fee for water	50.18
08-06	7-15-08	Amending Ord. 08-02 relating to obstructions in right-of-way	91.31
2008-07	7-15-08	Amending rates and fees for sewerage usage and water service	50.20
2008-08	7-15-08	Establishing Occupational License regulations, repealing Ch. 110A and replacing Ch. 110	110.01 - 110.12 , 110.99
2008-09	8-20-08	Relating to the burning of refuse and other items	93.22
2008-T-1	8-27-08	Assessing and levying ad valorem taxes	T.S.O. VIII
2008-T-2	8-27-08	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2008-10	9-24-08	Allowing for mayoral adjustments of gas rates to reflect market fluctuations	50.20 , 50.24
2009-01	2-18-09	Establishing the Parks, Playground and Recreation Advisory Board and repealing Ord. 82-7 and Ord. 96-3	96.01
2009-02	2-18-09	Amending the meeting time for City Council	32.21
2009-03	8-19-09	Adopting the 2009 S-12 supplement to the Code of Ordinances	Front
2009-T-1	9-16-09	Assessing and levying ad valorem taxes	T.S.O. VIII
2009-T-2	9-16-09	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII

2010-T-1	9-15-10	Assessing and levying ad valorem taxes	T.S.O. VIII
2010-T-2	9-15-10	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2010-1	12-15-10	Establishing trick or treat date and hours	96.20
2011-01	6-15-11	Establishing golf cart regulations	78.01 - 78.04 , 78.99
2011-02	8-17-11	Granting a refuse collection and disposal franchise	T.S.O. V
2011-T-1	9-2-11	Assessing and levying ad valorem taxes	T.S.O. VIII
2011-T-2	9-2-11	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2011-03	10-13-11	Establishing the vacation of several alleys	T.S.O. VI
2012-T-1	9-19-12	Assessing and levying ad valorem taxes	T.S.O. VIII
2012-T-2	9-19-12	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2013-01	3-20-13	Comprehensively amending flood damage prevention regulations	152.01 - 152.13 , 152.25 - 152.27 , 152.40 - 152.46 , 152.55 - 152.61 , 152.99
2013-02	3-20-13	Providing for specific parking regulations	72.08 , 72.99
2013-03	8-21-13	Adopting the 2013 S-15 supplement to the Code of Ordinances	Front
2013-T-1	9-18-13	Assessing and levying ad valorem taxes	T.S.O. VIII
2013-T-2	9-18-13	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2014-1	4-16-14	Establishing compensation for elected officials	32.01
2014-02	4-16-14	Amending alcoholic beverages regulations	113.03 , 113.05
2014-3	6-18-14	Establishing a regional sewer authority and its operation of wastewater facilities	T.S.O. VII
2014-4	9-17-14	Allowing for mayoral adjustments of gas rates to reflect market fluctuations	50.24
2014-T-5	9-17-14	Assessing and levying ad valorem taxes	T.S.O. VIII
2014-T-6	9-17-14	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2015-01	7-15-15	Providing for the assessment and collection of surcharges for sewer customers	Repealed
2015-02	9-16-15	Establishing electrical inspection fees	Not Included
2015-T-1	9-16-15	Assessing and levying ad valorem taxes	T.S.O. VIII
2015-T-2	9-16-15	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII

2015-03	11-18-15	Amending golf cart regulations	78.01 , 78.02
2016-01	1-20-16	Establishing standards and procedures for nuisance regulation	Repealed
2016-02	3-16-16	Establishing the Water Treatment Plan Advisory Board	35.11
2016-03	4-20-16	Amending occupational licenses regulations	110.03
2016-04	5-18-16	Regulating the use of bows and arrows	136.05 , 136.99
2016-T-1	9-21-16	Assessing and levying ad valorem taxes	T.S.O. VIII
2016-T-2	9-21-16	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2016-05	11-16-16	Regulating signage in public places	91.40 - 91.44
2017-01	3-1-17	Amending sign regulations	91.42
2017-02	3-1-17	Amending City Council regular meeting time/date	32.21
2017-03	5-17-17	Adopting the 2017 S-17 supplement to the Code of Ordinances	Front
2017-04	6-21-17	Regulating the burning of refuse	93.22
2017-05	9-5-17	Amending powers and duties of the Regional Sewer Authority	T.S.O. VII
2017-T-1	9-5-17	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2017-06	9-20-17	Establishing trick or treat date and hours	96.20
2017-T-2	9-20-17	Assessing and levying ad valorem taxes	T.S.O. VIII
2018-01	1-17-18	Amending personnel policies and procedures	37.01
2018-02	3-21-18	Amending the pay policies for Councilpersons and the Mayor	32.01
2018-3	7-18-18	Amending refuse collection and disposal rates	T.S.O. V
2018-4	8-29-18	Amending insurance company business regulations	115.01 - 115.04
2018-T-1	9-19-18	Amending ad valorem motor vehicle tax rates	T.S.O. VIII
2018-05	9-19-18	Adopting the 2018 S-18 supplement to the Code of Ordinances	Front
2018-T-2	9-21-18	Amending ad valorem tax real and personal property rates	T.S.O. VIII
2019-1	1-16-19	Amending occupational license regulations	110.03 , 110.06
2019-3	2-22-19	Amending alcoholic beverages regulations	113.05
2019-4	2-22-19	Approving a lease for the financing of a project	Not Included
2019-2	3-20-19	Creating an electric franchise	T.S.O. V
2019-5	4-17-19	Adopting parking regulations	72.01 - 72.07 , 72.99
2019-6	4-17-19	Amending regulations regarding utility deposits and utility shut off fees	50.17 , 50.18

2019-7	6-19-19	Amending alcoholic beverages regulations	113.03
2019-8	6-19-19	Amending parking schedules	Ch. 76, Sch. I
2019-9	7-17-19	Adopting the 2019 S-19 supplement to the Code of Ordinances	Front
2019-10	8-21-19	Providing for the assessment and collection of surcharges for sewer customers	Repealed
2019-11	8-21-19	Restricting bicycle use on sidewalks	73.01
2019-T-1	9-18-19	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2019-T-2	9-18-19	Assessing and levying ad valorem taxes	T.S.O. VIII
2019-12	9-18-19	Establishing a boat dock boat launch fee and penalty for non-payment thereof	96.11
2019-13	9-18-19	Amending golf cart regulations	78.01 -78.03 , 78.05 -78.07
2019-14	9-18-19	Amending curfew regulations	136.02 , 136.99
2019-15	11-20-19	Amending Ord. 2019-5 related to violation of parking regulations	72.99
2020-01	6-23-20	Amending water and sewer rates, and allowing for their annual adjustment to comply with the Consumer Price Index	50.20
2020-02	6-23-20	Amending the procedures for the appointment and removal of nonelected city officers	31.35
2020-3	7-15-20	Amending provisions of the occupational license tax	110.03
2020-4	9-16-20	Repealing Ord. 2019-13, amending golf cart regulations	78.01 -78.03 , 78.05 -78.07
2020-T-1	10-21-20	Assessing and levying ad valorem taxes	T.S.O. VIII
2020-T-2	10-21-20	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2020-5	11-18-20	Amending tap fees for water, gas and sewer systems	50.15
2020-6	11-18-20	Amending provisions of the occupational license tax	110.03
2021-1	2-17-21	Granting a non-exclusive cable television franchise	T.S.O. V
21-2	5-19-21	Repealing Ord. 2019-10, providing for the assessment and collection of surcharges for sewer customers	50.26
21-3	6-16-21	Repealing Ch. 97 and establishing Ch. 157, prohibiting certain discriminatory practices	157.01 -157.10
2021-4	8-18-21	Repealing Ord. 2016-1, establishing standards and procedures for nuisance regulation	92.01
2021-5	8-18-21	Amending Ord. 2019-5, establishing towing, handling and storage charges for police-impounded vehicles	72.05

2021-6	9-15-21	Adopting the 2021 S-21 supplement to the Code of Ordinances	Front
2021-T-1	9-15-21	Assessing and levying ad valorem taxes	T.S.O. VIII
2021-T-2	9-15-21	Assessing and levying ad valorem taxes on motor vehicles and watercraft	T.S.O. VIII
2021-7	10-20-21	Amending Ord. 2020-4, requiring golf carts to be equipped with an AS-1 or AS-5 windshield	78.01
2021-8	12-15-21	Amending Ord. 92-1, regulating dogs	90.16 , 90.17 , 90.22 , 90.99