



**CODE OF ORDINANCES  
FOR THE  
CITY OF AUDUBON PARK, KENTUCKY**

**ADOPTED NOVEMBER 18, 1996**

**MAYOR  
CITY COUNCIL**

## CODE OF ORDINANCES

### **PREFACE**

This Code of Ordinances is divided into eight component parts or titles according to general subject matter. The titles are subdivided into chapters and sections. For example, the section designated 5-5.07 indicates that such section is Section 7 of Title 5, Chapter 5. The numbering of the titles, chapters, and sections follows the decimal system used in the Kentucky Revised Statutes but varies from it in that the titles and sections of each chapter are odd numbered so that there are unassigned numbers available for future legislation. Within the chapters, new sections may be added between existing sections or by adding new sections in sequence. Penalty sections are always designated .99.

*This Preface is not a part of the Code of Ordinances but is inserted for convenience of reference.*

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### **Chapter 1: Definitions, Rules of Construction, General Penalty**

#### **Sec. 1-1.01 Definitions:**

In the construction of this Code, the following definitions and rules shall be observed, unless the context clearly indicates otherwise:

- (a) City – The words “the city” or “this city” shall mean the City of Audubon Park in the County of Jefferson, Commonwealth of Kentucky
- (b) City officers and departments – Whenever reference is made to an officer by title, the same shall be construed as if followed by the words “of the City of Audubon Park, Kentucky”
- (c) Computation of Time – Whenever a notice is required to be given or an act to be done, the rules for computation of time as set forth in KRS 446.030 shall apply.
- (d) Front Yard – Shall mean the area extending across the full width of any residential lot in the City and measured between the street right-of-way line and the front line of the building or structure on such lot.
- (e) Gender – A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.
- (f) KRS – The abbreviation “KRS” refers to Kentucky Revised Statutes
- (g) Legislative Body – The words “Legislative Body” shall mean the City Council of the City of Audubon Park, Kentucky
- (h) Number – A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- (i) Or, and – “Or” may be read “and” and “and” may be read “or” if the sense requires it.
- (j) Owner – The word “owner,” applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of the part of such building or land.
- (k) Person – The word “person” shall include and be applied to associations, clubs, societies, firms, partnerships and bodies political and corporate as well as individuals
- (l) Personal Property – Includes every species of property except real property

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- (m) Rear Yard – Shall mean the area extending across the full width of any residential lot in the City measured between the rear lot line and the rear line of the building structure on such lot.
- (n) Side Yard – Shall mean the area extending from the front yard to the rear yard and measured between the side line of any residential lot in the City and the side of the building structure on such lot.
- (o) State – The words “the state” or “this state” shall be construed to mean the Commonwealth of Kentucky.
- (p) Tense – Words used in the present or past tense include the future as well as the present and past.

### **Sec. 1-1.03 Headings:**

The heading of the several sections of this Code are intended as mere headings to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such sections, including the headings, are amended or reenacted.

### **Sec. 1-1.05 Severability**

The titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this Code are several, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or otherwise invalid by a final judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not effect any of the remaining titles, chapters, phrases, clauses, sentences, paragraphs and sections of this Code.

### **Sec. 1-1.07 General Penalty; Continuing Violations:**

It shall be unlawful for any person to violate or fail to comply with any provision of this Code and when no penalty is specifically prescribed therefor, the penalty for violation hereof shall be a fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) or imprisonment not to exceed three hundred sixty five (365) days or both plus costs permitted by law. Each day of violation of any provision of this Code shall constitute a separate offense.

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### **Chapter 2: Amendments**

- (a) All ordinances passed subsequent to this Code, which amend, repeal, or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections, or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and such subsequent ordinances, as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the Legislative Body.

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**TITLE III: City Organization Code**

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**Chapter 1: Definitions**

**Sec. 3-1.01 Definitions**

The following words and phrases when used in this Title III shall, for the purpose of such Title, have the meanings respectively ascribed to them in this section.

**Sec. 3-1.03 Short Title**

This Title III may be known and cited as the City Organization Code

**Chapter 2: Corporate Boundaries**

**Sec. 3-2.01 General:**

The corporate boundaries as of the latest annexation and as evidenced by the map filed by the City in the office of the Jefferson County Clerk are as follows:

BEGINNING at a point in the east side of Preston Street Road 200 feet more or less North of the north side of the intersection of Audubon Parkway and Preston Street Road, running thence in a southerly direction along the Eastern side of Preston Street Road 850 feet more or less to the intersection of the Southern Railway right-of-way and Preston Street Road; thence along the northerly line of the Southern Railway right-of-way 1, 350 feet more or less to the intersection of the Southern Railway right-of-way and the southerly line of Cardinal Drive; thence with the southerly line of Cardinal Drive in an easterly direction 2,600 feet more or less to a point 280 feet easterly of the easterly line of Dove Road at the intersection with Cardinal Drive; thence in a northerly direction in a parallel with the easterly line of lot #287 of Audubon Park, a plat of which is recorded in Plot and Subdivision Book 8, page 143-144-145, in the office of the Clerk of the County Court, Jefferson County, Kentucky, 250 feet more or less to a point in the southerly line of lot #60, Block 208 in said Audubon Park, 283 feet more or less East of the East line of Dove Road, thence Southwesterly direction along the Southerly line of said lot 60, Block 208, 283 feet more or less to a point in the easterly line of Dove Road; thence with the Easterly line of Dover Road, in a northwesterly direction 900 feet more or less to a point at the Northeast corner of the intersection of Dove Road and Chickadee Road, thence along the Easterly line of Chickadee Road 1,575 feet more or less to a point at the Southeast corner of the intersection of Chickadee Road and Hess Lane; thence along the southerly line of Hess Lane 725 feet more or less to a point where said line would be intersected by the back lines of lots 187 to 190-A, inclusive, Block 111, Audubon Park, if extended in a northerly direction, thence said back lines as extended, in a southerly direction 625 feet more or less to a point in the back lines of lots 1a, 2 to 18 inclusive, Block 111, Audubon Park, where said lines met by the

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back lines in a southwesterly direction 1,725 feet more or less to a point beginning. (Original incorporation – April 17, 1941)

“BEGINNING at a point 250 feet easterly of the Eastern line of Dove Road at the intersection of Cardinal Drive, thence in a northerly direction in a line parallel with the easterly line of lot No 287 Audubon Park, a plat of which is recorded in Plot and Subdivision Book 7, Pages 143, 144, and 145, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, 250 feet more or less East of the East line of Dove Road; thence in a Southwesterly direction along the Southerly line of said lot 60, Block 208, 283 feet more or less to a point in the Easterly line of Dove Road; then to a northwesterly direction 900 feet more or less to a point at the northeasterly corner of the intersection of Dove Road and Chickadee Road; thence along the easterly line of Chickadee Road 1,575 feet more or less, to a point in the Southeast corner of the intersection of Chickadee Road and Hess Lane; thence along the southerly line of Hess Lane in an easterly direction to the intersection of the westerly line of Eagle Pass Avenue; thence in a southwesterly direction with said line of Eagle Pass Avenue to the Northerly line of Nightingale Road; thence along the northerly line of Nightingale Road to the intersection with Cardinal Drive; thence along the easterly line of Cardinal Drive to the point of beginning. (Annexation – September 8, 1941)

BEGINNING at a point in the Southerly line of Hess Lane and the western line of Eagle Pass; thence in a southerly direction along the western line of Eagle Pass to the Northerly line of Valley Drive; thence in an eastern direction along the northerly line of Valley Drive; approximately 190 feet to the rear property line of the property facing on Eagle Pass; thence northerly along the said property line to the southerly line of Hess Lane; thence in a westerly direction along the southern line of Hess Lane to the point of beginning. (Annexation – November 4, 1944).

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### **Chapter 3: City Council Meetings**

#### **Sec. 3-3.01 Regular Meetings:**

The City Council shall meet on the first Monday in January next succeeding the election of its members and shall hold regular meetings on the third Monday of each month at 7:30 P.M. prevailing time.

#### **Sec. 3-3.03 Special Meetings:**

- (a) Special meetings may be called at any time by the Mayor or by the majority of the Legislative Body of the City by delivery personally, or by mail, written notice to each member of the Legislative Body, and to newspapers of the general circulation, radio, or television which has filed a written request to be notified of such meetings. Such notice must be at least twenty-four hours prior to the time of the meeting, stating time, place, and its purpose. No other business other than set forth in such call may be considered by the Legislative Body.
- (b) The notice provided for in subsection (a) of this section is not required in the event that a special meeting is called to deal with an emergency, if the time requirement of such notice would be impractical.

#### **Sec. 3-3.05 Quorum:**

A majority of the members of the City Council shall constitute a quorum.

#### **Sec. 3-3.07 Place of Meetings:**

All regular meetings of the City Council shall be held at City Hall.

### **Chapter 4: City Officials**

#### **Sec. 3-4.01 General:**

- (a) The Mayor shall appoint the following officials and assistants thereto of the City to carry out those functions which may be assigned to and require of them by law. These officials are subject to confirmation by the Legislative Body.
  - (1) Clerk
  - (2) Treasurer
  - (3) City Attorney
  - (4) Assessor
  - (5) Chief of Police and members of the police force
  - (6) City Engineer
- (b) The offices of the Clerk and Treasurer may be consolidated and the office of City Engineer to be filled at the discretion of the Mayor.

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### **Sec. 3-4.03 Qualifications of City Officials:**

No person shall be eligible to hold any office in the city, except members of the police force, unless he is a resident and qualified voter in the city, and has resided in the city for one (1) year next preceding the day of his election or appointment. The Mayor must be at least 25 years of age, Legislative Body members must be at least 21 years of age and reside in the city during their entire term of office. The Mayor's term of office is four (4) years and the Legislative Body member's term is two (2) years.

### **Sec. 3-4.05 Term of Office:**

All city officials other than elected officials, may be removed following the policies and procedures set forth in the personnel ordinance.

### **Sec. 3-4.07 Liability:**

Any City official charged with the enforcement of any ordinances of the City, acting in good faith and without malice for the City in the discharge of his duties, shall thereby render himself personally liable and he is hereby relieved from all personal liability for damage that may accrue to persons or property as a result of any act required or by reason of any act or omission performed by him in the enforcement of any provisions of an ordinance of this City, and shall have the right to be defended by the City Attorney until final determination of any proceedings pending against him.

## **Chapter 5: Police Department**

### **Sec. 3-5.01 General:**

A police department is hereby established whose members shall be appointed by the Mayor. They are subject to removal as set forth in K.R.S. 15.520 and ordinance number 4. The legislative body shall provide for their number, grades, and regulation by majority vote of such body.

### **Sec. 3-5.03 Qualifications of Members of Police Department**

To be eligible for appointment as a member of the police department, a person must be a citizen of the Commonwealth of Kentucky and a resident of Jefferson County, at least twenty-one years of age, be able to read and write the English language intelligently, sober, moral and sagacious and having a high school education or equivalent. No person who has been convicted of a felony is eligible for appointment.

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### **Sec. 3-5.05 Chief of Police Selection; Term of Office, Compensation**

- (a) The Mayor shall appoint a Chief of Police. This appointment is subject to confirmation by the legislative body.
- (b) The Chief of Police may be removed only for cause after following the procedures set forth in K.R.S. 15.520 and ordinance number 4. There shall be no set term of office for the Chief of Police.
- (c) The compensation of the Chief of Police shall be fixed by the Mayor and approved by the legislative body.

### **Sec. 3-5.07 Duties of the Chief of Police**

- (a) The Chief of Police shall command and supervise the police department, but shall be required to keep the Mayor advised of the status pertaining to the department.
- (b) The Chief of Police or his/her designee shall attend all sessions of the legislative body, execute its orders and preserve the order at its sessions.
- (c) He or a member of the police department designated by him shall attend any session of District Court when it is necessary for the department to be represented and execute all process, orders, and judgements of the courts as directed by the Court.
- (d) The Chief of Police and every member of the Police Department shall follow the "Code of Conduct" and "Policy and Procedures of the Police Department of the City of Audubon Park."

### **Sec. 3-5.09 Powers of Chief of Police and Policemen; Fees; Deputies; Special Police**

- (a) The Chief of police and every member of the Police Department shall possess all the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, anywhere in the county in which the city is located.
- (b) The Chief of Police and members of the Police Department shall be entitled to the same fees, and the same remedies for collecting them, that are allowed by the law to sheriffs and other officers for similar services, however, such fees shall be paid into the city treasury.
- (c) The Mayor upon request from the Chief of Police may appoint special police officers to assist the police department.

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**Sec. 3-5.11 Bond of Chief of Police; Deputies; Policemen:**

- (a) The Chief of Police upon entering the duties of his/her office, shall execute bond. The bond shall be in the sum of \$2,000.00.
- (b) The bond shall run to the state, and shall be with good surety, approved by the legislative body. The bond shall be conditioned for the faithful discharge of the duties of the office and for payment of all money received to the person entitled thereto. For any unlawful arrest, or unnecessary or cruel treatment or assault in making an arrest, the principle and sureties shall be liable on his/her bond to the person injured.
- (c) Police officers shall not be required to make bond.

**Sec. 3-5.13 Oaths of Policemen**

Every member of the Police Department shall take an oath to faithfully perform the duties of his/her office, and that he possess the qualifications required by Sec. 3-5.02

**Sec. 3-5.15 Territorial Authority to Police**

The Chief of Police and members of the Police Department may make arrests anywhere in the county in which the city is located.

**Sec. 3-5.17 Arrested Persons – Where Kept:**

Persons arrested for any bailable offense may be placed in the station house or the Jefferson County Jail for safe keeping, until taken before the District Court for examination. Any person arrested under the age of (18) years shall be placed in the Jefferson County Youth Center.



CODE OF ORDINANCES

**Title V: Traffic Code**

**Chapter 1: Definitions And Short Title**

**Chapter 2: Violation, Enforcement, And Administration**

**Chapter 3: Use of Streets**

**Chapter 4: Speed Restrictions And Control Devices**

**Chapter 5: Vehicular Equipment And Operation**

**Chapter 6: Parking**

**Chapter 7: Bicycles And Motorcycles**

**Chapter 99: Penalty**

*This page is not part of the Code of Ordinances but is inserted for convenience of reference.*

## CODE OF ORDINANCES

### Chapter 1: Definitions and Short Title

#### Sec. 5-1.01 Definitions

The following words and phrases when used in this Title V shall, and for the purpose of such Title, have the meanings respectively ascribed to them in this section.

- (a) "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported by air, water, or drawn upon a highway, except devices moved by human power.
- (b) "Motor Vehicle" shall mean every vehicle, which is self-propelled.
- (c) "Emergency Vehicle" shall mean vehicles of any police or fire department, ambulance, and other vehicles commonly known as emergency vehicles when giving adequate warning by sire, lights, or both of its emergency character or mission.
- (d) "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels and any other device generally recognized as a bicycle though equipped with two front or two rear wheels.
- (e) "Motorcycle" shall mean every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
- (f) "Stop" when required shall mean complete cessation of movement
- (g) "Stop", "stopping" or "standing" when prohibited shall mean any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.
- (h) "Park" when prohibited shall mean the standing of a vehicle, whether occupied or not, for a period of time greater than is reasonable necessary for the actual loading or unloading of person or merchandise.
- (i) "Driver" shall mean every person who drives or is in actual physical control of a vehicle.
- (j) "Street" or "highway" shall mean the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.
- (k) "Roadway" shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel including any drainage ditches.
- (l) "Intersection" shall mean the area embraced within the prolongation of the property lines of two or more streets, which join at an angle whether or not such streets cross.
- (m) "Official traffic control device" shall mean all signs, signals, markings, and devices not inconsistent with this Title placed or erected by authority of the state or the County or the Legislative Body for the purpose of regulating, warning, or guiding traffic.

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- (n) “Traffic control signal” shall mean any device, whether manually, electrically, or mechanically operated,
- (o) “Crosswalk” shall mean (1) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalk on opposite sides of the street measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; or (2) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (p) “Public Area” shall mean all areas, which are owned by the city or have been dedicated to the public.

### **Sec. 5-1.03 Short Title:**

This Title III may be known and cited as the Traffic Code.

### **Chapter 2: Violation, Enforcement, and Administration:**

#### **Sec. 5-2.01 Application of Traffic Code to Animals or Bicycles:**

Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal; provided that, except where prohibited elsewhere by this title, bicycles may be ridden on sidewalks.

#### **Sec. 5-2.03 Exemptions; Emergency Vehicles:**

The provisions of this Traffic Code regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties. Nor shall such provisions apply to persons actually engaged in repairing or otherwise improving the streets under authority of the Legislative Body or the State or the County of Jefferson. The foregoing exemption shall not, however, protect the driver or any such vehicle from the consequences of his reckless disregard of the safety of others.

**Sec. 5-2.05 Traffic Duties of Chief of Police and Police:**

- (a) It shall be the duty of the Chief of Police and all policemen to enforce the provisions of this Traffic Code and all the state vehicle laws applicable to street traffic in the city.
- (b) The Chief of Police and policemen are hereby authorized to direct all traffic in accordance with the provisions of this Traffic Code and applicable state laws, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction of the Chief of Police or policemen. Except in case of emergency, it shall be unlawful for any person other than the Chief of Police or policemen to direct or attempt to direct traffic.

**Sec. 5-2.07 Issuing Summons in Lieu of Arrest:**

The Chief of Police and any policemen may issue a summons instead of making an arrest for any violation of this Traffic Code or state traffic law where the offense is committed in his/her presence, and there are reasonable grounds to believe that the person named therein will appear to answer the charge. The arresting officer shall take the name, addresses, and operator's license number of the alleged violator and such other information required by the summons forms provided by the Kentucky State Police. The summons shall provide that the defendant shall appear to answer the charge against him at a place and time designated therein.

**Sec. 5-2.09 Failure to Obey Summons:**

If the person named in such summons fails to appear in response to the summons, the District Court procedure shall be initiated.

**Sec. 5-2.11 Waiver of Hearing:**

- (a) Any person who is in receipt of any summons to appear in answer to a charge of a violation of this Traffic Code or any state law may, except as otherwise provided herein and within the time specified in the summons to appear before the District Court in answer to the charge, by paying the prescribed fine, waiving a hearing in court and giving the power of attorney by the District Court Clerk to make such plea and pay such fine in court. Acceptance of such fine and plea and power of attorney by the District Court shall be deemed complete satisfaction for the violation, and the violator, if he so requests, shall be given a receipt which so states.
- (b) This section shall not be applicable to any person charged with operation of any vehicle at any speed in excess of 50 m.p.h. within the City or for any other summons specifying that the accused must appear in District Court rather than pay a fine and waive a court hearing.

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- (c) Any person who has been found guilty of three or more violations of the provisions of this Traffic Code during any one year from January 1<sup>st</sup> to December 1<sup>st</sup>.

**Sec. 5-2.13 Notice of Illegally Parked Vehicle:**

Whenever any vehicle with or without a driver is found parked or stopped in violation of any provisions of this Traffic Code and within the city limits of Audubon Park, the officer finding such vehicle shall take its registration number and may take other information available which may identify its user, and shall affix conspicuously to such vehicle a parking citation in writing on a form provided by the Audubon Park Police Department, for the owner of said vehicle to be given notification of the violation.

**Sec. 5-2.14 Failure to Comply with Parking Citation Attached to Parked Vehicle:**

If a violator of the restriction on stopping, standing, or parking under this Traffic Code does not pay the minimum fines listed on the parking citation within seven (7) days from the issuance date, the discount amount of \$10.00 will not be removed from the minimum fine. If payment is not received within (28) days from the issuance date, the City Clerk shall send to the owner of the vehicle to which the parking citation was affixed, a certified letter informing the owner of the violation and warning that if in the event such letter is disregarded for a period of (10) days, a criminal complaint can be filed with the Jefferson County District Court.

**Sec. 5-2.15 Presumption in Reference to Illegal Parking:**

When the procedure described in Sec. 5-2.07 or 5-2.08 have been followed in any prosecution charging a violation of any provision of this Traffic Code on parking of a vehicle, proof that the particular vehicle described in the parking citation or complaint was parked in violation of any such provision or law, together with proof that the person named in the parking citation or complaint was at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

**Sec. 5-2.19 Authority to Impound Vehicles:**

- (a) The Chief of Police and policemen are hereby authorized to cause a vehicle to be removed from the street or highway to the nearest place of safety or to a garage maintained by or under contract to the city under the following circumstances:
  - (i) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle

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are by reason of physical injury incapacitated to such extent as to be unable to provide for its custody or removal, or;

- (ii) When any vehicle is left unattended upon a roadway or is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic; or
  - (iii) When any vehicle is left unattended upon a roadway for a longer period than three days under circumstance indicating abandonment.
- (b) Whenever a vehicle is removed from the street or highway as authorized by this section, and the officer knows or is able to ascertain from the registration records of the vehicle, the name and address of the owner thereof, such officer shall as soon as possible give or cause to be given notice to such owner of the fact of such removal and the reasons thereof and of the place to which such vehicle has been removed.
- (c) A towing and storing charge equal to any charges incurred by the City in effecting such removal shall be made by the city for each such motor vehicle removed from a street or highway, which charge shall be paid by the owner of such vehicle before same shall be released.
- (d) The city shall charge ten (\$10.00) as a handling charge on all passenger cars and commercial vehicles not exceeding one and one-half tons of gross weight. For commercial vehicles exceeding one and one-half tons of gross weight, an additional handling charge equal to ten (\$10.00) for each additional two (2) tons of gross weight; or fraction thereof, shall be charged, not to exceed a total of fifty (\$50.00). All such handling charges shall be paid by the owner of any such vehicle before same shall be released.

### **Chapter 3: Use of Streets**

#### **Sec. 5-3.01 Tampering With Vehicles:**

It shall be unlawful for any person except the Chief of Police, policemen, or city employees, or an employee of the owner, while in the performance of his duties, to move any vehicle not his own, or tamper with such vehicle in any manner whatsoever.

#### **Sec. 5-3.03 Display of Parked Vehicle For Sale:**

It shall be unlawful to park a vehicle displayed for sale or a vehicle on which demonstrations are being made on any street or in the front yard of any residence in the City.

**Sec. 5-3.05 Use of Roadways:**

It shall be unlawful for any person to use any part of any street for the storage, repair, cleaning, adjustment of equipment of vehicles and off accessories thereof.

**Sec. 5-3.07 Injury to Street by Vehicles; Chains:**

It shall be unlawful to operate any vehicle on any street in such condition, so constructed or so loaded, as to do injury to the surface of the street.

- (a) It shall be unlawful to operate on any street any freight carrying motor vehicle which is not equipped with tires of rubber or other material of equal resiliency, or which has tires so worn that the thickness thereof is less than one-half inch, or so damaged as to cause pounding on the pavement.
- (b) When chains are used on any rubber-tired vehicle, the cross chains shall not be more than three-quarters inch in thickness or diameter, and shall be spaced not more than ten inches apart around the circumference of the tires. No freight carrying vehicle, equipped with any anti-skid device so constructed that any rigid part of same comes in contact with the pavement shall be operated on any street.

**Sec. 5-3.09 Debris on Roadway; Removal:**

- (a) It shall be unlawful to remove any wrecked vehicle without removing broken glass or debris from the roadway.
- (b) It shall be unlawful for any person to leave, throw, or deposit upon any street any glass bottles, glass, nails, tacks, hoods, wires, cans, or any other substance likely to injure any person, animal, or vehicle.

**Sec. 5-3.11 Skating and Coasting:**

Except on streets which may be declared from time to time as “play streets” by the Legislative Body and protected by barriers or official signs, it shall be unlawful for any person upon skates or riding on a coaster sled, skate board, or toy vehicle of any kind, to go on any roadway except at a crosswalk.

**Sec. 5-3.12 Jogging and Hiking:**

All joggers and hikers, when using roadways, shall use the left side of the roadway facing traffic and, when using the roadways between dusk and dawn, shall also wear reflective clothing and carry a visible light unless participating in a permit allowed event.

**Sec. 5-3.13 Clinging to Vehicles:**

- (a) No person, while riding on a bicycle, motorcycle, coaster sled, skate board, roller skates, or any toy vehicle, shall fasten or attach same or shall cling to any moving vehicle on any street.
- (b) No person shall ride on the, projections of, or on the running board or fenders of any vehicle.

**Sec. 5-3.15 Prohibition of Truck Traffic:**

It shall be unlawful for any person to operate or cause to be operated any truck or trailer (other than emergency vehicles and buses) upon the roadways of the city except in the course of performing services for, delivering to, or picking up property for the city or its residents, or in operating such truck or trailer owned by a resident of the city to and from his place of residence.

**Chapter 4: Speed Restrictions and Control Devices:**

**Sec. 5-4.01 Speed Restrictions:**

- (a) No person shall drive a vehicle upon any roadway within the city at a speed greater than is reasonable and prudent having regard for the traffic and for the condition and use of such roadway or so as to endanger the life or limb or injure the property of any person.
- (b) It is hereby determined on the basis of an engineering and traffic investigation that the speed permitted by KRS 189.390 (2) on highways in business and residential districts is greater than is reasonable and safe under conditions found to exist in the city. Where no condition exists that requires lower speed for compliance with subsection (a) of this section, it shall be unlawful for any person to drive a vehicle at a speed in excess of the limits specified in this Traffic Code where signs are in place giving notice thereof. The speed of all vehicles in the city shall not exceed 25 miles per hours.

**Sec. 5-4.03 Powers of Legislative Body; Designation of Traffic Control Devices and Signals:**

The Legislative Body may by ordinance or resolution at any regular or special meeting designate and determine parking and loading zones for passenger and freight vehicles; establish traffic lanes, safety zones and quiet zones; determine and fix angle of and time limit for parking upon streets and parts thereof; adopt rules prohibiting or allowing double parking; determine and designate one-way streets, no parking areas, and limited parking areas; place and maintain traffic control devices and signals where it may deem necessary to regulate traffic; determine and designate those intersections at which vehicles shall not make right or left or "U" turns; make rules governing pedestrian crossing of streets and street intersections;



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and make any other rules and regulation as it may deem necessary to regulate traffic and the use of or temporary closing of streets. Such ordinances, resolutions, rules, and regulations adopted from time to time by the Legislative Body shall be spread at large upon the minutes of the Legislative Body and published as required by law, and shall be open to public inspection at all times, and shall be the laws of the city governing such traffic regulations. Any person who violates any of the provisions thereof shall be subject to punishment as hereinafter provided.

### **Sec. 5-4.05 Placement of Official Traffic Control Devices:**

The Legislative Body shall by resolution cause official traffic control devices to be erected and maintained to indicate to the public traffic regulations on the streets in the city.

### **Sec. 5-4.07 Obedience to Signs and Signals Required:**

It shall be unlawful for the driver of any vehicle to disobey the signal of any official traffic control device placed in accordance with this Traffic Code or the laws of the state. All devices so established shall conform to state or other applicable standards for traffic devices.

### **Sec. 5-4.09 Unauthorized Devices:**

No person shall place, maintain or display any device other than official traffic control devices authorized by this Traffic Code, statute or other ordinance, upon or in view of any street if such device purports to be or is in imitation of an official traffic control device, or directs or purports to direct the movement of traffic. Any such unauthorized device is hereby declared to be a nuisance and may be removed by the Chief of Police or any police officer.

### **Sec. 5-4.11 Interference with Devices:**

No person shall, without authority, attempt to or in fact alter, deface, injure, knock down, remove, or conceal any official traffic control device or any inscription, shield, or insignia thereon or any part thereof.

### **Sec. 5-4.13 Defective Devices:**

No provision of this Traffic Code for which signs are required shall be enforceable against an alleged violator if, at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person; however, when any particular section of this Traffic Code does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

**Chapter 5: Vehicular Equipment and Operation**

**Sec. 5-5.01 Equipment of Vehicle Not To Be Nuisance or Menace:**

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

**Sec. 5-5.03 Unsafe Motor Vehicle Not to Be Operated:**

No person shall drive or move any motor vehicle on the streets within the city, unless the vehicle and the equipment thereof are in such safe mechanical condition as not to endanger the driver or other occupants or any person upon the highway.

**Sec. 5-5.05 Muffler Required:**

Every motor vehicle with an internal combustion, steam, or air motor shall be equipped with a suitable and efficient muffler, and no such vehicle shall be operated on any street of the city with the muffler cut out or removed. No cut out shall be so arranged or connected as to permit the operation or control thereof by the driver of any automobile while in a position for driving.

**Sec. 5-5.07 Front Lights:**

- (a) Every motor vehicle other than a motorcycle or motor driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle.
- (b) Every motorcycle and every motor driven cycle shall be equipped with at least one (1) and not more than two (2) headlamps.
- (c) The head lamps or the auxiliary driving lamps or the auxiliary passing lamps or combinations thereof on motor vehicles other than a motorcycle or motor driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations.
- (d) Lights, when required on a vehicle, shall be illuminated during the period from one-half hour before sunset to one-half hour after sunrise, and at such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period. Provisions as to distances that lights must be visible refer to visibility under ordinary atmospheric conditions.
- (e) Whenever a motor vehicle is being operated on the roadway or shoulder adjacent thereto within the city during the time specified in subsection (d) of this section, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.

**Sec. 5-5.09 Horns and Other Sound Devices:**

Every motor vehicle, when operated on a highway within the city, shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions. Every person operating a motor vehicle or bicycle shall sound the horn or sound device whenever necessary for a warning of the approach of such vehicle to pedestrians, or other vehicles, but shall not sound the horn or sound device unnecessarily.

**Sec. 5-5.11 Brakes:**

- (a) No person shall knowingly operate or permit to operate on a roadway within the city a motor vehicle upon which brakes are defective.
- (b) Every motor vehicle when operated upon a roadway within the city shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle.
- (c) No person shall operate any motor vehicle upon a roadway within the city unless it is equipped with a mechanical signal device which indicate an intention to stop or suddenly decrease speed by illuminating at least one (1) red light on the rear of the vehicle.

**Sec. 5-5.13 Reckless Driving:**

- (a) No vehicle shall be operated, propelled, or driven in the city so as to unreasonably disturb the peace and quiet of the residences thereof by making any unnecessary noise, or in a reckless manner, or at a speed, or in a manner so as to endanger or to be likely to endanger the life, limb, or property of another person.
- (b) Any person who drives any vehicle in such a manner is guilty of reckless driving.
- (c) Nothing contained herein or omitted from this Traffic Code shall be construed or held to relieve any person using, traveling on, or being upon any roadway within the city for any purpose whatsoever, from exercising all reasonable care to avoid or prevent injury to other persons or property.

**Sec. 5-5.15 Motor Vehicle Races on Roadway Prohibited:**

No person shall engage upon any street or roadway within the city in motor vehicle racing, drag racing, or any other form of competition involving motor vehicles.

**Sec. 5-5.17 Driving on Right-hand Side of Roadway:**

- (a) It shall be unlawful to operate any vehicle on the left-hand side of any roadway within the city except when overtaking vehicles as hereinafter provided in Sec. 5-5.10.
- (b) Upon meeting a vehicle moving in the opposite direction, the operator of any vehicle shall turn toward the right-hand side of the roadway so far as may be necessary to avoid collision with the said vehicle, each giving to the other one-half of the road as nearly as possible.
- (c) On any roadway within the city all vehicles shall be driven, ridden, pushed, or pulled as near to the right-hand curb as practicable under existing traffic conditions.

**Sec. 5-5.19 Passing:**

- (a) It shall be unlawful for the operator of a vehicle to pass another vehicle at any intersection of two or more streets within the city or for the operator of a vehicle to pass another vehicle on any curve or approaching the top of a hill until the operator of the vehicle has a clear vision of the roadway beyond.
- (b) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof as a safe distance, and shall not again drive to the right side of the highway until safely clear of such vehicle, which has been passed.
- (c) The driver of an overtaken vehicle shall give the right in favor of the overtaking vehicle on suitable and audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (d) In all cases of meeting, passing, or overtaking of vehicles, such assistance shall be given by the operator and occupants of each vehicle, respectively, to the other as the circumstances reasonable demand, in order to obtain clearance and avoid accidents.

**Sec. 5-5.21 Passing Stopped School or Church Bus Prohibited; Exceptions:**

- (a) Whenever any school bus or church bus used in the transportation of children stopped upon a highway for the purpose of receiving or discharging passengers, the operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the bus has completed receiving or discharging passengers and has been put into motion.
- (b) Sub-section (a) shall be applicable only in the event the bus bears on the front and rear a plainly visible sign containing the words "School Bus" or "Church Bus", whichever is appropriate, in letters not less than six inches in height, which can be covered when the vehicle is not in use as a school or church bus.

**Sec. 5-5.23 Escaping Contents:**

No vehicle shall be operated upon any highway within the city unless it is so constructed or covered as to prevent its contents from escaping and does so prevent its contents from escaping.

**Sec. 5-5.25 Obstructing Traffic:**

- (a) It shall be unlawful to operate any vehicle or permit same to remain standing in any street in such a manner as to create an obstruction thereof.
- (b) It shall be unlawful for the operator of any vehicle to enter any intersection or crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate said vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of any official traffic control devices which may be located at such intersection or crosswalk.

**Sec. 5-5.27 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.
- (b) It shall be unlawful for the operator of any vehicle to drive said vehicle out of any driveway or building or lot and across a sidewalk, or its extension across such driveway, unless such vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension and upon entering the roadway from such driveway or building or lot shall yield right of way to all vehicles approaching an said roadway. The operator of any vehicle intending to cross a sidewalk and turn into a driveway from the roadway may do so at low speed and with caution.

**Sec 5-5.29 Right of Way at Intersections:**

At any intersection where the right of way of vehicles is not otherwise indicated by official traffic control devices or signals, the operator of a vehicle shall yield the right of way at the intersection of their paths to a vehicle approaching from the right unless such vehicle approaching from the right is further from the point of intersection of their paths than the first named vehicle.

**Sec 5-5.31 Starting A Parked Vehicle:**

No person shall start a vehicle that is stopped or parked unless and until the movement can be made with reasonable safety.

**Sec. 5-5.33 Unattended Vehicles; Locking; Braking:**

It shall be unlawful for any person driving or in charge of a motor vehicle to permit it to stand unattended without first stopping the engine, setting the brake thereon, and removing the key, and when standing upon any perceptible grade without turning the front wheels to the curb.

**Sec. 5-5.35 Failure to Stop For Police:**

It shall be unlawful for the operator of any motor vehicle, knowingly or willfully, to fail to stop immediately, or as soon as practical, depending upon road conditions, when being pursued by a police vehicle which has red or blue lights and/or siren operating.

**Sec. 5-5.37 Operating of Motor Vehicle in Public Park Areas:**

No operator of a motor vehicle shall operate in any area designated as a Public Park area by Sec. 11-1.02 except to maintain the park or with permission of the Mayor or designee.

**Sec. 5-5.39 Obstruction to Operator's View or Control:**

- (a) No person shall operate a motor vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the operator to the front or sides of the vehicle or as to interfere with the operator's control over the vehicle.
- (b) No passenger in a motor vehicle shall ride in such a position as to interfere with the operator's view ahead or to the sides, or to interfere with his control over the vehicle.

**Sec. 5-5.41 Operating a Vehicle While Under the Influence of Intoxicants or Drugs Prohibited; Presumptions Concerning Intoxicants:**

- (a) No person under the influence of intoxicating beverages or any drug, which may impair one's ability, shall operate a device that is a vehicle anywhere in this city.
- (b) No person shall operate a motor vehicle anywhere in this city while under the influence of intoxicating beverages or any drugs, which may impair one's driving ability.
- (c) The Chief of Police and policemen shall enforce rigidly this section.
- (d) In any criminal prosecution for a violation of subsections (a) and (b) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating beverages, the amount of alcohol in the defendant's blood, as determined at the time of making a chemical analysis of

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blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

- (i) If there was 0.05 percent or less by weight in such blood, it shall be presumed that the defendant was not under the influence of intoxicating beverages;
  - (ii) If there was 0.08 percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating beverages.
- (e) The provisions of sub-section (d) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating beverages.
- (f) No person may be compelled to submit to any test specified in sub-section (d) of this section, but his refusal to submit to such test shall result in revocation of his license as provided in KRS 186.565(3).
- (g) Only a physician, registered nurse, or qualified medical technician, duly licensed in Kentucky, acting at the request of the arresting officer can withdraw any blood of any person submitting to a chemical test under this section or KRS 186.565.
- (h) The person tested shall be permitted to have a duly licensed physician of his own choosing administer a chemical test in addition to the one administered at the direction of the city Marshall or police officer.

### **Sec. 5-5.43 Renting Motor Vehicle to Drunk or Drug Addict Prohibited:**

No person shall let a motor vehicle to another to operate upon a highway within the city, knowing that the other person is in an intoxicated condition, or under the influence of drugs.

### **Sec. 5-5.45 Duty in Case of Accident:**

- (a) Any person who, while operating a vehicle on a street within the city, runs against or over, any other person, vehicle, or personal property, in possession of any other person in such a manner as to injure the other person or damage the property, shall immediately stop and ascertain the extent of the injury or damage and render such assistance as may be needed, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the name and addresses of the owner, the occupant, and the operator. The total names need not exceed five in number.

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- (b) The operator of a vehicle involved in an accident shall file with the city clerk a report of the accident or a copy of any report required by KRS 189.580 or 189.590 to be filed with the State Police. Such reports shall be confidential use of the city and subject to the conditions of KRS 189.610.

### **Sec. 5-5.47 Emergency Vehicles To Have Right of Way:**

Emergency vehicles in all cases while being operated as such shall have the right of way with due regard to the safety of the public, and no person shall refuse the right of way to any emergency vehicle or any of its officers, members, or employees in the performance of their duties.

## **Chapter 6: Parking**

### **Sec. 5-6.01 Stopping, Standing, or Parking Prohibited (No Signs Required):**

At any time it shall be unlawful for any person to permit any motor vehicle to stop, stand, or park in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a policeman or official traffic control device:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within in an intersection;
- (d) Within 15 feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within 30 feet of an intersection;
- (g) Within 30 feet of an official traffic control devise original on the approaching side;
- (h) At any place where the standing of a vehicle will impede or block the free passage and flow of traffic on a roadway;
- (i) In any area within the city designated as a Public Park area by Sec. 11-2.01 of this Code;
- (j) At any place where official signs prohibit parking, stopping, or standing.



**Sec. 5-6.03 All Night Parking Prohibited:**

No person shall park any vehicle on any street within the city or any parking area adjacent to such street other than a driveway for any period of time between the hours of 2:00 A.M. and 6:00 A.M. of any day, except with the permission of the Mayor or designated representative.

**Sec. 5-6.05 Front Yard Parking Prohibited:**

No person shall park any vehicle on any portion of the front yard of any private residential lot within the city except on the driveway of such residential lot.

**Sec. 5-6.07 Exterior Parking of Vehicles and Non-operating Vehicles:**

- (a) No person shall permit any commercial vehicle to remain or be parked on any property within the city unless such vehicle is in an enclosed building or so located upon the property as not to be readily visible from any street or adjoining property except that this section shall not apply to any truck or other motor vehicle used for commercial or business purposes parked upon such property or street adjacent to such property at the time when the owner or driver of such vehicle is furnishing goods or services to the owner or occupant of such property.
- (b) No person shall permit any truck not described as a commercial vehicle in this ordinance or any recreational vehicle to remain or be parked on any property within the city unless such vehicle is in an enclosed building or located to the rear of the dwelling on such property and not readily visible from the street except that this section shall not apply to any recreational vehicle remaining or parked on such property for a period not to exceed 24 hours in any six day period for the purpose of loading or unloading such vehicle or otherwise preparing the same for immediate recreational use.
- (c) A motor vehicle of any type that is inoperable or that can not be legally operated upon the streets or roadways of the city or Jefferson County shall not remain or be parked longer than thirty days on any property within the city unless such vehicle is in an enclosed building.
  - (i) “Commercial Vehicle” means any truck with the manufacturer’s rating of one (1) ton or over or any truck or trailer of any size used primarily for business, any other vehicle containing readily visible tools, business equipment, or supplies.
  - (ii) “Recreational Vehicle” means camper, house car, motor home, trailer, van, boat, or other vehicle primarily used for recreational purposes.

**Sec. 5-6.09 Parking at Specific Locations Prohibited:**

No person shall, at any time, park any vehicle or permit any vehicle to stand longer than is necessary to receive or discharge passengers:

- (a) On either side of Audubon Parkway for a distance of 350 feet east of the east curb-line of Preston Highway.
- (b) On either side of Oriole Drive and Chickadee Road for a distance of 475 feet south of the south edge of the paved portion of Hess Lane.
- (c) On the south side of Cardinal Drive from Robin Road to Cross Bill Road.
- (d) On the west side of Robin Road for a distance of 300 feet south of the south edge of Audubon Parkway.
- (e) On the east side of Robin Road for a distance of 300 feet south of Cardinal Drive.

**Sec. 5-6.011 Parking Signs Required:**

Except as provided in sub-sections (a) through (j) of Section 5-6.01, whenever parking is prohibited on designated streets or areas in the city, the Legislative Body shall cause the erection of appropriate signs giving notice thereof.

**Sec. 5-6.13 Parking on Paved Portion of Roadway:**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle on the paved portion of the roadway and within six inches of the curb or edge thereof, and it shall be unlawful for such vehicle to be parked with any wheel thereof on the grass or unpaved surface intermediately adjacent to the paved portion of such roadway.

**Chapter 7: Bicycles and Motorcycles**

**Sec. 5-7.01 Traffic Laws Apply:**

Every person riding a bicycle or motorcycle upon a roadway within the city shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state or the Traffic Code of this city, except as to special regulations in this chapter and except as to those provisions of laws and this title which by their nature can have no application.

**Sec. 5-7.03 Riding Bicycles and Motorcycles:**

A person propelling a bicycle or riding a motorcycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designated or equipped. Every person operating a bicycle or motorcycle upon a roadway shall ride as near to the right side of the roadway as practicable, or exercising due care when passing a standing vehicle or one proceeding in the same direction. Bicycles shall never be ridden more than two abreast and when riding in traffic where motor vehicles are attempting to pass shall ride in single file. Bicycles should not be ridden in a park where an event is in progress.

**Sec. 5-7.05 Speed:**

No person shall operate a bicycle or motorcycle at a speed than is reasonable and prudent under the conditions then existing.

**Sec. 5-7.07 Carrying Articles:**

No person operating a bicycle or motorcycle shall carry any package, bundle, or article, which prevents the rider from keeping at least one hand upon the handlebars.

**Sec. 5-7.09 Parking:**

No person shall park a bicycle or motorcycle upon any street or sidewalk within the city.

**Sec. 5-7.11 Riding Bicycles on Sidewalks:**

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

**Sec. 5-7.13 Bicycles Emerging From Driveways:**

The operator of a bicycle emerging from a driveway or building shall upon approaching a sidewalk area, yield the right-of-way to all pedestrians approaching on said sidewalk and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway and all pedestrians using said roadway in the absence of a sidewalk.

**Sec. 5-7.15 Brakes and Reflectors:**

Every bicycle shall be equipped with front and rear reflectors and with a good and adequate brake, which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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**Sec. 5-7.17 Motorcycles:**

- (a) No operator of a motorcycle shall carry another person except on a seat or in a sidecar attached thereto.
- (b) All motorcycles shall be operated solely on the paved portion of the roadways within the city and no person shall operate a motorcycle on a sidewalk within the city or in any Public Park area designated as such by Sec. 11-2.01 of this Code.

**Chapter 99: Penalty**

**Sec. 5-99.01 Violation of Traffic Code; Penalty:**

- (a) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by the Traffic Code. Whoever violates any provision of this Traffic Code where no other penalty is specifically provided shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) plus court costs as may be imposed.
- (b) Whoever violates any provision of Chapter 4 of this Traffic Code restricting speeding shall be fined as follows:
  - (i) For exceeding the legal speed limit by from one (1) to fifteen (15) miles per hour not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) plus court costs as may be imposed.
  - (ii) For exceeding the legal speed limit by fifteen miles per hour to twenty-five (25) miles per hour not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) plus court costs as may be imposed.
  - (iii) For exceeding the legal speed limit by twenty-six (26) miles per hour or more must appear in court with a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) plus court costs as may be imposed.
- (c) Whoever violates Sections 5-4.07, 5-5.21, or 5-5.47 of this Traffic Code shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) plus court costs as may be imposed.

CODE OF ORDINANCES

**Title VII: General Regulations Code**

**Chapter 1: Definitions**

**Chapter 2: Nuisances**

**Chapter 3: Animals**

**Chapter 4: Firearms**

**Chapter 5: Trespassing**

**Chapter 6: Lot Subdivision**

**Chapter 7: Floodlights**

**Chapter 99: Penalty**

*This page is not part of the Code of Ordinances but is inserted for convenience of reference.*

**Chapter 1: Definitions**

**Sec 7-1.01 Definitions:**

The following words or phrases when used in this Title VII shall, for the purpose of such Title, have the meaning respectively ascribed to them in this section.

**Sec. 7-01.03 Short Title:**

This Title VII may be known and cited as the General Regulation Code.

**Chapter 2: Nuisances**

**Sec. 7-2.01 Nuisances Declared Unlawful:**

The following conditions are hereby declared to be public nuisances and are unlawful and prohibited:

- (a) Dwellings unfit for human habitation. Erection, use, or maintenance of a dwelling within the City which is unfit for human habitation. A dwelling is “unfit for human habitation” when it is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation or construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.
- (b) Dangerous buildings adjoining streets. Causing or suffering any building, house, or structure to become so out of repair and dilapidated that, if the condition is permitted to be and remain, is shall endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property using or being upon the streets or public ways of the City adjacent thereto, by the falling thereof or parts thereof.
- (c) Dangerous trees, stacks, etc. adjoining street. Causing or suffering any tree, stack, or other object to remain standing upon any premises within the city in such condition that it shall, if the condition is suffered to continue, endanger the life, limb, or property or cause hurt, damage, or injury to persons or property upon the streets or public ways of the City adjacent thereto, by the falling thereof or of parts thereof.
- (d) Dilapidated buildings. Causing or suffering any building, house, or structure to become so out of repair and dilapidated that it constitutes a fire hazard liable to catch fire or communicate fire because of its condition and lack of repair, or that due to lack of adequate maintenance or neglect it endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property or causes or tends to cause diminution in value of other property in the neighborhood in which such building or structure is located.

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- (e) Accumulation of rubbish. Causing or suffering such an accumulation on any premises of dirt, filth, plant matter, refuse, trash, garbage, or other waste material that it makes such premises unsightly or unhealthy or cause a stench or odor noxious and offensive to those in the neighborhood or endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of it catching or communicating fire, its attracting and propagating vermin, rodents, or insects, or its blowing into any street, sidewalk, or property of another.
- (f) Noxious odors or smoke. Emitting from premises within the City into the surrounding atmosphere such odors, dust, smoke, or other matter as to render the ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.
- (g) Open wells. Causing or suffering the maintenance of any open or uncovered. Or insecurely covered, cistern, cellar, well, pit, excavation, vault, or septic tank situated upon private premises in any open or unfenced lot or place.
- (h) Scrap metal. Storage of scrap metal, including pieces of or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful for its originally intended purpose, within the city.
- (i) Animal pens. Erection, use, or maintenance of any building, structure, or place for the keeping, feeding, sheltering, or confining of any fowl or animal, which occasions noxious odors, offensive smells, or raucous noises injurious to the health, comfort, or repose of any person in the vicinity.
- (j) Loud Noise. Operating or permitting the operation of any music, phonographs, radios, televisions, and all other noise-producing agencies, whether human or mechanical, which by reason of volume and continuance thereof shall disturb the comfort or repose of any person in the vicinity.
- (k) Noisy animals. Maintaining, keeping, allowing or permitting to be maintained, kept, or allowed, any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- (l) Dangerous Animals. Maintaining, keeping, allowing or permitting to be maintained or kept any animal or bird which on more than one occasion has inflicted physical injury to persons with whom it has come into contact under conditions which would not have put a reasonable person; human in fear of physical danger or damage to or theft of his property in an area accessible to children.

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- (m) Junked autos or parts. Maintaining, keeping, allowing or permitting to be maintained, kept, or allowed, any junk, abandoned, or inoperative motor vehicles, or parts thereof, upon any private or public property within the city.
- (n) Weeds. Maintaining, keeping, allowing or permitting any thistle, burdock, Jimson weed, rag weed, milkweeds, poison ivy, iron weeds, grass in excess of six (6) inches, and all other noxious weeds and rank
- (o) Abandoned refrigerator. Keeping, placing, or storing or permitting to be kept, placed, or stored, outside of any building or dwelling on any property owned or occupied by any person within the city; or keeping, placing, or storing in any other place accessible to children, any abandoned, unattended, or discarded icebox, ice chest, or refrigerator which cannot be opened at all times from the inside.
- (p) Mosquito breeding. Accumulating of water in which mosquito larvae may breed or which may otherwise be dangerous to health.
- (q) Garbage covers. The deposit of garbage in any but fly proof, watertight receptacles, to deposit of garbage and trash on road easements prior to the day before waste collection.
- (r) Burning of leaves. The burning of leaves is prohibited at all times.

### **Sec. 7-2.03 Common Law and Statutory Nuisances:**

In addition to what is declared in this chapter to be public nuisances, those offenses which are known to the common law and statutes of Kentucky as public nuisances may, in case any thereof exist within the city, be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provisions of law.

### **Sec. 7-2.05 Test For Nuisance:**

Whether or not a particular annoyance, of the character listed in Sec. 7-2.01 of this Code, constitutes a nuisance shall depend on its effects upon persons of ordinary health and average sensibilities and not its effect upon persons who are delicate or supersensitive, or whose habits, tastes, or conditions are such that they never are sensible of any annoyance.

### **Sec. 7-2.07 Nuisance Created by Others:**

For the purpose of this chapter, it shall not be essential that the nuisance be created or contributed to by the owners, or tenants, or their agents, or representatives, but merely that the nuisance be enacted or contributed to by licensees, invites, 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, the owner or operator, ought to have become aware of.



**Sec. 7-2.09 Abatement Procedure:**

Whenever it is determined by the Mayor or designee that a nuisance exists, either upon complaint of any citizen or upon its own initiative, it may proceed to cause the abatement of such nuisance in any one of the following ways:

- (a) The Mayor or designee may cause the person causing such nuisance or the owner or occupant of the premises where such nuisance exists to be cited for violation of the pertinent provision of this chapter or other ordinance, and the matter shall be determined in the District Court under the criminal procedure provided by law.
- (b) If the nuisance involves a matter of health and sanitation, with respect to which the County board of health has jurisdiction, the nuisance may be referred to the local health officer for proceedings as provided by statute or pertinent health regulation.
- (c) If the nuisance is one of which is prohibited by statute, the person causing such nuisance or the owner or occupant of the premises where the nuisance exists, may proceed against as provided by statute.
- (d) The Mayor or designee may order the person causing the nuisance or permitting the same to continue or the owner or occupant of the premises where such nuisance exists to abate such nuisance within a reasonable time. In determining such reasonable time, the Mayor or designee shall take into consideration the degree of threat to the public health, safety and welfare and the means required to abate such nuisance. The notice of abatement shall be served in writing personally or at the usual place of residence of the person cited or by certified mail. If the nuisance is not abated within the time specified in the notice, the person specified in the notice shall be given another notice in the manner provided above to appear before the Legislative Body at a time not less than seven (7) days from the service of said notice to show cause why such nuisance should not be abated. The hearing before the Legislative Body shall be opened to the public, and the person served with notice may be represented by counsel. If the Legislative Body determines that a nuisance exists it may order it to be abated either immediately or within such time as it may determine, and to that end it may cause it to be abated by the City with the expense thereof being charged against the owner. The Legislative Body may also order the city police to cite such person for violation of the pertinent provision of the Code of Ordinances involved, and the matter shall thereafter be determined in District Court under the criminal procedures levied by law.
- (e) The Legislative Body may order the city attorney to bring suit to enjoin continuance of the nuisance.

**Chapter 3: Animals**

**Sec. 7-3.01 Animals Within The City:**

No chickens, ducks, geese, pigeons or other fowl and no swine, cattle, goats, horses, ponies, or other like animal or animals shall be kept or maintained within the city. No person, partnership, or corporation may maintain an establishment where animals of any species are kept for the purpose of breeding, buying, showing, or boarding of such animals or engaged in the training of dogs for guard or sentry purposes. Harboring of animals exceeding four (4) at any one time shall be deemed to be a business venture. An enclosure or pen for the housing of pets shall be so constructed so that the animals cannot stray therefrom and it must be maintained so that no offensive odor, loud or raucous noises are emitted so as to disturb the repose, comfort, or be injurious to the property of any individual or to the public.

**Sec. 7-3.03 Animals At Large:**

It shall be unlawful for any owner or person in charge of an animal to permit or allow such animal to run at large in the city.

**Sec. 7-3.05 Leash or Bell Required:**

It shall be unlawful for any owner or person in charge of any dog or cat to permit such dog or cat to be on the streets of the city unless said dog or cat is on a leash or otherwise under the absolute physical control of the owner or his agent.

**Sec. 7-3.07 Vaccination of Animals:**

It shall be unlawful to keep within the city any animal subject to the provisions of KRS 258.015 and 258.135 unless such animal has been vaccinated and/or licensed, as required by such provisions.

**Sec. 7-3.09 Biting Animals:**

It shall be unlawful for any animal to bite any human being but should such event occur, the offending animal shall be confined for observation for a period required by KRS 258.085, or for a period of fourteen (14) days.

**Sec. 7-3.11 Poisoning of Animals:**

It shall be unlawful for any person to place any poison of any description in any place, or on his own premises or elsewhere, where it may be easily found and eaten by animals.

**Sec. 7-3.13 Theft and Destruction of Animals:**

All licensed animals are hereby declared to be the personal property of the registered owner thereof, and subjects of larceny. It shall be unlawful (except as provided by KRS 258.235) for any person, except a peace officer, to destroy any animal in their exercise of his lawful duties under applicable law.

**Sec. 7-3.15 Cruelty to Animals:**

No person shall beat or otherwise injure or misuse a horse, squirrels, dog, cat, rabbit, or other animal in an immoderate, cruel, or unnecessary degree, and no person shall leave or cause to be left, any wounded, maimed, eased, or worn-out animal on any street, alley, lot, or public way within the city, to die a lingering death.

**Chapter 4: Firearms and Weapons**

**Sec. 7-4.01 General:**

It shall be unlawful for any person other than a duly authorized peace officer to use or discharge any weapon or firearm within the city except in defense of person or property, including any weapons from which a projectile, metal shot, or metal pellet is or may be propelled or discharged under pressure, commonly known as air rifles, air pistols, or BB guns.

**Sec. 7-4.03 Minors:**

It shall be unlawful for any parent or guardian of any person under the age of eighteen (19) to allow said minor to use, discharge, or carry any weapon as described in Section 7-4.01 of this Code within the city.

**Sec. 7-4.04 Weapons:**

It shall be unlawful for any person to use or operate a bow and arrow within the city.

**Chapter 5: Trespassing:**

**Sec. 7-5.01 Adults:**

It shall be unlawful for any person over the age of eighteen (18) years of age to enter upon any privately owned real estate lot and parcel of ground within the city without the consent of the owner thereof or his agent or lessee.

**Sec. 7-5.03 Minors:**

It shall be unlawful for the parent or guardian of any person under the age of eighteen (18) years of age to permit said minor to enter upon any privately owned real estate, lot or parcel of ground within the corporate boundaries of the city without the consent of the owner thereof or his agent or lessee.

**Sec. 7-5.05 Financial Responsibility:**

Any person over the age of eighteen (18) years entering onto any privately owned real estate, lot, or parcel of ground within the city without the consent of the owner thereof or his agent or lessee shall be liable for any damages caused to said real estate, lot, parcel of ground, or any improvements thereon by reason of such trespass and the parent or guardian of any person under the age of eighteen (18) who enters upon any privately owned real estate, lot, or parcel of ground within the city without such consent shall be liable for any damages caused.

**Chapter 6: Lot Subdivision**

**Sec. 7-6.01 General:**

No lots or areas platted within the city and recorded in the Office of the Clerk of the Jefferson County Court as of the date this Code becomes effective shall be subdivided, altered, or changed without the prior written approval of the Mayor or designee.

**Chapter 7: Floodlights**

**Sec. 7-7.01 Permit Required:**

It shall be unlawful for any person to install or permit any permanent flood or similar light to be installed or maintained on any lot within the city without first making application and obtaining a permit therefor from the Mayor or designee.

**Sec. 7-7.03 Light Application:**

Any application for a permit, signed by the person desiring to install a permanent flood or similar light shall be filed with the Mayor or designee, together with such information as may be required by the Mayor or designee including:

- (a) A plat showing the location of the proposed light;
- (b) The type, name, and manufacturer and candle power of the proposed light;
- (c) What provisions are to be made for “shielding” such light from adjoining premises

**Sec. 7-7.05 Light Permit:**

- (a) Approval – If the Mayor or designee are satisfied that the proposed light will not adversely effect the safety, health, convenience, comfort, and general welfare of the city and the premises adjoining the lot on which such light is to be located, it shall issue a permit for such light, which permit shall specify what “shielding” of such light, if any, shall be supplied by the applicant.
- (b) Disapproval – If the application is incomplete or the Mayor or designee determines that the proposed light would adversely affect the safety, health, convenience, comfort, and general welfare of the city, when requested by the applicant, such refusal shall be in writing and shall contain the reasons thereof.

**Chapter 99: Penalty**

**Sec. 7-99.01 Violation of this Title; Penalty**

- (a) It shall be unlawful to cause or permit the continuance of any public nuisance included within the provisions of Chapter 2 of this title, and whoever causes or permits the continuance thereof shall, upon conviction, be fined not less than \$25.00 nor more than \$100.00 plus court costs as may be imposed. Each day of continued violation shall constitute a separate offense.
- (b) Any person violating any of the provisions of Chapter 3 of this title shall be fined not less than \$5.00 nor more than \$100.00 for each offense, plus court cost as may be imposed. Each day of continued violation shall constitute a separate offense.
- (c) Any person violating any provision of Chapter 4 of this title shall be fined not less than \$5.00 nor more than \$100.00 for each offense plus court costs as may be imposed. Each day of continued violation shall constitute a separate offense.
- (d) Any person violating any provision of Chapter 5 of this title shall be fined not less than \$10.00 nor more than \$100.00 for each offense plus court costs as may be imposed. Each day of continued violation shall constitute a separate offense.
- (e) Any person violating any provision of Chapter 6 of this title shall be fined not less than \$10.00 nor more than \$100.00 for each offense plus court costs as may be imposed. Each day of continued violation shall constitute a separate offense.
- (f) Any person violating any provision of Chapter 7 of this title shall be fined not less than \$20.00 nor more than \$100.00 for each offense plus court costs as may be imposed. Each day of continued violation shall constitute a separate offense.

CODE OF ORDINANCES

**TITLE IX: BUSINESS REGULATION CODE**

- Chapter 1: Definitions**
- Chapter 2: Conduct of Business**
- Chapter 3: Solicitors and Peddlers**
- Chapter 4: Yard Sales**
- Chapter 5: Signs**
- Chapter 99: Penalty**

*This Preface is not a part of the Code of Ordinances but is inserted for convenience of reference.*

## CODE OF ORDINANCES

### Chapter 1: Definitions

#### Sec. 9-1.01 Definitions:

The following words and phrases when used in this Title IX shall, for the purpose of such Title, have the meanings respectively ascribed to them in this section:

- (a) "Apartment House" means a multi-family dwelling.
- (b) "Apartment Unit" means a part of an apartment house consisting of a room or suite of rooms, intended, designated, or used as residence by an individual or single family.
- (c) "Business" means and includes all trades, occupations, or professions, whether or not engaged in, carried on, pursued, or conducted in for profit.
- (d) "Day Nursery" means any place or institution, which provides care for children, away from their own home.
- (e) "Franchise" means a privilege or right granted by contract provided services.
- (f) "Home Occupation" means an occupation carried on by a resident of a dwelling as a secondary use within the same dwelling, in connection with which there is no person employed other than a member of the family residing on the premises, and no mechanical equipment is used except such as is permissible for purely domestic purposes.
- (g) "Nursery School and/or Kindergarten" means any place where children between the ages of two and five years come together for not less than two hours a day and no more than six hours, and wherein supervised education is offered.
- (h) "Peddle" means to sell and make immediate delivery, or offer for sale and immediate delivery at any place within the city, of any goods, wares, or merchandise in possession of the sell or for the immediate services to be performed.
- (i) "Peddler" means any person who peddles.
- (j) "Solicit" means to sell or take orders or offer to sell or take orders at any place within the city, for goods, wares, or merchandise for future delivery, or for future services to be performed.
- (k) "Solicitor" means any person who solicits.
- (l) "Sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or

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land, and which directs attention to a product, place, activity, person, institution, or business.

- (m) “Sign, Advertising” means a sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, offered upon the premises where such sign is located.
- (n) “Sign, Business” means a sign which directs the attention to a business, profession, service, product, activity, or entertainment, sold or offered upon the premises where such sign is located.
- (o) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway whether or not moved by human or mechanical power.
- (p) “Vending Vehicle” means any vehicle designed or used for the purpose of peddling or soliciting any product from such vehicle.
- (q) “Yard Sale” means an occasional sale of household goods, owned and conducted by a resident of the city from his residential dwelling.

### **Sec. 9-1.03 Short Title:**

This Title IX may be known and cited as the Business Regulation Code.

## **Chapter 2: Conduct of Businesses**

### **Sec. 9-2.01 Conduct of Business Prohibited:**

It shall be unlawful for any person to engage in or conduct any business within the city except:

- (a) A home occupation;
- (b) A day nursery or nursery school and/or kindergarten in accordance with the requirements of Sec. 92.05 of this chapter;
- (c) The lease of apartment units in an apartment house existing on the date this code becomes effective; or
- (d) Commercial and business establishments within the city existing on the date this code becomes effective located on and facing the East Side of Preston Highway.



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**Sec. 9-2.02 License of Business:**

- (a) All persons doing business within the city as described in section 9-2.01 shall obtain a yearly business license.
- (b) Such license shall be due and payable only, July 1<sup>st</sup> of each and every year and shall cost \$100.00
- (c) New businesses shall pay a prorated part of the license fee for that fraction of a year from the beginning of the business until the following July 1<sup>st</sup>;
- (d) Any person, firm, or corporation who fails to renew the license upon expiration of a former license shall pay a penalty of twenty (20%) percent in addition to the regular license, and;
- (e) Failure or refusal to procure said license shall, upon conviction, carry a fine of not less than \$25.00 or more than \$50.00 plus the cost of prosecution.

**Sec. 9-2.03 Billboards:**

- (a) Each person, company, or corporation shall pay license of \$400.00 per year for the privilege of engaging in the business of billboard advertising within the property, zoned corporate limits of the City of Audubon Park,;
- (b) Such license fee shall be due and payable duly each and every year;
- (c) Billboards shall be any sign larger than twelve square feet;
- (d) Any person, company, or corporation who fails to renew a license within ten days following expiration shall pay a penalty of 20% in addition to the license fee;
- (e) Any person, company, or corporation who fails or refuses to procure said license after ten days following due date shall, in addition to the license fee and penalty, pay a fine of not less than \$25.00 per day for each day of operating without a license.

**Sec. 9-2.04 Quiet, Peaceful, Lawful, Operation:**

It shall be the duty and obligation of all persons conducting any business permitted by Sec. 9-2.01 to conduct and operate such business in as quiet a manner as the regular operation of such business will permit and to maintain peace and decorum at all times. It shall be unlawful for any such person to permit any loud, boisterous, or obscene conversation, any noise or nuisance, and lewd, indecent or immoral acts, any disorderly conduct, or any unlawful act in or upon the premises under the control and jurisdiction of such person.

**Sec. 9-2.05 Operation of Day Nurseries:**

- (a) The operation of any nursery, nursery school and/or kindergarten permitted by Sec. 9-2.01 (b) shall be conducted in accordance with rules, regulations, and standards governing such facilities issued from time to time by applicable governmental authorities, in accordance with the provisions of Sec. 9-7.03 and in such manner as not to adversely affect the safety, health, convenience, comfort, and general welfare of the city and the area surrounding the location of such facility.
- (b) The building in, and the lot on, which such nursery, nursery school and/or kindergarten is located shall be preserved in exterior appearance and character as a residential dwelling and the person operating such facility shall make no exterior additions to or alterations of such building or lot having the effect of changing such appearance or character or maintain a business sign on the building or lot.

**Sec. 9-2.07 Signs:**

Nothing in this chapter shall exempt any business permitted by Sec. 9-01 from compliance with the provisions of Chapter 5 of this Title.

**Sec. 9-2.08 Franchises:**

- (a) All bidders for a franchise to operate within the City of Audubon Park shall bid a minimum of \$100.00 per year for each year of the franchise.
- (b) The successful bidder shall pay all costs or fees associated with the granting of a franchise to operate within the City of Audubon Park.

**Chapter 3: Peddlers**

**Sec. 9-3.01 Illegal Solicitation or Peddling:**

Except as provided in Sec. 9-3.03, it shall be unlawful for any peddler or solicitor or for any person to peddle or solicit by going in and upon property within the city or ringing a doorbell or knocking on a door of a private residence, including apartments, within the city, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or peddling, hawking the same, unless such peddler or solicitor has been requested or invited to do so by the owner or occupant of such residence or apartment.

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**Sec. 9-3.03 Exemptions to Sec. 9-3.01**

The provisions of Sec. 9-3.01 shall not apply to:

- (a) Any natural person soliciting or peddling for, or selling tickets for, any approved religious, charitable, school, educational, veterans, or character building organizations; or
- (b) Fraternal organizations having established local chapters.
- (c) All such persons referred to in Sec. 9-3.02 sub-section (a) and (b) shall register with the Audubon Park City Clerk or the Audubon Park Police Department and obtain a permit, at no cost, before proceeding with such solicitation.

**Penalty Chapter 99: Sec. 15-99.01 Applied to Chapter 3**

**Chapter 4: Sales**

**Sec. 9-4.01 Permit Required:**

It shall be unlawful for any person to conduct a sale within the city without first making application and obtaining a permit therefor from the Mayor or designee. Only one permit will be issued per year for each residence.

**Sec. 9-4.03 Sales Application:**

An application for a permit, signed by the person desiring to conduct a sale, shall be filed with the City, and such information as may be required by the Mayor or designee including:

- (a) The date or dates of the proposed sale;
- (b) The location of the proposed sale;
- (c) What provisions are to be made for parking and access to the proposed sale;
- (d) A description of the household goods to be offered for sale and that such goods are owned by the applicant and were ordinarily used by him at his residence.
- (e) The date of the last previous sale, if any, conducted by the applicant and the location of such sale;
- (f) Goods offered for sale shall be displayed other than front yard and permit for sale shall be attached to "Sale" sign front yard.

**Sec. 9-4.05 Sale Permit:**

- (a) Approval: If the Legislative Body or Mayor/designee are satisfied that the proposed sale will not adversely affect the safety, health, convenience, comfort, and general welfare of the city and area surrounding the location of the proposed sale and that the proposed sale is an occasional sale and not in pursuit of a course of conduct evidencing a trade or business profit, it shall issue a permit for such sale; which permit shall specify the location and the date or dates of the permitted sale which shall not be more than two consecutive days and such other conditions which the Mayor or designee deem necessary and proper to protect the public safety, health, convenience, comfort, and general welfare of the city and the area surrounding the location of the proposed sale.
- (b) Disapproval: If the application is incomplete or the Mayor or designee determines that the proposed sale would adversely affect the safety, health, convenience, comfort, and general welfare of the city and the area surrounding the proposed sale or that such sale is not an occasional sale or in pursuit of a course of conduct evidencing a trade or business for profit, no permit shall be issued and the applicant so notified. When requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor.

**Sec. 9-4.07 Sale Sign:**

It shall be unlawful for any person to erect a sign advertising a sale within the city except at the location of a sale for which a permit therefor has been issued by the Mayor or designee as provided in this chapter.

**Sec. 9-4.08 Auctions: Permit and Regulations:**

- (a) It shall be unlawful for any person to conduct an auction of any real personal property within the City of Audubon Park without first making application at least seven days in advance and obtaining a permit therefor from the City of Audubon Park.
- (b) There shall be a fee of \$100.00 per day for such permit, and the auctioneer shall announce the parking ordinances of Audubon Park and a sign shall be posted at the side stating that parking is not permitted on the grass of any right-of-way of any street or within any park of the City of Audubon Park.
- (c) A fire lane must be kept open at all times.

Violations of any provision of this ordinance (Sec. 9-4.07) shall be fined not less than \$300.00 for each offense plus any Court costs as may be imposed.

**Chapter 5: Signs**

**Sec. 9-5.01 Advertising and Business Signs Prohibited:**

It shall be unlawful for any person to erect or display any advertising or business sign within the city except:

- (a) Temporary “for sale” or “for rent” signs, not to exceed four square feet in area, erected on the lot of and is connected with the sale or lease of real property within the city, provided such sign does not relate to the lease as an individual apartment unit.
- (b) “Yard Sale” signs erected on the lot where, and in connection with, a yard sale permitted by the provisions of this Title.
- (c) Business signs erected and attached to the commercial premises within the city located and facing the East Side of Preston Street so long as such signs conform with the applicable rules and regulations of the Louisville and Jefferson County Planning Commission in effect from time to time.

**Chapter 99: Penalty**

**Sec. 9-99-01 Violation of This Title; Penalty:**

Any person violating any of the provisions of this Title shall be fined not less than \$20.00 nor more than \$100.00 for each offense plus court costs as may be imposed. Each day continued violation shall constitute a separate offense.

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**TITLE XI: Public Way, Area, and Service Code**

**Chapter 1: Definitions**

**Chapter 2: Public Park Areas**

**Chapter 3: Obstructions of Streets and Sidewalks and Public Ways**

**Chapter 4: Excavations**

**Chapter 5: Maintenance of Trees, Public Ways, and Areas Adjacent Thereto**

**Chapter 6: Sidewalks**

**Chapter 7: Waste Collection and Disposal**

**Chapter 8: Utility Equipment**

**Chapter 9: Parades**

**Chapter 99: Penalty**

*This Preface is not a part of the Code of Ordinances but is inserted for convenience of reference.*

**Chapter 1: Definitions**

**Sec. 11-1.01 Definitions:**

The following words and phrases in this Title XI shall, for the purpose of such Title, have the meanings respectively ascribed to them in this section:

- (a) "Garbage" means food waste, ashes, rubbish, refuse, trash, water material, cans, bottles, rags, waste paper products, crockery, and other ordinary household or commercial refuse.
- (b) "Garden and other trash" means all leaves, hedges, and tree trimmings and limbs, garden weeds, grass cuttings, garden debris, brush, and all other useless or unwanted material of whatsoever nature not defined as garbage in subsection (a) above, except materials that accumulate as a result of a major building remodeling or alterations or trees or tree stumps, tree roots wads, stone, earth, or industrial waste.
- (c) "Public Park area" shall mean the areas so designated in Section 11-2.01 of this Code.
- (d) "Public ways" shall mean the entire width between the boundary lines of every street or highway within the city when any part thereof is open to the use of the public for purposes of vehicular traffic and shall include the unpaved portions of such public way between the paved roadway in such public way and the boundary lines of the private property abutting such public way.

**Sec. 11-1.03 Short Title:**

This Title XI may be known and cited as the Public Ways, Area, and Service Code.

**Chapter 2: Public Park Areas**

**Sec. 11-2.01 Designation of Public Park Areas:**

The following areas within the city are set aside and designated as public park areas and declared to be public ways of the City:

- (a) Robin Park: The plot situated at the extreme southern end of Robin Road and running 313.85 feet northward on the east side of Robin Road; thence eastward 181.20 feet to Wren Road; thence 362.42 feet on a triangle line to the starting point at the extreme end of Robin Road.
- (b) Henderson Park: The plot starting at a point at Dove Lawn and Linnet Road running eastward on the north line of Dove Lawn, 432 feet to Wren Road;

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thence southward 140 feet to Dove Lawn; thence westward 432 feet to Linnet Road; thence 140 feet to the starting point of Dove Lawn.

- (c) Oriole Park: The plot starting at the northeast corner of Oriole Court and Thrush Road, running eastward 360 feet to Oriole Drive; thence southward 140 feet to Dove Lawn; thence westward 360 feet to Thrush Road; thence 140 feet to Oriole Court, the point of beginning.
- (d) Cross Bill Park: The triangular plot, beginning at the point of Audubon Parkway and Cross Bill Road, running along Audubon Parkway 242.6 feet eastwardly, then 170 feet southward to Cross Bill Road; thence 295.9 feet westerly to the point of beginning at Cross Bill Road and Audubon Parkway.
- (e) Curlew Park: The irregular formed plot beginning at the northwest point of Curlew Road and Cross Bill Road; thence running 709.8 feet along Curlew Road to a point 150 feet from Eagle Pass Road; thence on a semicircle along Nightingale to a point of beginning on Cross Bill Road.

### **Sec. 11-2.03 Damage to Public Park Areas:**

It shall be unlawful for any person to damage the grass in any designated public park area within the city, or to destroy, break, injure any of the trees or shrubbery in such parks or to injure any fountain, statuary or terrace in any such park or other public property therein, or to throw any rocks, sticks, or other trash therein.

### **Sec. 11-2.05 Use of Public Park Areas:**

It shall be unlawful for any person to make political or other speeches or preach or promote or engage in any activity in any designated public park area within the City in such a manner as to or for the purpose to assemble persons or crowds upon such park except with the permission of the Mayor or designee and upon such conditions and at such times as may be designated by it.

## **Chapter 3: Obstructions of Streets and Sidewalks and Public Ways**

### **Sec. 11-3.01 Structural Obstructions:**

It shall be unlawful for any person to erect, keep, or maintain upon or over any sidewalk, street, or public way within the city, or upon or over any part of such sidewalk, street, or public way, any house, fence, wall, building, or structure of any kind, or any post, rail, trees, plantings, or other things that may in any way obstruct, either totally or partially, such street, sidewalk, or that in any way prevent or impede the full and free use by the public of such entire sidewalk, street, or public way.



**Sec. 11-3.03 Sight Obstructions:**

- (a) Whenever there exists trees, or overhanging branches of same, hedges, shrubs, weeds, or other obstructions of any kind on the sidewalks or public ways of the city or on private property adjacent thereto, which obstruct the vision of any operator of vehicles over said public ways, or obstruct any traffic sign, so as to create a hazard to the safe operation of such vehicles, the Mayor or designee may order the removal of such obstructions by giving the owner of such property written notice to remove said obstructions within ten (10) days from receipt thereof, and if said notice is not complied with within the said time then the Mayor or designee may have such obstructions removed at the expense of such property owner.
- (b) The notice herein provided shall state the nature of such obstructions and what part thereof shall be removed, and such notice may be delivered or mailed to the owner of such property or his agent.
- (c) Upon failure of any person to comply with any notice specified herein, the Mayor or designee may send city employees upon said property to remedy the situation and the city shall have a lien against said property for the reasonable value of labor and materials used in so doing, which lien shall be in the form of an affidavit signed and sworn to by the City Clerk, showing the cost and expense incurred for the work and the date, place, and property on which said work was done, and the recordation of such affidavit in the Office of the Jefferson County Clerk shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principle, plus incurred interest at the rate of six percent (6%) per annum from the date of completion of the work, plus costs of court, if any, for collection, until final payment has been made.

**Sec. 11-3.05 Blocking Roadways and Sidewalks:**

It shall be unlawful for any person in or upon any roadway or sidewalk or in or upon any premises in or abutting thereon to make any speech or harangue, or to demonstrate, sell, or offer for sale goods, wares, or merchandise, or to display any signs, device, information, or exhibition, in consequence of which there is caused or created such a gathering of persons on such sidewalk or roadway as to interfere with pedestrian or vehicular traffic thereon.

**Sec. 11-3.07 Removal of Materials on Public Roadways:**

- (a) Any person engaged in doing or causing to be done any construction or demolition work which makes it necessary for, or results in, bricks, stones, dirt, sand, gravel, vessels, or other litter or matter to be placed or to fall in or on any street, sidewalk, or public way of the city, shall remove the same, together with all litter or other substance or refuse matter remaining after said work is completed, within one day after completion of the work.

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- (b) The owner of any building or structure of any kind destroyed in whole or in part by fire, windstorm, or other involuntary cause shall, within two days after the event causing such destruction, remove or cause to be removed all debris resulting therefrom lying on or upon any street, sidewalk, or public way of the city.

### **Sec. 11-3.09 Enclosure of Public Ways**

It shall be unlawful for any person to enclose in any manner, either totally or partially, any sidewalk, street, public way, or any part of any sidewalk, street, or public way, with any fence, wall, or other structure, or in any manner whatever, except with written permission of the Mayor or designee.

## **Chapter 4: Excavations**

### **Sec. 11-4.01 Excavation Permits:**

- (a) No person other than a Public Utility or agent and an authorized officer or employee of the city shall make any opening, cut, excavation in or under the surface of any street, sidewalk, or other public way of the city without a written permit issued by the Mayor or designee.
- (b) In the event that any sewer, main, conduit or other structure in or under any street, sidewalk, or other public way of the city shall burst, break or otherwise be in such a condition as to seriously endanger person or property, the owner of such sewer, main, conduit or other structure shall immediately take charge of and repair same and shall immediately take all necessary precautions to make the location safe and secure. Such owner shall not, however, begin making any permanent repairs in the street, sidewalk, or other public way or proceed with any further opening or removal of any further portion of surface until the owner shall have secured a written permit from the Legislative Body to do so. Such permit shall be secured within eighteen hours after such break or serious trouble shall have developed and the necessary repairs to the street, sidewalk, or other public way shall have been completed, such owner shall file a written report of the same with the city.

### **Sec. 11-4.32 Requirements in Private Excavations:**

- (a) When any person desires to make an opening or excavation in or under the surface of any street, sidewalk, or other public way of the City, such person shall make written application to the city for a permit to do such work. The application for a permit shall state the nature and purpose of such cut or excavation and shall be accompanied by a set of plans and specifications indicating the site, methods of construction to be used, and proposed methods of returning the street or road to its original condition after completing of the cut or excavation.

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- (b) After the issuance of such permit the work allowed thereby shall be done within the time fixed on the permit and the surface of the street, sidewalk, or on other public way shall be restored to as good condition as before such opening or excavation was made. Any deficiency in materials shall be made good with new materials by the person making the cut or excavation. After completion of the work allowed by such permit, the person to whom the permit was issued shall, within five days, report in writing to the city the fact that such work has been completed.
- (c) The person that made the cut or excavation shall maintain the condition of the surface over such opening or excavation for five years in as good condition as the remainder of such street, sidewalk, or other public way and shall repair or reconstruct the same as often as may be necessary. Should such person fail to maintain, repair, or reconstruct any such surface within ten days after notice from the city, the city may have such surface repaired or reconstructed and charge the cost of same to the person responsible thereof. Such person shall indemnify and save harmless the city against any claim for damages by reason of any defective condition of any such alley, street, sidewalk, highway surface, or other public way to such construction or by reason of any work done of whatever nature.
- (d) To protect the city against any loss or damage on account of any opening or excavation in or under the surface of any street, sidewalk, or other public way, every person before doing any work in said street, sidewalk, or other public way shall file with the city an acceptable bond of such amount and upon such terms as directed by the Legislative Body.
- (e) Any permit issued as herein prescribed shall in no way be construed as affecting or recognizing the validity of any existing grants, franchises, or permits or any such rights alleged to exist, unless especially stated herein.

### **Chapter 5: Maintenance of Trees, Public Ways, and Areas Adjacent Thereto**

#### **Sec. 11-5.01 Maintenance of Trees, Public Ways, and Areas Adjacent Thereto**

- (a) Whenever the Mayor or designee shall condemn any dead or decaying trees or branches thereof on public ways of the City, and notice is served by such body on the owner of the lot or property abutting on the public ways where said tree shall be located, the owner shall within thirty (30) days after notice, at his expense, remove the said condemned tree or branches from the public way in such manner as will least impede the public travel, and shall put the surface of the streets or public ways in an even and uniform shape after removal.
- (b) Whenever there exists trees, or overhanging branches of same, hedges, shrubs or weeds on public ways of the city or on private property adjacent thereto, which in the opinion of the Mayor or designee create a hazard, unsightly

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conditions, or nuisance, the Mayor or designee may order the removal of the same by giving the owner of property abutting said public way written notice to remove said trees, branches, hedges, shrubs, or weeds within ten (10) days from receipt thereof, and if said notice is not complied with within said time then the Legislative Body may have the same removed at the expense of such property owner.

### **Sec. 11-5.03 Removal of or Damage To Trees:**

It shall be unlawful for any person to trim, damage, or remove any shade or ornamental tree on any public way within the city without first having secured a permit to do so.

### **Sec. 11-5.05 Grass and Weeds in Public Ways or Gutters:**

- (a) It shall be unlawful for the owner or agent of private property abutting any public way to permit noxious weeds, leaves or vegetable matter to grow or remain in the area between his property line and the paved portion of the street to highway or such public way and it shall be the duty of the abutting property owner to maintain the grass in the unpaved portion of the public way adjacent to his property and to keep drainage facilities adjacent to his property free from obstruction.
- (b) The Mayor or designee shall give notice of violations of this section to the owner or his agent requiring the nuisance to be abated within five (5) days.
- (c) Upon failure of the owner of the property to comply with any notice specified herein, the Mayor or designee may send employees upon said property to remedy the situation and the City shall have a lien against said property for the reasonable value of labor and materials used in remedying the situation, which lien shall be in the form of an affidavit signed by the city clerk and shall be recorded in the Jefferson County Court Clerk's office and which lien shall bear interest at the rate of one percent per month thereafter until paid.

### **Sec. 11-5.07 Entrances to Streets and Roads:**

It shall be unlawful for any person to make or cause to be made over any public way in the city any opening from any private lot or land into the paved portion of any street or road or to make any connection therewith within the city without first obtaining a written permit from the Mayor or designee.

## **Chapter 6: Sidewalks**

### **Sec. 11-6.01 Repair of Sidewalks:**

- (a) The owners of property abutting on public ways within the city in which a sidewalk is located are hereby required to maintain that part of the sidewalk

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adjoining the property respectively belonging to them at their own expense by repairing any holes, uneven surface, and other defective places therein, by using therefor materials as nearly similar as possible to that of which said sidewalk is constructed. This section shall not waive or affect the right of the city to order the reconstruction of any such sidewalk if it be found proper to do so.

- (b) As soon as ascertains the existence of defects in a sidewalk in the city, the Mayor or designee shall forthwith notify, in writing, the owner of the property abutting the public way in which such sidewalk is located, to repair same at his own expense, within a period of ten (10) days after the delivery of the notice.
- (c) In the event said owner fails to make such repairs, the Mayor or designee is authorized to have the necessary repairs made and to assess the cost of same to said owner and notify him of the assessment in writing.
- (d) In the event said owner fails to remit the costs assessed within thirty (30) days of the notice as given above, the Clerk of the city shall take the necessary steps to place a lien against the abutting property owner in the Office of the Jefferson County Clerk, in the amount of the unpaid assessment.

### **Chapter 7: Waste Collection and Disposal**

#### **Sec. 11-7.01 Garbage Disposal Franchise or Contract:**

- (a) The Legislative Body shall by franchise or contract, which may be exclusive or non-exclusive, provide for the collection and disposal of garbage, garden and other trash and other waste within the city. Such franchise or contract shall be awarded following advertisement for bid thereof to the lowest and best bidder and for such term and upon such conditions and agreements as the Legislative Body may from time to time determine.
- (b) It shall be unlawful for any person to collect for hire and dispose of garbage, garden and other trash and other waste within the city or to transport the same on or over the streets or other public ways of the city, without first having been awarded a franchise or contract thereof as provided in sub-section (a) above.

#### **Sec. 11-7.03 Financing Taxes and Service Charges:**

All costs incurred to provide waste collection and disposal by the city shall be paid out of the city's annual tax revenues or by service charges to be collected from all persons owning real property located within the corporate boundaries of the City. Such charges shall be fixed by ordinance from time to time enacted in such amounts as can be reasonably expected to yield revenues substantially equal to the cost of operations of the system.

**Sec. 11-7.05 Garbage Containers:**

It shall be unlawful for any person to store any garbage can or refuse container of any type at any location on premises within the city so as to be visible from the streets adjoining such premises except Public Parks and Entrance Ways into the City.

**Chapter 8: Utility Equipment**

**Sec. 11-8.01 Permit:**

No telegraph, telephone, electric light and power poles, wires, tubes, cables, and other wires and lines and no constricting of sewers, sewer connections, drains, water lines, gas lines, and other utilities equipment shall hereinafter be placed on, under, or above the surface of any public way or lot within the corporate boundaries of the city without first obtaining a permit from the Mayor or designee.

**Chapter 9: Parades**

**Sec. 11-9.01 Permit:**

- (a) No person shall engage in, participate in, aid, form, or start any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, sidewalk, park, or other public place in the city, unless a parade permit shall have been obtained from the Mayor or designee.
- (b) This section shall not apply to:
  - (i) Funeral processions;
  - (ii) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

**Sec. 11-9.03 Application for Permit:**

- (a) A person seeking issuance of a parade permit shall file an application with the Mayor or designee not less than five (5) days or not more than sixty (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:
  - (i) The names, address, and telephone number of the person seeking to conduct such a parade;

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- (ii) If the parade is proposed to be conducted for, or on behalf, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organizations;
- (iii) The names, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (iv) The date and hours when the parade is to be conducted;
- (v) The route to be traveled, the starting point and the termination point; and
- (vi) The approximate number of persons who, and animals, if any, and vehicles which, will constitute such parade, the type of animals, if any, and the description of vehicles.

### **Sec. 11-9.05 Standards For Issuance of Permit:**

The Mayor or designee shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be 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 of the city;
- (c) The concentration of persons, animals, and vehicles as assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (d) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- (e) The parade is not to be held for the sole purpose of advertising any products, goods, or events, and is not designated to be held purely for private profit.

### **Sec. 11-9.07 Notice of Rejection of Permit:**

The Mayor or designee shall act upon the application for a parade permit within three (3) days, Saturdays, Sundays, and holidays excepted, after the filing thereof. If the Mayor or designee disapproves the application, he shall mail to the applicant within three (3) days, Saturdays, Sundays, and holidays excepted, after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

**11-9.09 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 must be made within ten (10) days after notice of denial. The Legislative Body shall act upon the appeal not later than the date of such body's next regularly scheduled meeting.

**11-9.11 Contents of Permit:**

Each parade permit shall state the following information:

- (a) Starting and ending time;
- (b) The portions of the street, sidewalk, park, or other public place to be traveled that may be occupied by the parade;
- (c) Such other information as the Mayor or designee shall find necessary to the enforcement of this chapter.

**11-9.13 Duties of Permittee and Public Conduct During Parade:**

- (a) A permittee hereunder shall comply with the permit directions and conditions and with applicable laws and ordinances.
- (b) 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.
- (c) 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.
- (d) The Chief of Police 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 the parade.

**Chapter 99: Penalty**

**11-99.01 Violation of this Title; Penalty**

Any person violating any provisions of this Title shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.0) for each offense. Each day's continued violation shall constitute a separate offense.



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**TITLE XIII: HEALTH AND SANITATION CODE**

- Chapter 1: Definitions**
- Chapter 2: Water and Impure Liquids**
- Chapter 3: Privies and Sewers**
- Chapter 99: Penalty**

*This Preface is not a part of the Code of Ordinances but is inserted for convenience of reference.*

**Chapter 1: Definitions**

**Sec. 13-1.01 Definitions:**

The following words and phrases, when used in this Title XIII, shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Section.

**Sec. 13-1.03 Short Title:**

This Title XIII may be known and cited as the Health and Sanitation Code.

**Chapter 2: Water and Impure Liquids**

**Sec. 13-02.01 Water Flow:**

No person shall change or effect the flow of water across or under property within the city without first obtaining permission of the Mayor of designee.

**Sec. 13-2.03 Impure Liquids:**

It shall be unlawful for any person to throw, pour, or permit, or cause to be run over any sidewalk or street within the city, or any part thereof, any slop, refuse matter of any kind, filthy, soiled, or hot water, steam water of any kind, impure liquids, or liquids or offal of any kind, or to permit any person in his employ to do so.

**Chapter 3: Privies and Sewers**

**Sec. 13-03.01 Maintenance Prohibited:**

It shall be unlawful for any person to maintain a privy vault, cesspool, or similar contrivance for the reception of human excreta within the city.

**Sec. 13-3.03 Mandatory Connections to Sewers:**

All owners of occupied dwellings within the city situated on lots abutting upon a street in which there is a public sanitary sewer shall connect all drainpipes of such dwelling with such sewer.

**Sec. 13-3.05 Discharge of Storm Water into Sanitary Sewer Prohibited:**

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

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**Sec. 13-3.07 Discharge of Sewage into Storm Sewers Prohibited:**

No person shall discharge or cause to be discharged into the storm sewers within the city, any sanitary sewage, combinations of storm water and sanitary sewage, garbage, solid foods wastes, leaves, trash, debris, water, or other liquid containing solids or suspended solids.

**Chapter 99: Penalty**

**Sec. 13-99.01 Violations of This Title; Penalty**

Any person violating any provision of this Title shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) plus court costs as may be imposed. Each day's continued violation shall constitute a separate offense.

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**TITLE XV: BUILDING AND HOUSING REGULATION CODE**

- Chapter 1: Definitions and Short Title**
- Chapter 2: Administration and Scope**
- Chapter 3: Building Permits**
- Chapter 4: Minimum Building Standards and Regulations**
- Chapter 5: Housing Regulations**
- Chapter 6: Swimming Pools**
- Chapter 7: Fences**
- Chapter 8: “Pull-Off” and Street Curbs**
- Chapter 99: Penalty**

*This Preface is not a part of the Code of Ordinances but is inserted for convenience of reference.*

**Chapter 1: Definitions and Short Title**

**Sec. 15-1.01 Definitions:**

The following words and phrases when used in this Title XV shall, for the purpose of such Title, have the meanings respectively ascribed to them in this section:

- (a) "Accessory building" shall mean a subordinate building or structure, the use of which is incidental to that of the main building or to the use of the premises.
- (b) "Alter" or "Alteration" shall mean any change or modification in construction or occupancy.
- (c) "Area", as applied to the dimensions of a building, shall mean the maximum horizontal projected area of the building at grade.
- (d) "Building" shall mean a structure for the shelter, support, or enclosure of persons, materials, or property of any kind, having a roof supported by columns or walls, and when separated by a division or party wall without openings, each portion of such buildings so separated shall be deemed a separate building. The term "building" shall be construed as if followed by the words "or part thereof".
- (e) "Building Setback Area" shall mean (1) that area of a lot or parcel of land lying between the front property line and the future widening line of an existing street or highway; or (2) that area of a lot or parcel of land lying between the boundary lines of a proposed street or highway.
- (f) "Dwelling" shall mean any building which contains a dwelling unit as hereinafter defined, provided, however, temporary housing as hereinafter defined shall not constitute a dwelling for the purpose of this Code.
- (g) "Dwelling, Single-Family" shall mean a building designed for or occupied by one family, wherein not more than two (2) roomers or lodgers other than members of the family, are provided with shelter or meals.
- (h) "Dwelling Unit" shall mean any room or group of rooms or other part of a building, which forms a single housekeeping unit with facilities, which are used or designed for living, sleeping, cooking, and eating.
- (i) "Fence" shall mean any barrier or obstacle composed of plants, wood, metal, wire mesh, masonry, or other material that separates, demarcates, impedes, or tends to restrict the free movement of individuals, population, or animals.
- (j) "Grade" shall mean the average elevation of the finished ground surface touching the outside walls of a building.

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- (k) "Lot" shall mean a parcel of land occupied, or to be occupied, by one (1) main building, together with the accessory buildings and used customarily incidental to it, and including such open spaces, dimensions, and area as are required in this building code, and having its principle frontage on a public street or road.
- (l) "Lot, Corner" shall mean abutting on two (2) or more streets at their intersection.
- (m) "Lot, Interior" shall mean a lot other than a corner lot.
- (n) "Multiple Dwelling" shall mean any dwelling containing more than one (1) dwelling unit.
- (o) "Occupant" shall mean any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit.
- (p) "Owner" shall mean any person who alone, jointly, or with several other persons:
  - (i) Shall have all or part of the legal title to any dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or
  - (ii) Shall have charge, care, or control of any dwelling or dwelling unit as owner or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this Code.
- (q) "Parking Area" shall mean an open, unoccupied space permitted or required for use for parking of motor-driven vehicles.
- (r) "Property" shall mean any interest of record or otherwise held by persons in land or building located within the city.
- (s) "Single Family Residence" shall mean a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one (1) or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit.
- (t) "Street" shall mean any public thoroughfare, which has been dedicated or deeded, to the public for public use.
- (u) "Street line" shall mean a lot line dividing a lot from a street.

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- (v) “Structure” shall mean anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground. All regulations appertaining to a building shall be equally applicable to a structure. The term “structure” shall be construed as if followed by the words “or parts thereof”.
- (w) “Surface” shall mean the outermost layer or superficial area of the interior of a dwelling or dwelling unit, including, but not limited to, the outermost layer of superficial area of walls, ceilings, floors, stairs, windows, window sills, window frames, window sashes, doors, door frames, baseboards, and woodwork of a dwelling or dwelling unit.
- (x) “Value” or “Valuation” shall mean the estimated cost of replace the building of kind.

### **Sec. 15-1.03 Short Title:**

This Title XV shall be known and cited as the Building and Housing Code.

### **Chapter 2: Administration and Scope**

#### **Sec. 15-2.01 Purpose:**

The purpose of this code is to provide the minimum standards to safeguard life, health, property, and public welfare within the City.

#### **Sec. 15-2.03 Officials:**

- (a) Appointment of Director: The Mayor may appoint a resident of the City to the position of Director of Buildings, which appointment may be terminated at will of the Mayor (every effort should be made to appoint individuals who are graduates of accredited schools of architecture or engineering or who have had experience with building and construction work).
- (b) Duties: The Director of Buildings is hereby authorized and directed to enforce all provisions of this code as herein provided.
- (c) Deputies: The Director of Buildings, with approval of the Mayor, may designate deputies who shall exercise during the absence or disability of the Director by whom they were appointed all powers of said Director.
- (d) Inspectors: The Director of Building, with approval of the Mayor, may appoint inspectors and assistants to help carry out the provisions of this code for which they are directly responsible. No person shall be appointed as an inspector who has not been found by the Legislative Body to have some experiences as an architect, engineer, and builder or in some other phase of construction work.



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- (e) Right of Entry: Upon the presentation of the proper credentials the Director of Building or his duly authorized representative may enter at reasonable times any building, structure, or premise within the city to perform any and all duties imposed upon him by this code.
- (f) Liability: Any person charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself personally liable and he 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 by reason of any act or omission performed by him in the enforcement of any provisions of this code, and shall have the right to be defended by the City Attorney until final determination of any proceedings pending against him.

### **Sec. 15-2.05 Specific Duties of Building Director:**

The Director of Buildings is hereby authorized and directed to enforce all provisions of this Chapter; to review plans and specifications; to recommend to the Mayor or designee the issuance or denial of building permits and certificates; to conduct inspections; to recommend to the Legislative Body the issuance of rules and regulations consistent with the Chapter; to maintain records and make reports; and to perform such other services as may be necessary to execute the provisions of this code and be consistent therewith.

### **Sec. 15-2.07 Scope of Building Code:**

- (a) General: The provisions of this code shall apply to the location, design, materials, an equipment, removal, constructions, and demolition of every building or any appurtenance connected or attached to such buildings located within the corporate boundaries of the city. In the event there is an apparent difference in the materials, methods of construction, or other requirements specified in different sections of this code, or between the requirements of this Chapter and of any other applicable law, or deed restrictions the more restrictive shall govern.
- (b) New Building: New buildings hereinafter erected within the city shall comply with the requirements of this code.
- (c) Existing Buildings: Except as otherwise specifically provided, building which additions, alterations, or repairs are made, and all such additions, alterations, or repairs, shall comply with the requirements of this code for new buildings.

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### **Sec. 15-2.09 Variances:**

- (a) General: Any party in interest may request that the Legislative body grant a variance to the provisions of this code when the Legislative Body finds that the provisions of this Code impose undue and unwarranted hardships or injustices upon the party requesting such variance and the granting of the variance will most nearly accomplish and not defeat the purpose and intent of this Code, or the Jefferson County Planning and Zoning regulations. In which case the variance will have to be granted by the Jefferson County Planning and Zoning Commission and approved by the Legislative Body.
- (b) Procedure: Upon receipt of a request for the granting of a variance to this Code, the Legislative Body shall, at their next regularly scheduled meeting following receipt of the request, establish a time and place for a hearing to be held on the request. The parties requesting the variance shall give ten (10) days notice to the hearing by registered mail, return receipt requested, to the others of all property adjacent to the area for which the variance is being requested. The Legislative Body shall, at the time and date of the hearing is established, determine the meaning of the word “adjacent” so as to give reasonable notice to all parties who may reasonably be affected by the variance.
- (c) Hearing: During the course of the hearing, the Legislative Body shall require proof that a good faith effort has been made to notify those parties, as determined by said body, that the time of the hearing was scheduled, to have an interest in the property adjacent to that property for which the variance is being requested. The party requesting the variance shall make a presentation to the Legislative Body as to why the section of this Code from which it is requesting a variance will not defeat the purpose and intent of this Code. All parties in interest will be given the opportunity to question the applicant and to present information both in support of or against the granting of the variance. The Legislative Body may require submission of additional evidence of proof to substantiate the position of the applicant, and may require such additional data and tests which, in the opinion of the Legislative Body, is necessary for adequate consideration of the request. The Legislative Body may schedule additional hearings, if in said body’s opinion, they are necessary for the adequate consideration of the request.
- (d) Decision: The Legislative Body shall vote at the next regularly scheduled Legislative Body meeting of such body upon the granting of the variance and a majority of the whole body vote in favor of such variance.

### **Chapter 3: Building Permits**

#### **Sec. 15-3.01 Permit:**

- (a) No person shall erect, construct, enlarge, alter, repair, or move a building or make, install, alter, or repair improvements thereto within the city without first making application and obtaining a permit therefor from the City.

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- (b) Ordinary upkeep and maintenance and minor repairs and alterations involving no change in character or use may be made without filing an application or obtaining a permit, provided such repairs shall not violate any of the provisions of this Code.

### **Sec. 15-3.03 Application For Permit:**

- (a) Form: An application for a permit, signed by the owner or his authorized agent, shall be filed with the Mayor or designee. Such application shall be accompanied by the plans and specifications required by this section and shall provide such information as may reasonably be required by such body for an intelligent understanding of the proposed work.
- (b) Registered Architects and Engineers: Design for the construction or substantial remodeling of any building allowed by zoning regulations within the corporate limits of the City, except as listed below, shall be entrusted only to an architect or professional engineer acting within the scope of his professional registration under Chapter 322 and 323 of the Kentucky Revised Statutes. Single family dwellings and accessory buildings or structures thereto are hereby exempted from this section.
- (c) Plans and Specifications: Two copies of plans and specifications shall accompany each application. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of work proposed. Such plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this Code and all relevant deed restrictions, laws, ordinances, rules, and regulations. Such information shall be specific, and this Code shall not be cited in whole or in part, nor shall the term “legal” or its equivalent be used as a substitute for specific information. Each set of plans and specifications shall give the address of the work, the name and the business and home address of the owner and the name and business address of the person who prepared and is responsible for them. The Legislative Body shall require drawings showing the location of the proposed building or structure and of every existing building or structure on the site or lot. A boundary line survey, if and where necessary, prepared by a qualified surveyor, may also be required by the Mayor or designee.

All plans submitted for approval shall contain a drawing or plat showing the lot plan, the location of the building on the lot, accurate dimensions of the building and lot, and such other information as may be required by the Legislative Body.

- (d) Time Limitation: An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after date of issuance, provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed by the Mayor or designee.

**Sec. 15-3.05 Permit Fee:**

No permit shall be issued until the applicant shall have paid to the city treasurer a permit fee of \$50.00, none of which shall be refunded to the applicant upon completion of the work in compliance with this Code.

**Sec. 15-3.07 Issuance of Permit:**

(a) Examination of Application: The Director of Buildings shall examine or cause to be examined each application for a permit and the plans, specifications, and computations filed therewith and shall ascertain by such examination whether the constructions indicated and described will not adversely affect the public safety, health, convenience, comfort, and general welfare of the residents of the City, in accordance with the requirements of this Code and all other pertinent laws, ordinances, and deed restrictions, is in uniformity and harmony of exterior design with existing structures on the lot which the work is proposed and surrounding lots, and is so located so as to not adversely effect adjoining structures, uses, and operations.

(b) Action on Application:

(i) Approval: The Director of Buildings shall act upon an application for a permit without unreasonable or unnecessary delay. If such Director is satisfied that the work described in an application for a permit and the plans and specifications filed therewith will not aggressively affect the public safety, health, convenience, comfort, and general welfare of the residents of the City, conforms to the requirements of this Code and all other pertinent laws, ordinances, and deed restrictions, is in uniformity and harmony of exterior design with existing structures on the lot which the work is proposed and surrounding lots, and is so located so as to not adversely effect adjoining structures, uses and operations he shall so report to the Mayor or designee which, if it concurs in such director's report, shall issue a building permit.

When the building permit is issued, the Building Director shall endorse, in writing or stamp, on both sets of plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified, or altered in any manner affected by this Chapter, or other pertinent laws, ordinances, and deed restrictions without authorization from the Mayor or designee, and all work shall be done in accordance with the approved plans and specifications.

(ii.) Disapproval: If the application for a permit and the plans and specifications filed therewith, describe work which does not conform to the requirements of this Code or other pertinent laws, ordinances, and deed restrictions, or does not contain sufficient information, the Director of Buildings shall so report to the Legislative Body, and, if the report of such director is concurred in by such Legislative Body, no permit shall

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be issued. In such event the plans and specifications shall be returned to the applicant with the refusal to issue such a permit. When requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor.

- (c) Disposition of Plans. One set of plans, specifications, and computations shall be retained by the City Clerk and one set of the approved plans and specifications shall be returned to the applicant. The latter set shall be kept at the site of work at all times during which the work authorized thereby is in progress and shall be open to inspection at all reasonable times by the Director of Building or his authorized representative.
- (d) Conditions of the Permit. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any provisions of this Code, or any other pertinent laws, ordinances, or deed restrictions, nor shall such issuance of a permit prevent the Director of Building from thereafter requiring a correction of errors in plans or in construction, or in violation of this Code or any other applicable laws, ordinances, or deed restrictions. Any permit issued shall become invalid unless the work is authorized by it shall have been commenced within six (6) months after issuance, or, if after the work is commenced, such work is not completed within three (3) months, providing that, for cause, one or more extensions of time, for periods not to exceed thirty (30) days each, may be allowed in writing by the Mayor or designee.
- (e) Posting of Permit. No building operations requiring a permit shall be commenced until the permit holder or his authorized agent shall have posted a building permit card, in a conspicuous place, near the front of the premises, protected from the weather, and in such a position as to permit the Director of Buildings to make entries thereon requesting inspection of the work. Such card shall be preserved and shall remain posted until completion of the work.

### **Sec. 15-03.09 Responsibilities of Permit Applicant:**

- (a) The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. He assumes the responsibility for assuring the City that water will not be diverted from its natural flow to the detriment of land(s) surrounding the buildings or structure which he is or has constructed, modified, or demolished
- (b) The applicant is charged with the responsibility of seeing that no debris, waste, or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the City, either during, upon, or after the completion of said project.

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- (c) At all times, it shall be the duty of the applicant to maintain the streets in the vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction, etc. activities.

### **Sec. 15-3.11 Inspections:**

- (a) Existing Buildings: Before issuing a permit, the Mayor or designee shall examine or cause to be examined all buildings for which an application has been received for a permit to enlarge, alter, repair, move, or demolish the building.
- (b) At Site: The Director of Building shall inspect or cause to be inspected all buildings and structures from time to time during the completion of the work for which a permit was issued. He shall make record of every such examination and inspection and of all violations of this Chapter and of any other applicable laws, ordinances, and deed restrictions.
- (c) Procedure: The Director of Building shall make, or cause to be made, the inspections called for by this section. He may accept reports of inspectors or recognized inspection organizations, provided that after investigation he is satisfied as to their qualifications and reliability. No other approval called for by any provisions of the requirements shall be based on such reports unless the same is in writing and certified by responsible officer of such organization.

### **Sec. 15-3.13 Completion of Project:**

Upon the completion of a project and the satisfaction of all sections of this Code and all other pertinent laws, ordinances, and deed restrictions, those funds on deposit with the City under Sec. 15-3.05 of this Chapter shall be refunded to the holder of the building permit. No building shall be occupied or used until final approval of the project by the Building Director.

## **Chapter 4: Minimum Building Standards and Regulations:**

### **Sec. 15-4.01 Character of Building:**

- (a) No building shall be constructed, enlarged, or altered within the city unless the design and materials are in conformity and harmony of external design with the existing structures on the lot in which such work is located and on other lots in the surrounding area and is so located as not to adversely effect surrounding structures, uses, and operations.
- (b) No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the city shall at any time be used as a residence, temporarily or permanently.
- (c) Garages will be limited to one story in height.

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- (d) Constructions of concrete block garages is prohibited unless exterior garage has a brick, stone, or compatible siding veneer applied over concrete block.
- (e) Steel, aluminum, fiberglass, shall not be suitable for garage nor outbuilding construction.

### **Sec. 15-4.03 Location of Buildings:**

- (a) The building setback area for all buildings and appurtenances thereto, shall conform to the current restrictions of the Jefferson County Planning and Zoning regulations at that location. Porches extending beyond the front wall of the residence or in the building line, shall not be enclosed in any manner 24 inches above the floor of same.
- (b) Garages and carports attached to a dwelling shall become part of the dwelling and shall have the same zoning restrictions as the dwelling. Unattached garages must be located 15' from the dwelling and may be located within 2' of the side property line.
- (c) No structure may be erected on any lot easement or side yard code requirements.

### **Sec. 15-4.05 Adopting of Codes:**

Except as otherwise provided in this Code:

- (a) The present building code as adopted for the unincorporated territory of Jefferson County, Kentucky, by the Jefferson County Fiscal Court, namely the Building Officials and Code Administrators International Inc. Code 12992 Edition plus all subsequent supplements thereto is adopted and to be used as the building code for the city.
- (b) The plumbing code legally adopted for the unincorporated territory of Jefferson County, Kentucky, by the Jefferson County Fiscal Court, namely the Kentucky State Plumbing Law Regulations and Code amended, 1992 Edition, plus all subsequent supplements thereto, is adopted and to be used as the plumbing code for the city.
- (c) The electrical code legally adopted for the unincorporated territory of Jefferson County, Kentucky, by the Jefferson Fiscal Court, (with the exception described below), namely the 1972 Edition of the National Electrical Code printed and copyrighted by the National Fire Protection Association plus all subsequent supplements thereto or updated editions, is adopted and is to be used as the electrical code for the city. An exception to the code, however, is hereby made in that no aluminum wiring shall be used in any building for branch circuit wiring within the city.

**Chapter 5: Housing Regulations**

**Sec. 15-5.01 Scope of Chapter:**

The provisions of this Chapter shall apply to all buildings or any appurtenance connected or attached to such buildings located within the city including, but not limited to, fences, driveways, private roads, sidewalks, and swimming pools.

**Sec. 15-5.03 Pest Infestation and Extermination:**

It shall be unlawful for any dwelling or dwelling unit within the city to be infested with rats, mice, roaches, or other pests, or infested with any contagious disease. Pest infestations which develop subsequent to the initiation of human occupancy within a dwelling unit shall be eradicated and all pests exterminated in accordance with the applicable regulations prescribed by the Legislative Body and the Director of the Jefferson County Department of Public Health.

**Sec. 15-5.07 Prohibited Conditions – External:**

- (a) The exterior of every dwelling and dwelling unit within the city, including all courts, yards, and conterminous property, shall be kept clean and free from accumulation of dirt, filth, rubbish, garbage, or similar matter, and shall be kept free from vermin and rodent infestation. The occupant or occupants shall have the responsibility for meeting the obligation created in this sub-section with respect to all exterior areas within his or their exclusive control.
- (b) All dwellings, fences, gates, and outbuildings or other structures in a dilapidated or unsafe condition shall be removed or repaired. All sheds and auxiliary structures attached to dwellings which create blind rooms or which overcrowd the land shall be removed. All yard structures, fences, and rubbish, which obstruct light and air, harbor rats and vermin, or create an undesirable environment shall be removed. All courts, yards, and conterminous property around every dwelling or dwelling unit shall be properly graded and drained to keep surface water from draining into or beneath the dwelling or dwelling unit; water shall not be allowed to stand in darnels pools anywhere about the premises.

**Sec. 15-5.09 External Maintenance and Repair:**

- (a) External Maintenance: All foundations, exterior walls, and roofs of every dwelling within the city shall be free of holes, large cracks, and any loose and deteriorated material, and shall be maintained so as to be weather tight and rodent-proof.

All exterior walls, woodwork, and exposed metal portions of every dwelling that are inadequately protected against weather due to lack of paint, or other approved protective coating, shall be painted or otherwise protected against decay, corrosion, or deterioration.



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- (b) **Gutters & Down Spouts:** All roofs of every dwelling shall be equipped with gutters and down spouts connected to an approved sewer. If there is no approved sewer for down spout connections, the storm water shall be disposed of on the property, in such a manner as to not flow onto adjoining property.

All gutters, down spouts, and connecting drains shall be kept free of the accumulation of material, which would tend to impede or obstruct the normal flow of storm water therein.

### **Sec. 15-5.11 Responsibilities of Owner or Landlord:**

- (a) **General Obligations:** Except as specifically provided in other sections of this Code, all the obligations set forth in this Code are the responsibility of the owner, regardless of whether the owner is also the occupant of the property subject to this Code.
- (b) **Pest Extermination:** Every owner of a dwelling containing more than one dwelling unit shall be responsible for the extermination of any insects, rats, or other pests therein or on the premises when such infestation extends to stairways, halls, basements, yards, or other common areas.

Nothing in this section shall be construed to eliminate the responsibility of an occupant, as provided in Sec. 15-5.-5 of this Code, unless such infestation extend to two (2) or more dwelling units within the building.

### **Sec. 15-5-13 Responsibilities of Occupants:**

Every occupant of a dwelling within the city containing a single dwelling unit shall be responsible for the extermination of any insects, rats, or other pests therein or on the premises, and every occupant of a dwelling unit in multiple dwellings shall be responsible for such extermination if his dwelling is the only one infested.

### **Sec. 15-5.15 Vacant Dwellings / Procedure for Securing:**

- (a) When any dwelling or dwelling unit within the city becomes vacant and unoccupied, the owner thereof shall immediately cause it to be securely locked to prevent the entrance therein of unauthorized persons, and the owner shall keep such structure securely locked until it is again let for occupancy. If the dwelling or dwelling unit thereafter becomes open, so that any unauthorized persons may enter, the owner shall cause the structure to be close at all outside openings by securely covering all such openings with a type of covering approved by the Director of Housing and Administration, in such a manner as to preclude entrance by unauthorized persons. Provided, however, one door facing the street may remain uncovered, so long as it shall be securely locked, to allow the owner or persons authorized by him to enter.

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- (b) If any dwelling or dwelling unit is found to be vacant, unoccupied, and open so that it may be entered freely by unauthorized persons, the Mayor or designee may order and direct the owner of such structure to close it securely in a manner provided for in sub-section (a) by delivering to said owner a written notice requiring him to securely close said structure within five (5) days of the date of such notice. The mailing of the notice to the owner at his last known address shall be deemed notice to him. If the owner fails to complete the closing of any such dwelling or dwelling unit within the five (5) day period, the Mayor or designee, may, without further notice to the owner, cause the dwelling unit to be securely closed and the cost of such closing shall be a lien against the property.
- (c) If the full amount of the cost of any closing carried out by the Mayor or designee pursuant to sub-section (b) is not paid to the City by the owner within thirty (30) days after the said closing is completed, the City shall prepare and cause to be signed and sworn to by the Mayor or designee an affidavit showing the cost and expense incurred for the work, and the date, place, or property on which said work was done. The affidavit shall be recorded in the Office of the Jefferson County Clerk and shall constitute a lien upon the property, which shall remain in full force and effect for the amount due as principle, plus accrued interest at the rate of six percent (6%) per annum from the date of completion of the work, plus any court costs necessary for the collection thereof, until full payment is made.
- (d) All affidavits recorded in accordance with this Section shall be prima facie evidence that all legal formalities have been complied with and that all work involved has been properly and satisfactorily done, and this shall be full notice to all persons concerned that the amounts of the statement, plus interest, constitutes a charge against the property designated and described therein and that the same is due and collectible as provided by law.

### **Chapter 6: Swimming Pools, Hot Tubs, Whirlpools, & Spas**

#### **Sec. 15-6.01 Permit Required:**

- (a) It shall be unlawful for any person to construct or maintain a swimming pool in the front or side yards of any lot within the City.
- (b) There shall be allowed in the City only permanent in-ground swimming pools, constructed in the rear yard and subject to the limitations hereinafter set forth.
- (c) No person shall construct or maintain a swimming pool as provided herein without first making application and obtaining a permit from the City.
- (d) No swimming pool shall be constructed nor shall a permit therefor be granted unless there is provided a drain in the pool, which drain shall be connected underground directly to the sanitary sewer system.

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- (e) No inflatable domes, covers, or other raised structure over the pool shall be allowed.

**Sec. 15-6.03 Permit Application:**

An applicant for a permit, signed by the owner or his authorized agent, shall be filed with the Mayor or designee. It shall provide such information as may be reasonably required by such director for an intelligent understanding of the proposed work and its effect on the surrounding properties. The information set forth in the written applications shall contain at least the following information:

- (a) The kind of pool to be constructed.
- (b) The overall dimensions of the length, width, and depth of the pool, and a description of any proposed exterior lighting, including provisions for the shielding of said lighting.
- (c) A plat showing the pool's location on the property in relation to existing structures, easements, boundary lines, and existing or proposed fences. Said plat shall also show the location of any proposed exterior lighting.
- (d) Any effect on adjacent properties which can be reasonably expected to result from the construction of the pool,
- (e) What provisions are to be made for supplying the pool with potable water and for the drainage thereof.
- (f) The substance which will be used as fill and the anticipated disposition of any earth removed
- (g) The time when construction is expected to begin and the length of time it will take before it is completed.
- (h) Submittal of fencing plan.

**Sec. 15-6.05 Issuance of Permit:**

- (a) Other Requirements: Any person requesting a permit must, in addition to the Audubon Park permit, obtain the necessary permits from the Jefferson County Planning and Zoning and the Louisville and Jefferson County Health Department.
- (b) Examination of Application: The Mayor or designee shall examine or cause to be examined, each application for a swimming pool and the information furnished in connection therewith, shall ascertain by such examination that the construction of such pool will not adversely affect the public safety, health, convenience, comfort, and general welfare of the City and will be in accordance

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with the requirements of this Code and all other pertinent laws, ordinances, and deed restrictions.

(c) Action of Applications:

- (i) Approval: The Mayor or designee shall act upon an application for a swimming pool permit without unreasonable or unnecessary delay. If such Director is satisfied that such pool as described in the application and information furnished in connection therewith will not adversely affect the public safety, health, convenience, comfort, and general welfare of the residents of the City, conforms to the requirements of this Code and all other pertinent laws, ordinances, and deed restrictions, he shall so report to the Legislative Body which, if concurs in such director's report, shall issue a permit thereof.
  
- (iii.) Disapproval: If the application for a swimming pool permit and information filed therewith, describe work which does not conform to the requirements of this Code or all other pertinent laws, ordinances, and deed restrictions, or does not contain sufficient information, the Mayor or designee shall so report to the Legislative Body, and, if the report of such Mayor or designee is concurred in by the Legislative Body, no permit shall be issued and the applicant shall be so notified. When requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor.

**Sec. 15-6.07 Permit Fee:**

No swimming pool permit shall be issued until the applicant shall have paid to the City treasurer a permit fee of \$40.00, \$20.00 of which shall be refunded to the applicant upon completion of the proposed work in compliance with this Code.

**Sec. 15-6.09 Fences:**

All pools or pool areas within the City shall be enclosed by fence at least 42 inches in height. Any gate or other entry through said fence must be capable of being latched.

**Sec. 15-6.11 Hot Tubs, Whirlpools, & Spas:**

Private above ground hot tubs, whirlpools, and spas when installed on the exterior of any lot shall have the same restrictions as below ground swimming pools and be limited to the water capacity of 400 gallons and be subject to Chapter 2, Sec. 13-2.02 of the City of Audubon Park Ordinances (Sec. 15-6.04 applies).

**Chapter 7: Fences**

**Sec. 15-7.01 Limitations Upon fencing:**

- (a) It shall be unlawful for any person to erect or maintain any fence on any part of the front or side yard of any interior lot within the City or extending beyond the rearmost section of the main building of such lot.
- (b) It shall be unlawful for any person to erect or maintain a fence on any lot within the City without first obtaining a permit therefore from the Mayor or designee.
- (c) Section Deleted April 17, 1995
- (d) All fences on any lot shall not exceed limitations of the Jefferson County Planning and Zoning regulations pertaining to the building lot where the fence is to be erected. The fence shall be of such design and material to conform with the existing harmony of the surrounding area as determined by the Mayor or designee.
- (e) Side yards of lots shall have the same restrictions as front yards.
- (f) Section Deleted April 17, 1995.
- (g) Section Deleted April 17, 1995.
- (h) Section Deleted April 17, 1995.

**Sec. 15-7.03 Is Added to Read:**

Exemption to Sec. 15-7.01:

Any person owning a dwelling without an entrance into the backyard described above but with a side entrance into the rear section of the dwelling can extend a backyard fence forward on that side three (3) feet beyond said entrance so as to provide an entrance directly into the fenced rear yard.

**Chapter 8: Pull-off and Street Curbs**

**Sec. 15-8.01 "Pull-Off"**

No person shall construct or permit any paved or gravel "Pull-off", parking areas, or curved or circular drive to be constructed in the front yard of any residential lot within the City.

## CODE OF ORDINANCES

### **Sec. 15-8.03 Permit For Street Curb:**

- (a) No person shall construct or permit any curb to be constructed or maintained at the edge of any paved portion of any street within the City without first obtaining a permit thereof from the Mayor or designee.
- (b) No permit referred to in sub-section (a) of this section shall be issued until a plan of such curb showing the location and material and type of construction is delivered to the Mayor or designee and such body determines that the curb (i) will not be more than six (6) inches in height and is located in line with existing curbs at or near such location; (ii) will not impede surface water drainage, and (iii) will be in keeping with and will not detract from the surrounding neighborhood.
- (c) Upon the failure of any person to comply with these regulations, the Mayor or designee may send city employees upon said property to remedy the situation and the City shall have a lien against said property for the reasonable value of labor and materials used in doing so.

### **Chapter 9: Television and Radio Aerials**

#### **Sec. 15-9.01 Permit for Television and Radio Aerials:**

- (a) It shall be unlawful for any person to erect any device for receiving or sending radio or television signals on any front or side lot within the City.
- (b) It shall be unlawful for any person to erect or maintain such device without first obtaining a permit therefor from the Mayor or designee.
- (c) No permit referred to in sub-section (b) of this section shall be issued until a plan of such device showing the location, material, and type of construction is delivered to and approved by the Mayor or designee and such location thereof is in keeping with and does not detract from the surrounding neighborhood and is located so as not to be readily visible from the street.

### **Chapter 99: Penalty**

#### **Sec. 15-99.01 Violation of This Title; Penalty:**

Any person violating any provision of this Title shall be fined not less than \$10.00 nor more than \$100.00 for each offense, plus court costs as may be imposed. Each day's continued violations shall constitute a separate offense.