

CITY OF AUDUBON PARK, KENTUCKY

CODE OF ORDINANCES

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**AUDUBON PARK, KENTUCKY
CODE OF ORDINANCES
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TITLE I: GENERAL PROVISIONS

Chapter

- 10. RULES OF CONSTRUCTION; GENERAL PENALTY**
- 11. CORPORATE BOUNDARIES**

(KRS 446.010(11))

DIRECTORS. When applied to corporations, includes managers or trustees.
(KRS 446.010(12))

DOMESTIC. When applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state.
(KRS 446.010(13))

DOMESTIC ANIMAL. Any animal converted to domestic habitat.
(KRS 446.010(14))

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

FEDERAL. Refers to the United States.
(KRS 446.010(16))

FOREIGN. When applied to a corporation, partnership, business trust, or limited liability company, includes all those incorporated or formed by authority of any other state.
(KRS 446.010(17))

FRONT YARD. 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.

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

KRS. The abbreviation “KRS” refers to the Kentucky Revised Statutes.

LAND or ***REAL ESTATE.*** Includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest.
(KRS 446.010(22))

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

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

MAY. The act referred to is permissive.
(KRS 446.010(24))

MONTH. Calendar month.
(KRS 446.010(25))

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.

OATH. Includes affirmation, in all cases in which an affirmation may be substituted for an **OATH**.
(KRS 446.010(26))

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 a part of such building or land.

PARTNERSHIP. Includes both general and limited **PARTNERSHIPS**.
(KRS 446.010(28))

PEACE OFFICER. Includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, police officers, and other persons with similar authority to make arrests.
(KRS 446.010(29))

PERSON. May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies.
(KRS 446.010(31))

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REAR YARD. The area extending across the full width of any residential lot in the city and measured between the rear lot line and the rear line of the building or structure of such lot.

REGULAR ELECTION. The election in even-numbered years at which members of Congress are elected, and the election in odd-numbered years at which state officers are elected.
(KRS 446.010(34))

SHALL. The act referred to is mandatory.
(KRS 446.010(36))

SIDE YARD. 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 or structure on such lot.

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

STATE. The Commonwealth of Kentucky.

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

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

SWORN. Includes affirmed in all cases in which an affirmation may be substituted for an oath.
(KRS 446.010(40))

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

VACANCY IN OFFICE. Exists when there is an unexpired part of a term of office without a lawful incumbent therein, when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county, city, or district, or otherwise.
(KRS 446.010(43))

VIOLATE. Includes failure to comply with.
(KRS 446.010(44))

YEAR. Calendar year.
(KRS 446.010(46))
(1996 Code, § 1-1.01)

§ 10.03 RULES OF CONSTRUCTION.

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

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

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

(KRS 446.080(1))

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

(KRS 446.080(3))

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

(KRS 446.080(4))

§ 10.04 COMPUTATION OF TIME.

(A) (1) In computing any period of time prescribed or allowed by order of court, or by any applicable ordinance or regulation, the day of the act, event, or default after which the designated period of time begins to run is not to be included.

(2) The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, a legal holiday, or a day on which the public office in which a document is required to be filed is actually and legally closed, in which event the period runs until the end of the next day which is not one of the days just mentioned.

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

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

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

(KRS 446.030)

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

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

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

§ 10.06 WRITINGS AND SIGNATURES.

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

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

§ 10.07 SEVERABILITY.

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

§ 10.08 REVIVOR.

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

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

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

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

(E) No other action of Council repealing a repealer or an amendment shall have the effect of reviving

the original language of the repealer or amendment, as the case may be.
(KRS 446.100)

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

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

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.11 ORDINANCES REPEALED.

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

§ 10.12 ORDINANCES UNAFFECTED.

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

§ 10.13 ORDINANCES SAVED.

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

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

§ 10.15 CONFLICTING PROVISIONS.

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

§ 10.16 REFERENCE TO OFFICES.

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

§ 10.17 ERRORS AND OMISSIONS.

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

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

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

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

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

§ 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

Inspection of public records, see KRS 61.870 et seq.

§ 10.99 GENERAL PENALTY.

(A) Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation, and the offender shall be fined a maximum fine of \$150 if uncontested, and a maximum civil fine of \$300 if contested. Each day a violation occurs shall constitute a separate offense. All past due civil fines are also subject to monthly interest of 1.5%, court costs and costs associated with collection.

(B) Each day’s violation shall constitute a separate offense.
(Ord. 7, Series 2007, passed 7-16-2007)

Statutory references:

Enforcement of ordinances, see KRS 83A.065

Maximum fine for violations, see KRS 534.040(2)(c)

CHAPTER 11: CORPORATE BOUNDARIES

Section

11.01 Corporate boundaries

§ 11.01 CORPORATE BOUNDARIES.

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

(A) 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 line parallel with the easterly line of lot # 287 of Audubon Park, a plat of which is recorded in Plot and Subdivision Book 8, Pages 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 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; thence with the Easterly line of Dove 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 with said back lines as extended, in a southerly direction 625 feet more or less to a point in the back line of said lot 187, Block 111, Audubon Park where said line is met by the back lines of lot numbers, 2 to 18 inclusive, Block 111, Audubon Park, thence with said back lines in a southwesterly direction 1,725 feet more or less to a point of beginning.

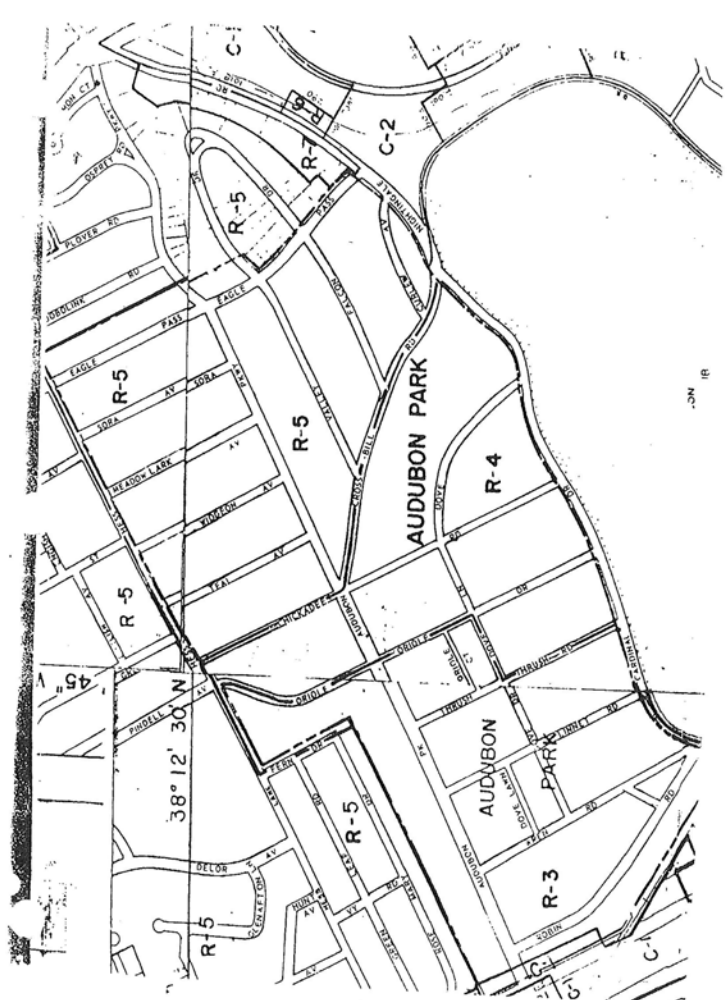
(Original incorporation - April 17, 1941.)

(B) Beginning at a point 250 feet easterly of the Easterly 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 to a point in the southerly line of Lot. No. 60, block 208 in said Audubon Park, 283 feet more or less east of the east

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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 in 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 is 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 southwardly 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.)

(C) Beginning at a point in the southerly line of Hess Lane and the western line of Eagle Pass; thence in a southerly direction along said 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 said property line to the southerly line of Hess Lane; thence in a westerly direction along the southern line of Hess Lane and to the point of beginning.
 (Annexation - November 4, 1944.)
 (1996 Code, § 3-2.01)



TITLE III: ADMINISTRATION

Chapter

30. CITY COUNCIL

31. CITY ORGANIZATION

32. CODE OF ETHICS

CHAPTER 30: CITY COUNCIL

Section

- 30.01 Governmental structure
- 30.02 Regular and special or emergency meetings; place of meetings
- 30.03 Quorum

§ 30.01 GOVERNMENTAL STRUCTURE.

The city shall operate under the Mayor-Council plan of government as prescribed by KRS 83A.130.

§ 30.02 REGULAR AND SPECIAL OR EMERGENCY MEETINGS; PLACE OF MEETINGS.

The City Council shall hold an inaugural meeting at noon on the first day of January following the election of its members. Thereafter, the Council shall hold regular meetings on the third Monday of each month, except in January and February, when it will meet one day later in order to observe federal holidays. Regular meetings shall be held at City Hall at 7:00 p.m. Regular, special, and emergency meetings shall be announced and conducted as prescribed by the Commonwealth Open Meetings Act, KRS 61.800 through 61.850.

(Ord. 6, Series 2014, passed 9-15-2014)

§ 30.3 QUORUM.

A majority of the members of the City Council shall constitute a quorum.
(1996 Code, § 3-3.05)

CHAPTER 31: CITY ORGANIZATION

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- 31.01 Elected officials
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- 31.03 Liability

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Parks and Recreation Board

city by insurers or other authorities; oversee the adequacy, viability and sustainability of the city's body of ordinances and regulations; and conduct liaison and research within the legal community to expose and develop ideas and initiatives that may serve the city's interests.

(4) *Engineer.* The City Engineer serves as the professional advisor and manager of programs to sustain and enhance the city's infrastructure. The engineer shall maintain an inventory of road conditions; solicit bids and collect proposals for repairs requiring contract support; assess needs for maintenance and restoration of other city facilities and structures; identify and catalogue issues of continuing engineering interest such as drainage, power supply and distribution, lighting, traffic signaling and control; conduct liaison with government agencies and utility providers to secure needed support of city interests; and oversee execution of contract and other work in areas of need.

(5) *Chief of Police and members of the police force.* The Chief of Police is the principal law enforcement officer, supported by a small accredited force of professional officers. In addition to the powers and duties prescribed by KRS 95.480, the Chief of Police (or a designated officer) shall attend and maintain order at all Council meetings; plan, conduct and document necessary recurring training to maintain Kentucky Peace Officer Professional Standards and associated accreditation; schedule and conduct patrols to provide an ongoing presence in the city, and such other jurisdictions as interlocal agreements may include; maintain strict accountability of police equipment and other property; and conduct liaison with neighboring law enforcement agencies and state and federal authorities to share resources, exchange ideas, and pursue programs to enhance safety in the city. The Chief of Police shall give bond in the amount of \$10,000.

(6) *Archivist.* The City Archivist is the chief architect, developer and manager, in collaboration with the City Clerk, of a comprehensive system of paper and electronic records that comprise the city archive. The Archivist shall inventory and catalog existing historical collections; organize materials in conformance with the file structure and retention schedule prescribed by the state Archives and Records Commission; identify and seek to procure secure storage equipment to protect paper records, and complementary hardware and software for electronic records; conduct liaison with local educational and civic organizations to acquire expertise and assistance to adopt best practices; and develop and implement an architecture to optimize recordkeeping resources and platforms in support of the city's operational and archival needs.

(7) *Forester.* The City Forester serves as the lead agent, in collaboration with the Forest Board, for maintenance and enhancement of the city's urban forest. The Forester shall assist in the inventory, selection and management of tree species; act on applications for permits required by the Forest Code, and oversee resulting activities; identify and direct abatement of tree hazards and nuisances; and conduct liaison in the professional community to gain exposure to new ideas and programs to promote the education of citizenry and sustainment of the forest.

(8) *Director of Building.* The City Building Director is the principal official charged with implementing the city's building code. The director shall review plans and specifications requiring city permits; issue, or recommend denial of such building permits and certificates; conduct inspections of building projects; recommend revisions or enhancements of the building code; maintain records and make reports; and perform such other services as may further the purposes of the building code and the Overlay District regulations it contains.

§ 31.39 ORGANIZATION OF BOARD; MEETINGS AND QUORUM.

(A) The Board shall annually elect a Chairperson from among its members. The Chairperson shall be the presiding officer and a full voting member of the Board.

(B) Regular meetings of the Code Enforcement Board shall be held on the third Tuesday of every month, unless there is no docket for such scheduled meeting. Meetings other than those regularly scheduled shall be considered special meetings and shall be held in accordance with the requirements of the Commonwealth Open Meetings Act, being KRS 61.800 through 61.850.

(C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Commonwealth Open Meetings Act, being KRS 61.800 through 61.850.

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

(E) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.
(Ord. 5, Series 2007, passed 7-16-2007)

§ 31.40 CONFLICT OF INTEREST.

Any member of the Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualified himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.
(Ord. 5, Series 2007, passed 7-16-2007)

§ 31.41 JURISDICTION.

The Code Enforcement Officer or Code Enforcement Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which specifically provide for Code Enforcement Board enforcement or which contain provisions for the imposition of civil penalties.
(Ord. 5, Series 2007, passed 7-16-2007)

§ 31.42 POWERS OF THE CODE ENFORCEMENT BOARD.

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

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

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GENERAL PROVISIONS

§ 32.001 TITLE.

This chapter shall be known and may be cited as the “City of Audubon Park Code of Ethics”.
(Ord. 4, passed 12-19-1994)

§ 32.002 FINDINGS.

The City Council finds and declares the following.

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

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

(C) The government of this city has a duty to provide its citizens with the standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.
(Ord. 4, passed 12-19-1994)

§ 32.003 PURPOSE AND AUTHORITY.

(A) It is the purpose of this chapter to provide a method of assuring that the standards of ethical and financial disclosure requirements for officers and employees of the city shall be clearly established, uniform in their application, and enforceable, and to provide the officers and employees of the city with

advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

(B) It is the further purpose of this chapter to meet the requirements of KRS Ch. 65 as enacted by the 1994 Commonwealth General Assembly.

(C) This chapter is enacted under the power vested in the city by KRS 82.082 and pursuant to requirements of KRS Ch. 65.
(Ord. 4, passed 12-19-1994)

§ 32.004 DEFINITIONS.

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

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

BOARD OF ETHICS. The City Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's code of ethics.

CANDIDATE. Any individual who seeks nomination or election to a city office. An individual is a **CANDIDATE** when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State.

CITY. The City of Audubon Park, Kentucky.

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

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

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

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

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

- (1) The Mayor;
- (2) A city Council member;
- (3) Any person who occupies a nonelected office created under KRS 83A.080; or
- (4) A member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.
(Ord. 4, passed 12-19-1994)

§ 32.005 EFFECTIVE DATE.

This chapter shall take full force and effect immediately upon publication as required by KRS 83A.060.
(Ord. 4, passed 12-19-1994)

STANDARDS OF CONDUCT

§ 32.020 CONFLICTS OF INTERESTS IN GENERAL.

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

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

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

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

- (1) The officer or employee;
- (2) A family member;

(3) An outside employer; or

(4) Any business in which the officer or employee, or any family member has a financial interest.

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

(E) Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision, or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure. (Ord. 4, passed 12-19-1994) Penalty, see § 32.999

§ 32.021 CONFLICTS OF INTERESTS IN CONTRACTS.

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

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

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

(3) The prohibition in this division (A)(3) shall not apply in any case where the following requirements are satisfied.

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

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

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

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

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

(Ord. 4, passed 12-19-1994) Penalty, see § 32.999

§ 32.022 RECEIPT OF GIFTS.

No officer or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift having a fair market value of more than \$200, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties.

(Ord. 4, passed 12-19-1994) Penalty, see § 32.999

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

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

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

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

(Ord. 4, passed 12-19-1994) Penalty, see § 32.999

§ 32.024 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

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

(B) Nothing in this section shall prohibit an employee from representing another employee or

calendar year:

- (1) The name, current business address, business telephone number, and home address of the filer;
- (2) Title of the filer's office, office sought, or position of employment;
- (3) Occupation and employer of the filer;
- (4) Information that identifies each source of income other than employment of the filer and the filer's immediate family members exceeding \$15,000 during the preceding calendar year, and the nature of the income (e.g., commission, dividends, and the like), except that no filer shall be required to specify the amount of such income, and no filer shall be required to disclose income that is derived from Social Security, retirement funds, disability insurance, maintenance or child support, or income from any business or other source which is not currently doing business with the city, has not done business with the city in the preceding year, and/or is not currently seeking to do business with the city; and
- (5) The name and address of any business located within or outside the state in which the filer or any immediate family member of the filer had, during the preceding calendar year, an interest exceeding \$15,000 at fair market value, or an ownership interest of 5% or more, except that no filer shall be required to disclose an ownership interest in any business which is not currently doing business with the city, has not done business with the city in the preceding year, and/or is not currently seeking to do business with the city.

(B) Nothing in this section shall be construed to require an officer or employee to disclose any specific dollar amount nor the names of individual clients or customers of businesses listed as sources of income.
(Ord. 4, passed 12-19-1994)

§ 32.045 NONCOMPLIANCE WITH FILING REQUIREMENT.

The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.
(Ord. 4, passed 12-19-1994) Penalty, see § 32.999

NEPOTISM

§ 32.060 NEPOTISM.

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

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

(I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.
(Ord. 4, passed 12-19-1994)

§ 32.076 ALTERNATE MEMBERS.

The Mayor, with the approval of the City Council, may appoint two alternate members of the Board of Ethics who may be called upon to serve when any regular member of the Board is unable to discharge his or her duties. An alternate member shall be appointed for a term of one year. Alternate members shall meet all qualifications and be subject to all of the requirements of this chapter that apply to regular members.

(Ord. 4, passed 12-19-1994)

§ 32.077 POWER AND DUTIES OF THE BOARD OF ETHICS.

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

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

(B) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this chapter; provided, that the rules, regulations, and actions are not in conflict with the provisions of this chapter or any state or federal law;

(C) To refer any information concerning violations of this chapter to the Mayor, the City Council, the governing body of any city agency, the County Attorney, or other appropriate person or body, as necessary;

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

(E) To enforce the provisions of this chapter with regard to all officers and employees of the city and city agencies who are subject to its terms by issuing appropriate orders;

(F) To control and maintain all statements of financial interests that are required to be filed by this chapter and to ensure that the statements are available for public inspection in accordance with the

§ 32.079 NOTICE OF HEARINGS.

(A) If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing.

(B) The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator.
(Ord. 4, passed 12-19-1994)

§ 32.080 HEARING PROCEDURE.

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

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

(C) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

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

(E) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this chapter has been proven. The Board shall issue a written report of its findings and conclusions.

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

(G) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this chapter, the Board may take any action it deems necessary, including, but not limited to, issuing a cease and desist order, issuing a written public reprimand, recommending a specific discipline, including dismissal or removal from office, or referring criminal evidence to the proper authority.

(Ord. 4, passed 12-19-1994)

§ 32.081 APPEALS.

(A) Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the City Council within 30 days after the date of the final action by the Board of Ethics by filing a petition with the City Council against the Board.

(B) The Board shall transmit to the City Clerk all evidence considered by the Board at the public hearing.

(Ord. 4, passed 12-19-1994)

§ 32.082 LIMITATIONS OF ACTIONS.

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

(Ord. 4, passed 12-19-1994)

§ 32.083 ADVISORY OPINIONS.

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

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

(Ord. 4, passed 12-19-1994)

§ 32.084 REPRISALS AGAINST PERSONS DISCLOSING VIOLATIONS PROHIBITED.

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

(Ord. 4, passed 12-19-1994)

§ 32.999 PENALTY.

(A) In addition to all other penalties which may be imposed under this chapter, any officer or employee of the city or any city agency who is found by the Board of Ethics to have violated any provision of this chapter shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debit, if the offender fails to pay the amount of the forfeiture within a 30-day period by the Board of Ethics.

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

(C) Any person who knowingly files with the Board a false complaint pursuant to § 32.078 alleging a violation of any provision this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(Ord. 4, passed 12-19-1994)

TITLE V: PUBLIC WORKS

Chapter

50. HEALTH AND SANITATION

CHAPTER 50: HEALTH AND SANITATION

Section

General Provisions

50.01 Title

Water

50.15 Water flow

50.16 Impure liquids

Sewers

50.30 Maintenance provided

50.31 Discharge of stormwater into sanitary sewer prohibited

50.32 Discharge of sewage into storm sewers prohibited

50.99 Penalty

GENERAL PROVISIONS

§ 50.01 TITLE.

This chapter may be known as the “Health and Sanitation Code”.
(1996 Code, § 13-1.02)

WATER

§ 50.15 WATER FLOW.

No person shall change or effect the flow of water across or under property within the city without first obtaining a permit and permission from MSD.
(1996 Code, § 13-2.01) Penalty, see § 50.99

§ 50.16 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 or her employ to do so.

(1996 Code, § 13-2.02) Penalty, see § 50.99

SEWERS**§ 50.30 MAINTENANCE PROVIDED.**

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.

(1996 Code, § 13-3.01) Penalty, see § 50.99

§ 50.31 DISCHARGE OF STORMWATER INTO SANITARY SEWER PROHIBITED.

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof-runoff, 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 Department of Health and County Department of Health.

(1996 Code, § 13-3.03) Penalty, see § 50.99

§ 50.32 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 stormwater and sanitary sewage, garbage, solid food wastes, leaves, trash, debris, water, or other liquid containing solids or suspended solids.

(1996 Code, § 13-3.04) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter shall be fined not less than \$25 nor more than \$100, plus court costs as may be imposed. Each day's continued violation shall constitute a separate offense.

(1996 Code, § 13-99.01)

(B) If this fee is not paid within 30 days, there will be a \$25 late fee added to the original fine.

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. PARKING REGULATIONS**
- 72. PARKING SCHEDULES**

CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Kentucky Motor Vehicle Code

§ 70.01 KENTUCKY MOTOR VEHICLE CODE.

The Kentucky Motor Vehicle Code, as contained in Title XVI of the Kentucky Revised Statutes, is adopted by reference as if fully set forth in this code of ordinances.

CHAPTER 72: PARKING SCHEDULES

Schedule

I. Parking at specific locations prohibited

SCHEDULE I. 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 at the following locations.

On either side of Audubon Parkway for a distance of 350 feet east of the curbline of Preston Highway
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
On the east side of Robin Road for a distance of 300 feet south of Cardinal Drive
On the south side of Cardinal Drive from Robin Road to Cross Bill Road
On the west side of Robin Road for a distance of 150 feet south of the south edge of Audubon Parkway

(1996 Code, § 5-6.05) Penalty, see § 71.99

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. PUBLIC WAYS, AREAS, SERVICES AND
ACTIVITIES CODE**
- 91. ANIMALS**
- 92. NUISANCES**
- 93. FOREST CODE**

CHAPTER 90: PUBLIC WAYS, AREAS, SERVICES AND ACTIVITIES CODE

Section

General Provisions

- 90.001 Definitions
- 90.002 Utility equipment; permit
- 90.003 Easements

Streets, Sidewalks, and Public Ways

- 90.015 Structural obstructions
- 90.016 Sight obstructions
- 90.017 Blocking roadways and sidewalks
- 90.018 Removal of materials on public ways
- 90.019 Enclosure of public ways
- 90.020 Repair of sidewalks
- 90.021 Excavation permits
- 90.022 Requirements in private excavations

Maintenance of Public Ways and Areas Adjacent Thereto

- 90.035 Abatement of hazards, nuisances, and obstructions
- 90.036 Grass and weeds in public ways
- 90.037 Entrance to streets and roads
- 90.038 Effective date

Public Park Areas

- 90.050 Designation of public park areas
- 90.051 Damage to public park areas
- 90.052 Use of public park areas

Waste Collection and Disposal

- 90.065 Garbage disposal franchise or contract
- 90.066 Financing taxes and service charges
- 90.067 Garbage containers

Parades

her 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 County Clerk shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal, plus accrued interest at the rate of 6% per annum from the date of completion of the work, plus costs of court and attorney fees, if any, for collection, until final payment has been made.

(1996 Code, § 11-3.02) Penalty, see § 90.999

§ 90.017 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 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 vehicle traffic thereon.

(1996 Code, § 11-3.04) Penalty, see § 90.999

§ 90.018 REMOVAL OF MATERIALS ON PUBLIC WAYS.

(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, stone, 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 work is completed but no later than one day after completion of the work.

(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.

(1996 Code, § 11-3.05)

§ 90.019 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 the written permission of the Mayor or his or her designee.

(1996 Code, § 11-3.06) Penalty, see § 90.999

§ 90.020 REPAIR OF SIDEWALKS.

(A) (1) 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 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. All sidewalk repair must apply for a permit from the city.

(2) This section shall not waive or affect the right of the city to order the reconstruction of any such sidewalk if it is found proper to do so.

(B) As soon as he or she ascertains the existence of defects in a sidewalk in the city, the Mayor or his or her designee shall forthwith notify, in writing, the owner of the property abutting the public way in which such sidewalk is located, to repair the same at his or her own expense, within a period of 90 days after the delivery of the notice.

(C) In the event said owner fails to make such repairs, the Mayor or his or her designee is authorized to have the necessary repairs made and to assess the cost of same to said owner and notify him or her of the assessment in writing.

(D) In the event said owner fails to remit the costs as assessed within 30 days of the notice as given above in division (C), the City Clerk shall take the necessary steps to place a lien against the abutting property owner in the office of the County Clerk in the amount of the unpaid assessment.

(1996 Code, § 11-6.01) Penalty, see § 90.999

§ 90.021 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, or 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 his or her designee.

(B) (1) 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 the same and shall immediately take all necessary precautions to make the location safe and secure.

(2) 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 such surface until the owner shall have secured a written permit from the legislative body to do so.

(3) Such permit shall be secured within 18 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.

(1996 Code, § 11-4.01)

§ 90.022 REQUIREMENTS IN PRIVATE EXCAVATIONS.

(A) (1) 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.

(2) 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.

(B) (1) After the issuance of such permit, the work allowed thereby shall be done within the time fixed by the permit and the surface of the street, sidewalk, or other public way shall be restored to as good condition as it was before such opening or excavation was made.

(2) 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) (1) The person who 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.

(2) 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 therefor.

(3) 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 so 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 on 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 of any such rights alleged to exist, unless especially stated herein.

(F) Police may issue emergency permits.
(1996 Code, § 11-4.02) Penalty, see § 90.999

(Ord. 008, Series 2002, passed 11-18-2002)

PUBLIC PARK AREAS

§ 90.050 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, located at 3237 Robin Road, Parcel ID# 0695-3001-0000.* The plot is 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 triangular line to the starting point at the extreme end of Robin Road.

(B) *Henderson Park, located at 3219 Wren Road, Parcel ID# 0695-3000-000.* 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; 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, located at 1020 Oriole Court, Parcel ID# 0696-3001-0000.* 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, located at 1124 Audubon Parkway, Parcel ID# 0699-0001-0000.* 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 293.9 feet westwardly to the point of beginning at Cross Bill Road and Audubon Parkway.

(E) *Curlew Park, located at 1206 Curlew Avenue, Parcel ID# 0704-0064-0000.* 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.

(1996 Code, § 11-2.01)

§ 90.051 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, or injure any of the trees or shrubbery in such parks or to injure any fountain, statuary, or terrace in any of such parks or other public property therein, or to throw any rocks, sticks, leaves, or other trash therein.

(1996 Code, § 11-2.02) Penalty, see § 90.999

§ 90.052 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 his or her designee, and upon such conditions and at such times as may be designated by him or her.
(1996 Code, § 11-2.03) Penalty, see § 90.999

WASTE COLLECTION AND DISPOSAL

§ 90.065 GARBAGE DISPOSAL FRANCHISE OR CONTRACT.

(A) (1) The legislative body shall, by franchise or contract, which may be exclusive or nonexclusive, provide for the collection and disposal of garbage, garden, and other trash and other waste within the city.

(2) Such franchise or contract shall be awarded following advertisement for bids therefor 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 therefor as provided in division (A) above.
(1996 Code, § 11-7.01) Penalty, see § 90.999

§ 90.066 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 ordinances from time to time, and enacted in such amounts as can be reasonably expected to yield revenues substantially equal to the cost of operation of the system.
(1996 Code, § 11-7.02)

§ 90.067 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, entrance ways into the city, and buildings located on corner lots.
(1996 Code, § 11-7.03) Penalty, see § 90.999

*PARADES***§ 90.080 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 his or her designee.

(B) This section shall not apply to:

(1) Funeral processions; or

(2) 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.
(1996 Code, § 11-9.01) Penalty, see § 90.999

§ 90.081 APPLICATION FOR PERMIT.

(A) A person seeking issuance of a parade permit shall file an application with the Mayor or his or her designee not less than five days, nor more than 60 days before the date on which it is proposed to conduct the parade.

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

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

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

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

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

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

(6) The approximate number of persons who, animals if any, and vehicles which will constitute such parade, the type of animals, if any, and the description of the vehicles.
(1996 Code, § 11-9.02)

§ 90.082 STANDARDS FOR ISSUANCE OF PERMIT.

The Mayor or his or her 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 or she 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 at 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 to be scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and

(E) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit.
(1996 Code, § 11-9.03)

§ 90.083 NOTICE OF REJECTION OF PERMIT.

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

(1996 Code, § 11-9.04)

§ 90.084 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 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.

(1996 Code, § 11-9.05)

§ 90.085 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

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(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; and

(C) Such other information as the Mayor or his or designee shall find necessary to the enforcement of this subchapter.

(1996 Code, § 11-9.06)

§ 90.086 DUTIES OF PERMITTEE AND PUBLIC CONDUCT DURING PARADES.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all 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 apart of the route of a parade.

(1996 Code, § 11-9.07) Penalty, see § 90.999

§ 90.999 PENALTY.

Any person violating any of the provisions of this chapter constitutes a civil offense, subject to a maximum civil fine of \$150 if uncontested, and a maximum civil fine of \$300 if contested. Each day a violation occurs shall constitute a separate offense. All past due civil fines are also subject to monthly interest of 1.5%, court costs, and costs associated with collection.

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occupants of adjacent property, or causes or tends to cause diminution in value of other property in the neighborhood in which such building, house, or structure is located;

(E) *Accumulation of rubbish.* Causing or suffering such an accumulation on any premises of dirt, film, plant matter, refuse, trash, garbage, or other waste material that it makes such premises unsightly or unhealthy or causes 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 its 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, dusts, smoke, or other matter as to render 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, uncovered, or insecurely-covered, cistern, cellar, well, pit, excavation, vault, or septic tank situated upon private premises in any open or unfenced lot of 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 property of individuals or of the public;

(J) *Loud noise.* Operating or permitting the operation of any music, phonographs, radios, television, mowers, blowers, trimmers, power tool equipment, and all other noise-producing devices, whether human or mechanical, which by reason of the 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 human in fear of physical danger or damage to or the theft of his or her property in an area accessible to children;

(M) *Junked autos or parts.* Maintaining, keeping, allowing, or permitting to be maintained, kept, or allowed, any junked, 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 thistles, burdock, jimson weed, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, or grass in excess of six inches, and all other

noxious weeds and rank vegetation of whatever kind or nature, to grow, accumulate, or stand in an improved or unimproved real estate, occupied lots, or vacant lots within the city, or to otherwise cause such premises to be unsightly or unhealthy;

(O) *Abandoned refrigerators.* 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 fly-proof, water-tight receptacles; the deposit of garbage and trash on road easement prior to the day before waste collection; or

(R) *Burning of leaves.* The burning of leaves is prohibited at all times.
(1996 Code, 7-2.01) Penalty, see § 92.99

(S) *Vegetation.*

(1) Whenever there exists overhanging branches of trees, hedges, shrubs, or weeds on the public ways of the city or on private property adjacent thereto, which in the opinion of the Mayor or his or her designee creates a hazard, unsightly conditions, or a nuisance, the Mayor or his or her designee may order the removal of the same by giving the owner of property abutting said public way written notice to remove said branches, hedges, shrubs, or weeds or leaves within ten days from receipt thereof, and if said notice is not complied with within said time, then the Mayor may have the same removed at the expense of such property owner.

(1996 Code, § 11-5.01)

(2) 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 or her property line and the paved portion of the street or 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 or her property and to keep drainage facilities adjacent to his or her property free from obstruction.

(1996 Code, § 11-5.03)

(T) *Pest infestations and extermination.* It shall be unlawful for any dwelling within the city to be infested with rats, mice, roaches, or other injurious or unwanted organisms, or infected with any contagious disease. Pest infestations which develop subsequent to the initiation of human occupancy within a dwelling shall be eradicated and all pests exterminated in accordance with the applicable regulations prescribed by the Council and the Director of the County Department of Public Health.
(1996 Code, § 15-5.02) (Ord. 008, Series 2002, passed 11-18-2002) Penalty, see § 92.99

§ 92.02 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known

to the common law and the commonwealth 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.

(1996 Code, 7-2.02)

§ 92.03 TEST FOR NUISANCE.

Whether or not a particular annoyance, of the character listed in § 92.01, constitutes a nuisance shall depend on its effect 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.

(1996 Code, 7-2.03)

§ 92.04 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, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care, the owner or operator ought to have become aware of.

(1996 Code, 7-2.04)

§ 92.05 ABATEMENT PROCEDURE.

Whenever it is determined by the Mayor, the Code Enforcement Officer, or his or her 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 or more of the following ways.

(A) The Mayor, the Code Enforcement Officer, or his or her designee may cause the person causing such nuisance or the owner or occupant of the premises where the nuisance exists to be cited for violation of the pertinent provisions of this chapter or other ordinance.

(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 regulations.

(C) If the nuisance is one which is prohibited by statute, the person causing such nuisance or the owner or occupant of the premises where such nuisance exists may proceed against as provided by such statute.

(D) (1) The Mayor, the Code Enforcement Officer, or his or her designee may order the person causing the nuisance or permitting the same to continue, or may order 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 his or her designee shall take into consideration the degree of threat to the

public health, safety, and welfare and the means required to abate such nuisance.

(2) 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 Code Enforcement Board to show cause why such nuisance should not be abated.

(3) The hearing before the Code Enforcement Board 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 Code Enforcement Board may also order the Code Enforcement Officer or City Police to cite such person for violation of the pertinent provision of the code or ordinance involved.

(E) The legislative body may order the City Attorney bring a suit to enjoin continuance of the nuisance.

(1996 Code, 7-2.05)

§ 92.99 PENALTY.

It shall be unlawful to cause or permit the continuance of any public nuisance included within the provisions of this chapter, and whoever causes or permits the continuance thereof shall, upon conviction, shall be subject to a maximum civil fine of \$150 if uncontested, and a maximum civil fine of \$300 if contested. Each day a violation occurs shall constitute a separate offense. All past due civil fines are also subject to monthly interest of 1.5%, court costs, and costs associated with collection..

(1996 Code, § 7-99.01)

CHAPTER 93: FOREST CODE

Section

- 93.01 Appointment of City Forester
- 93.02 Title
- 93.03 Authority
- 93.04 Definitions
- 93.05 Intent
- 93.06 Forest Board
- 93.07 City Forester
- 93.08 Maintenance of and standards for public trees
- 93.09 Permits and exceptions to permit requirements
- 93.10 Public Utility Permit Agreements
- 93.11 Prohibited actions to public trees

- 93.99 Penalty

§ 93.01 APPOINTMENT OF CITY FORESTER.

The offices of Clerk and Treasurer may be consolidated and the offices of Assessor and City Engineer are to be filled at the discretion of the Mayor. Pursuant to § 31.02 of this code, upon recommendation of the Forest Board, the Mayor shall appoint an individual as City Forester with the advice and consent of the legislative body.

(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.02 TITLE.

This chapter may be known and may be cited as the “City of Audubon Park Forest Code.”

(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.03 AUTHORITY.

This chapter is enacted pursuant to the city’s general police power; and all other state and local laws applicable to this chapter.

(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.04 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not otherwise defined herein shall be interpreted first by reference to the Louisville Metro Land Development Code and the code of ordinances for the City of Audubon Park, Kentucky (“city”) if specifically defined therein; then according to common usage, unless the context clearly indicates otherwise.

APPROPRIATE INSURANCE. Current and continued insurance coverage issued by an insurance company licensed to write and issue policies of insurance within the Commonwealth of Kentucky, with the applicant applying for a permit under § 93.09 of this chapter having insurance coverage in the minimum amounts of \$300,000 for bodily injury and \$1,000,000 for property damage, per occurrence, and indemnifying the city and any person who may be injured or suffer damages resulting from the conduct, activities, and the pursuits of the applicant, and worker’s compensation insurance for all agents or employees of the service provider in the amounts required by law. The certificate of insurance presented to the city must list the certificate holder as “City of Audubon Park, 3340 Robin Road, Audubon Park.” ***APPROPRIATE INSURANCE*** requirements shall not apply to employees, assigns, and agents of the city nor to any public service company doing such work in the pursuit of their public service endeavors or city employment.

CALIPER. The diameter in inches of a tree trunk taken 6 inches above the ground for up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.

CERTIFIED ARBORIST. An arborist certified by the International Society of Arboriculture.

CITY FORESTER. The city official appointed by the Mayor and confirmed by the legislative body pursuant to § 93.07 of this chapter.

COMPACTION. The process of compressing soil structure by foot or vehicle or by construction such that existing roots of a tree are damaged and roots can no longer penetrate soil to support growth and maintain health.

CRITICAL ROOT ZONE. The minimum area surrounding a tree considered essential to support its viability. The dimensional measurement of the critical root zone is equal to a radius of one foot per one inch of trunk DBH (defined below). Thus, in the instance of a 20-inch DBH tree, the tree’s critical root zone would consist of a 20-foot radius projecting in all directions from the tree as measured from the center of its trunk; or in terms of full diameter, a critical root zone of a 40-foot diameter spread across the full root system of the tree.

DBH (DIAMETER AT BREAST HEIGHT). The main stem of a tree trunk measured in inches at a height of 4½ feet above the natural grade of the ground at its base. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point below 4½ feet at which a normal diameter occurs. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split. In determining the DBH for purposes of calculating the value of a tree which has been illegally cut or removed, DBH shall be the top diameter of the stump less than 4½ feet above the ground.

DEAD (TREE OR LIMB). A tree or tree limb that is dead or has been damaged beyond repair or where insufficient live tissue, green leaves, limbs, or branches exist to sustain life.

DESTROYED TREE. A tree which through an intentional or negligent act or lack of protection is more likely than not to die within a period of five years, as determined by a certified arborist employed or retained by the Forest Board.

DYING TREE. A tree in an advanced state of decline because it is injured, diseased, or infested by insects and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of infestation or disease to other trees, or is likely to become a danger.

FOREST BOARD. These individuals appointed by the Mayor and confirmed by the legislative body pursuant to § 93.06(A) of this chapter.

IMMINENT THREAT. Sudden and unexpected instability or collapse of a tree or major limb that may cause harm to persons or property, or block vehicular traffic, which requires professional equipment to move, and is approved by the City Police as an “imminent threat.”

PROPER ARBORICULTURAL PRACTICES. A reference to the methods employed during tree planting or cutting or removing any part of the branching structure of a plant in the crown, trunk, or root areas in accordance with the most recent edition of the American National Standards Institute (ANSI) “A-300 Standards” and published “Best Management Practices” of the International Society of Arboriculture.

PROPERTY OWNER. Any person who is the owner of record of real property located within the city, as well as any person who is an owner within the meaning of § 10.02 of this code.

PRUNING. The removal or reduction of parts of a tree which are not requisite for growth or production, or are injurious to the health or development of a tree.

PUBLIC TREE. A tree with a base wholly, or in part, situated on city owned or controlled land or in public rights-of-way controlled by the city, excluding parks and parkways that are under the jurisdiction of Louisville Metro Parks or other governmental jurisdictions.

PUBLIC TREE NUISANCE. 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.

PUBLIC UTILITY. An organization that provides a utility service for the use and benefit of the public, including but not limited to electricity, natural gas, water, sewage, storm water, cable, telephone and telecommunications service, and maintains infrastructure for the provision of such service. A public utility may be publicly, privately, or cooperatively owned, and may or may not be regulated by the Kentucky Public Service Commission.

TOPPING. The severe cutting back of limbs to stubs within a tree’s crown and thus reducing the size of the tree using heading cuts that shorten limbs or branches back to a predetermined crown limit; also

referenced as “heading”, “tipping”, “hat racking”, or “rounding over”.

TREE MAINTENANCE. Any and all work performed on a tree and any associated costs including, but not limited to watering; structure and safety related pruning; removing dead or diseased limbs; treating insect infestations, fungi, diseases and pest control; and removal when a majority of a tree is dead or is a threat to public health and safety.

TRENCH OR TRENCHING. A cut in the ground exceeding 12 feet in length and a depth sufficient to damage tree roots in the area of the trench.
(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.05 INTENT.

Trees are declared to be beneficial public resources. To that end, this chapter provides for the promotion, management, and redevelopment of the city’s urban forest. The first responsibility for maintaining and renewing the forest, however, lies with the individual citizen. It shall be unlawful to remove, top, transplant, damage, poison, or in any other manner destroy or cause to be destroyed any tree in the public ways of the city, or to fail to comply with any other provision set forth herein.
(Ord. 8, Series 2019, passed 9-16-2019) Penalty, see § 93.99

§ 93.06 FOREST BOARD.

(A) *Appointment and constitution.*

- (1) There is hereby established a City Forest Board whose members, each of whom must be a resident or property owner, shall be appointed by the Mayor, and confirmed by the legislative body.
- (2) The Forest Board shall have no fewer than six members and no more than 12 members. The Mayor shall be an ex-officio member of the Forest Board, but shall vote only in the event of a tie. A majority of the members of the Forest Board shall constitute a quorum.
- (3) A Forest Board Chairperson (“Forest Board Chairperson”) shall be elected by the Forest Board. The Forest Board Chairperson may delegate any duty of the Forest Board to any member or members of the Forest Board. The Forest Board Chairperson shall be elected biennially.
- (4) The Forest Board shall elect such officers as it deems appropriate for its efficient operation, including, at minimum, the Forest Board Chairperson and a Recording Secretary.
- (5) The Forest Board is subject to the Kentucky Open Meetings and Open Records laws.
- (6) Members of the Forest Board shall serve without compensation.

(B) *Terms.* Each member of the Forest Board shall be appointed for a term of four calendar years, or until a successor is appointed and qualified; provided, however, that initial terms shall be staggered so that one-third of the members are appointed for two-year terms, one-third of the members are appointed for

three-year terms, and one-third of the members are appointed for four-year terms. In filling vacancies prior to the expiration of the stated term of Forest Board membership, the appointment of a successor shall be for only the unexpired portion of the remaining term.

(C) *Forest Board meetings.* The Forest Board shall meet on the second Wednesday of each month at 6:30 p.m. at City Hall, unless changed by the Forest Board with 24 hours public notice, or such other location as shall have been duly designated according to the Kentucky Revised Statutes. Minutes of every meeting of the Forest Board shall be kept and promptly filed with the City Clerk.

(D) *Forest Board duties.*

(1) The Forest Board shall propose criteria for the approval, or denial of, permits requested pursuant to § 93.09(A) of this chapter and the Forest Board shall propose procedures for submitting applications for such permits that are consistent with § 93.09(B) of this chapter. Such criteria and procedures shall include provisions to preserve and renew the city's forest resources, and shall become effective upon approval by the legislative body. Copies of such criteria and procedures shall be made available by the City Clerk without charge.

(2) The Forest Board is established for the following purposes:

(a) Acting on permit applications submitted pursuant to § 93.09 of this chapter and on potential nuisance conditions or actual public tree nuisances, in consultation with the City Forester as needed;

(b) Preparing and maintaining a forest management plan for the city, and submitting to the Mayor annual budget requests to support its implementation;

(c) Maintaining awareness of tree health and population diversity;

(d) Providing for the education of residents on planting, care, and preservation of trees;

(e) Organizing, promoting, and overseeing community volunteer activities to further the health and maintenance of the urban forest;

(f) Preparing applications for grants and honorifics associated with urban forestry;

(g) Advising the Mayor and legislative body on matters pertaining to the urban forest;

(h) Provide assistance and guidance on matters pertaining to purchasing, planting, pruning, and tree maintenance; and

(i) Such other duties as may, from time to time, be assigned to it by the Mayor.

(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.07 CITY FORESTER.

Audubon Park - General Regulations

(A) *Appointment.* Upon recommendation of the Forest Board, the Mayor shall appoint an individual as City Forester, with the advice and consent of the legislative body.

(B) *City Forester responsibilities.* The City Forester shall provide professional counsel to the Forest Board in fulfillment of its forest management and development responsibilities. In particular, the City Forester shall:

(1) Consult with the Forest Board:

(a) Upon the request of the Forest Board chair or designee;

(b) Upon the request of a majority of the members of the Forest Board; or

(c) When the Forest Board is asked to act on an application pursuant to § 93.06(D)(2)(a) of this chapter;

(2) Endeavor to ensure that any work for which a permit is required under this chapter is completed in a professional manner using proper arboricultural practices, and to ensure that the residents, property, and vegetation in the work area will be protected;

(3) Identify and report to the Forest Board any public tree nuisance, and work with the Mayor and Code Enforcement Officer to initiate a written notice of required abatement to the property owner or resident of the property where such public tree nuisance is situated;

(4) In the performance of the duties assigned to him or her in this section, have the authority to enter upon any lot within the city after providing reasonable notice to the resident and/or property owner of his or her intention to do so, the reason for such entry, and the time when such entry shall occur;

(5) Provide input and recommendations for the city's forest management plan and implementing budget requests prescribed by § 93.06(D)(2)(b) of this chapter, including needs for structural maintenance of existing trees, and preferred sites and species for reforestation; and

(6) Participate in maintaining awareness of tree health and diversity as prescribed by §93.06(D)(2)(c) of this chapter.

(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.08 MAINTENANCE OF AND STANDARDS FOR PUBLIC TREES.

(A) *Maintenance of public trees.* Tree maintenance of public trees shall be the responsibility of the abutting property owner.

(B) *Standards for public trees.*

(1) The Forest Board shall establish policies and standards for planting, tree maintenance, tree treatment, tree encroachment, and for the removal and replacement of public trees. In no event shall the Forest Board require planting a tree larger than 1-1/2 -inch in caliper.

(2) All public trees that are removed, including public trees removed by the city, are required to have the stump ground within three months of the removal at the expense of the property owner unless the Forest Board provides a written waiver of this requirement. This provision shall not require a public utility to grind the stump of a tree removed by the public utility, at the request of the Forest Board, from right-of-way not abutting the public utility's property.

(3) All public trees that are removed are required to be replaced in accordance with the Forest Board's standards, as prescribed in division (B) of this section, within one year, unless the Forest Board provides a written waiver of this requirement. This requirement shall not apply to exempt activities under § 93.09(C) of this chapter or to public utilities operating under a public utility permit agreement with the Forest Board pursuant § 93.10 of this chapter. If the City Forester and the Forest Board chair agree that a replacement tree cannot be placed in the right-of-way area, then either:

(a) The one-year time-frame to replace the public tree may be extended by the Forest Board chair, or by a majority vote of the Forest Board, to no more than five years; or

(b) Upon the consent of the property owner, a replacement tree may be placed on the property owner's private property in a location agreed to by the Forest Board chair, the City Forester, and the property owner, in fulfillment of the requirement to replace the public tree.

(4) Without limiting rights pursuant to any easement, only trees that grow to a mature height of at least 40 feet or more will be considered for planting within the public right-of-way.

(5) All driving and parking of vehicles, including construction equipment, that could cause compaction is prohibited.

(6) No tree or other item is permitted which causes a public tree nuisance.

(7) Trenching, including for sidewalks, within the critical root zone is prohibited.

(8) The Forest Board may, by majority vote, waive any standard or requirement placed on the property owner under this section.

(Ord. 8, Series 2019, passed 9-16-2019) Penalty, see § 93.99

§ 93.09 PERMITS AND EXCEPTIONS TO PERMIT REQUIREMENTS.

(A) Regular permits.

(1) A permit shall be obtained from the Forest Board, and issued by the City Clerk, prior to planting, tree maintenance, tree encroachment, tree removal, or replacement of a public tree in accordance with this chapter, except as stated in division (C) of this section. Permits involving public utilities are addressed in § 93.10 of this chapter and are not subject to this section.

(2) Instances requiring a permit:

(a) *Tree removal.* Circumstances in which a permit for the removal of a public tree

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shall be issued include, but are not limited to the following:

1. The public tree is a threat to public safety;
2. The public tree is a threat to the health of other trees in the community; or
3. If a tree planted after the effective date of this chapter is in violation of the policies and standards of the Forest Board, said public tree shall be replaced by a tree in compliance with the policies and standards of the Forest Board.

Unless waived by the Forest Board, approval of a tree removal permit will be conditioned upon the replacement of the tree in accordance with the standards of the Forest Board at a location approved by the Forest Board, which may be in a different location than the removed tree. If the permit recipient or property owner fails to replace the tree, the Forest Board may fulfill the replacement requirements and recover its costs in doing so from the property owner or other entity that removed the tree.

(b) *Pruning.* A permit for the pruning of a public tree shall be issued for pruning of limbs pruned in accordance with standards set forth by the Forest Board when said limb is:

1. Interfering with normal flow of pedestrian traffic;
2. Obstructing cross-visibility at any street corner or intersection;
3. Obstructing visibility of traffic control devices, signals, or permanent signs;
4. Touching a home or structure; or
5. Pruned to remove dead wood in the crown of the tree or pruned to thin the crown when approved by an arborist in compliance with proper arboricultural practices.

(3) The party seeking the permit shall indemnify and hold harmless the city, its officers and employees, from any loss, liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the work to be done pursuant to the permit.

(4) Permits under this chapter, other than public utility permits under § 93.10 of this chapter, are to be issued by the City Clerk without charge.

(5) All activity authorized by a permit shall be performed in compliance with the Forest Board standards and proper arboricultural practices.

(B) *The permit process.*

(1) *Permit request.* The property owner wishing to seek a permit shall call the City Hall Clerk or visit the website for the city in order to obtain and complete a permit application.

(2) *Right-of-way determination.* Once a permit application filed, the city's Code Enforcement Officer shall determine whether the subject tree is a public tree and thus subject to the provisions of this

chapter.

(3) *Consultation.* If the City Code Enforcement Officer determines that the tree subject to the permit application is a public tree, the Forest Board Chairperson or designee shall contact the property owner to arrange a time to visit and evaluate the tree, further evaluate the permit application, and, if required by this chapter, determine a site for future re-planting and the type of tree to be re-planted.

(4) *Pre-approval conditioned on proof of insurance or denial.* The Forest Board Chairperson or designee, in consultation with the Mayor, shall decide whether to conditionally pre-approve or deny the permit application under the provisions of this chapter. Such decision will be provided in writing by the Forest Board Chairperson or designee to the property owner and the City Clerk. If the Forest Board Chairperson or designee, in consultation with the Mayor, denies the permit application, the property owner may appeal under division (E) of this section.

(5) *Proof of insurance.* If the permit application is conditionally pre-approved, the property owner may engage an entity with appropriate insurance to perform the tree service related to the permit. Before the permit may be approved, the property owner must first obtain written confirmation from the City Clerk that the entity contracted to perform the tree service related to the permit has appropriate insurance.

(6) *Issuance.* The City Clerk shall issue the permit in writing. Upon issuance, the permit must be displayed at the job site in such a manner that the permit is visible from the street.

(C) *Exceptions to the regular permit process.* Permits issued under division (A) of this section shall not be required for:

(1) Trees that are within the scope of a commercial development plan or landscape plan which has received final approval from the Louisville Metro Planning Commission or authorized committee or staff thereof;

(2) Actions to be performed by the city, or a contractor for a Louisville Metro Government agency, provided any trees removed as part of these actions are replaced pursuant to the provisions contained herein;

(3) Emergency repairs by or at the direction of public utility providers that have entered into a public utility permit agreement with a Louisville Metro Government agency; and

(4) Routine tree watering and mulching.

(D) *Emergency permit approval.* A property owner may be eligible for an emergency permit under this section without complying with the regular permit requirements of divisions (A) and (B) of this section, upon the occurrence of the following:

(1) A tree is designated by the Police Department as an imminent threat, as defined in § 93.04 of this chapter.

(2) The Police Department documents and approves an emergency application;

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(3) After the City Police is notified and documents and approves an emergency application, a regular permit application is completed under division (B) of this section within 24 hours; and

(4) The proof of insurance required under division (B)(5) of this section is provided to the City Clerk within 48 hours of the completed permit application referenced in division (D)(3).

(E) *Appeals.* Upon denial of a permit application under the above divisions, the property owner may request that the legislative body grant a variance to the provisions of this chapter under Chapter 150 of this code.

(F) *Posting permits.* No work requiring a permit hereunder shall commence until the permit holder or public utility shall have posted a permit card in the work area. Such card shall be preserved and remain posted until the work is completed.

(Ord. 8, Series 2019, passed 9-16-2019)

§ 93.10 PUBLIC UTILITY PERMIT AGREEMENTS.

(A) Except in the case of emergency repairs, it shall be unlawful for any public utility to trim any tree, whether or not located along such public utility's right-of-way or easement, without first having met with the City Forester and having obtained a permit to do so. The permit shall be issued in accordance with § 93.09.

(B) (1) The city may enter into tree permit agreements with public utilities for activities involving similarly situated trees or groupings of trees which permit pruning of trees, directional boring, tree encroachment and/or tree removal, to allow reasonable construction activities or to avoid a threat to the continuous provision of public utility services. The permit agreement shall include clearly expressed standards describing the specific situations where pruning, directional boring, tree encroachment and/or tree removal is permitted to assure reasonable public utility construction activities or to avoid a threat to the continuous provision of public utility services. Such standards shall not interfere with the public utility's obligation or ability to provide service and shall be in accordance with and not prohibit activity consistent with the public utility's written pruning and trenching specifications reviewed by and filed with the Kentucky Public Service Commission, which shall be submitted to the city, or in the absence of such specifications as mutually agreeable to the city and the public utility.

(2) The permit agreement shall further include provisions for replacement of public trees that are removed as a result of the public utility activities, which may include a fee to be paid periodically to the city for stump grinding, tree replacement and maintenance of trees removed by the public utility, in which case the city and not the public utility would be responsible for such actions.

(3) With respect to any public utility providing multiple types of services which by their nature have the potential to affect trees differently, such public utility may obtain separate tree permit agreements for each such type of service. Enforcement actions under § 93.99 of this chapter may be taken against any public utility with a valid public utility permit agreement, or against any employee, agent, or representative of such a public utility, only for violation of this chapter caused by the gross negligence or intentional actions of the public utility, employee, agent, or representative. The Forest Board may charge a public utility a fee for the issuance of a permit under this division, provided that such fee shall not exceed \$2,400

per year. Any entity or person that performs any work on trees as described in this chapter, may not park equipment in a manner that may cause compaction.

(Ord. 8, Series 2019, passed 9-16-2019) Penalty, see § 93.99

§ 93.11 PROHIBITED ACTIONS TO PUBLIC TREES.

(A) *Prohibited actions.* Except as expressly permitted pursuant to a permit issued under § 93.09(A) and (B) of this chapter; as authorized in a public utility permit agreement under § 93.10 of this chapter; and exempt activities under § 93.09(C) of this chapter, the following actions shall be prohibited:

(1) Intentional injury to a public tree, including but not limited to carving, defacing, breaking, using climbing spikes or irons (except for purposes of permitted tree removal), burning, attaching ropes, wires, insulators, nails, screws, chains, posters, signs, or other objects, disturbing or interfering with the root system, or allowing any harmful gaseous, liquid, chemical, or solid substance to come into contact with any portion of a public tree;

(2) Endangerment of a public tree by the creation of or the allowing of the existence of situations which endanger public trees, as defined in the Forest Board's policies and standards;

(3) Topping, severely pruning, or otherwise disfiguring, any public tree;

(4) Pruning a public tree for the purpose of increasing visibility of commercial outdoor signage, off-premise advertising, or building facades;

(5) Destruction of a public tree by causing its physical removal by any means or causing its effective removal by any means which creates a situation that will more than likely lead to the imminent death of a public tree;

(6) Changing the natural surface grade within the drip line of a tree;

(7) Excessive paving or installing of an impervious surface over a substantial portion of the drip line of a tree;

(8) Substantially changing natural drainage patterns in a manner which would reasonably be expected to kill a tree; or

(9) All driving and parking of vehicles, including construction equipment that could cause compaction.

(B) *Administrative fees for prohibited actions.* If the prohibited action poses a serious threat to the public health, safety or welfare, or if the consequences of continued violation would cause irreparable damage to one or more public trees, the Mayor may, without further notice, proceed to abate the condition caused by the prohibited action. In such cases, the Mayor may, in addition to any monetary penalty imposed by this chapter, charge the responsible person or persons with the cost of the abatement, including equipment expense and a disposal fee, if any, as well as an administrative fee. The fee schedule for administrative fees shall be approved by the legislative body, posted at city hall, and published on the

city's website.

(Ord. 8, Series 2019, passed 9-16-2019) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) *Enforcement.*

(1) The Forest Board, City Forester, and the City Code Enforcement Officer shall have the right of entry onto all lands within the city at reasonable times for purposes of determining whether a tree presents a public tree nuisance, subject to constitutional restrictions on unreasonable searches and seizures.

(2) When work or another activity affecting public trees is being conducted in violation of this chapter, is not authorized by any applicable permits, and poses irreparable damage to trees or threatens public safety, the Code Enforcement Officer and Police are authorized to issue a stop work order requiring the person or entity to cease work until a review of the activity can be conducted by the Forest Board.

(B) A violation of this chapter shall be classified as a civil offense and public nuisance and shall be enforced as provided in § 92.99.

(C) The civil penalty for violations under this chapter shall be not less than \$50 nor more than \$1,000. Each tree in an offense involving multiple trees shall constitute a separate offense, and each day of a violation that is continuing in nature after a deadline for compliance has passed shall constitute a separate offense but in no case shall the total fine exceed \$10,000.

(D) The city shall possess a lien on the property of the person committing the violation for all fines, penalties, charges and fees imposed pursuant to this section. The lien shall be superior to and have priority over all other subsequent liens on the property except state, county, School Board, and Louisville Metro Government and city taxes.

(E) In addition to the foregoing monetary penalties set out in this section, when a violation of this chapter results in the injury, mutilation, or death of a live public tree, the cost of repair or replacement, and/or the appraised dollar value of such tree shall be borne by the person who violated the chapter.

(F) In addition to the civil enforcement mechanism provided for the correction of violations under this chapter, the City Attorney may institute an action for the recovery of any penalties and costs otherwise authorized in this chapter, and bring an action for an injunction against any person violating or threatening to violate any provision of this chapter or any standard established by the Forest Board pursuant thereto. (Ord. 8, Series 2019, passed 9-16-2019)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS REGULATIONS

111. INSURANCE COMPANIES

CHAPTER 110: BUSINESS REGULATIONS

Section

General Provisions

- 110.01 Title
- 110.02 Definitions

Conduct of Business Prohibited

- 110.15 Conduct of business prohibited
- 110.16 License of business
- 110.17 Billboards
- 110.18 Quiet, peaceful, lawful operation
- 110.19 Operation of day nurseries
- 110.20 Signs
- 110.21 Franchises

Solicitors and Peddlers

- 110.35 Illegal solicitation and peddling
- 110.36 Exemptions

Sales

- 110.50 Permit required
- 110.51 Sale application
- 110.52 Sale permit
- 110.53 Sale sign
- 110.54 Auctions; permits and regulations

Signs

- 110.65 Advertising and business signs prohibited
- 110.99 Penalty

(2) The location of the proposed sale;

(3) What provisions are to be made for parking and access to the proposed sale;

(4) 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 or her at his or her residence;

(5) The date of the last previous sale, if any, conducted by the applicant and the location of such sale; and

(6) Goods offered for sale shall be displayed other than the front yard and permits for sale shall be attached to “sale” sign front yard.
(1996 Code, § 9-4.02)

(B) If the city designates a date for an annual or semi-annual communal sale and a resident seeks to participate, he or she may do so without having to obtain a required permit from the city.
(Ord. 5, Series 2019, passed 9-16-2019)

§ 110.52 SALE PERMIT.

(A) Approval.

(1) If the legislative body or the Mayor or his or her designee is satisfied that the proposed sale will not adversely affect the safety, health, convenience, comfort, and general welfare of the city and the 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 for profit, it shall issue a permit for such sale.

(2) That 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 his or her designee deems 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.

(1) If the application is incomplete or the Mayor or his or her 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 location of the proposed sale or that such sale is not an occasional sale or is in pursuit of a course of conduct evidencing a trade, or business for profit, no permit shall be issued and the applicant shall be so notified.

(2) When requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor.
(1996 Code, § 9-4.05)

§ 110.53 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 his or her designee as provided in this subchapter.

(1996 Code, § 9-4.06) Penalty, see § 110.99

§ 110.54 AUCTIONS; PERMITS AND REGULATIONS.

(A) It shall be unlawful for any person to conduct an auction of any real property within the city without first making application at least seven days in advance and obtaining a permit therefor from the city.

(B) There shall be a fee of \$100 per day for such permit, and the auctioneer shall announce the parking ordinances of the city 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.

(C) A fire lane must be open at all times.

(1996 Code, § 9-4.07) Penalty, see § 110.99

SIGNS**§ 110.65 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;

(B) Yard sale signs erected on the lot where, and in connection with, a yard sale permitted by the provisions of this subchapter; and

(C) Business signs erected and attached to the commercial premises within the city located on and facing the east side of Preston Street so long as such signs conform with the applicable rules and regulations of the Louisville County and County Planning Commission in effect from time to time.

(1996 Code, § 9-5.01) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Any person violating any of the provisions of this chapter constitutes a civil offense, subject to a maximum civil fine of \$150 if uncontested and a minimum civil fine of \$300 if contested. Each day a violation occurs shall constitute a separate offense. All past due civil fines are also subject to monthly interest of 1.5%, court costs, and costs associated with collection.

(B) Failure or refusal to procure a license pursuant to § 110.16 shall, upon conviction, carry a fine of not less than \$25 nor more than \$50, plus the cost of prosecution.
(1996 Code, § 9-2.02)

(C) Any person, company, or corporation who fails or refuses to procure a license pursuant to § 110.17 after ten days following due date shall, in addition to the license fee and penalty, pay a penalty of not less than \$25 per day for each day of operating without a license
(1996 Code, § 9-2.03)

(D) Violators of any provisions of § 110.54 shall be fined not less than \$300 for each offense, plus any court costs as may be imposed.
(1996 Code, § 9-4.07)
(Ord. 3 Series 1991, passed 11-25-1991)

CHAPTER 111: INSURANCE COMPANIES

Section

- 111.01 License fee
- 111.02 Fee assessment
- 111.03 Payment
- 111.04 Report of collections

§ 111.01 LICENSE FEE.

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city.
(Ord. 2, Series 2015, passed 3-16-2015)

§ 111.02 FEE ASSESSMENT.

The license fee imposed upon each insurance company shall be 9% of the premiums actually collected within each calendar quarter by reason of the issuance or renewal of its policies within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the worker's compensation acts and shall not include premiums received on the policies of group health insurance.
(Ord. 2, Series 2015, passed 3-16-2015)

§ 111.03 PAYMENT.

(A) All license fees imposed by this chapter shall be due and payable by insurers to the city no later than 30 days after the end of each calendar quarter.

(B) License fees which are not paid to the city in the manner prescribed above on or before the due date shall bear interest at the tax interest rate determined by KRS 131.183.
(Ord. 2, Series 2015, passed 3-16-2015)

§ 111.04 REPORT OF COLLECTIONS.

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city a written report of all collections in the preceding calendar year for each of the following categories of insurance:

(A) Casualty;

(B) Automobile;

(C) Inland marine;

(D) Fire and allied perils;

(E) Life;

(F) Health; and

(G) All other risks.

(Ord. 2, Series 2015, passed 3-16-2015)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC ORDER

CHAPTER 130: OFFENSES AGAINST PUBLIC ORDER

Section

130.01 Operating a vehicle under the influence; presumptions concerning intoxicants

§ 130.01 OPERATING A VEHICLE UNDER THE INFLUENCE; PRESUMPTIONS CONCERNING INTOXICANTS.

The Kentucky Motor Vehicle Code, as contained in Title XVI of the Kentucky Revised Statutes, is adopted by reference as if fully set forth in this code of ordinances.

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING AND HOUSING REGULATIONS; LOT
SUBDIVISION**
- 151. NATIONAL HISTORIC DISTRICT**
- 152. SOLAR PANELS**

CHAPTER 150: BUILDING AND HOUSING REGULATIONS; LOT SUBDIVISION

Section

General Provisions

- 150.001 Adoption of state codes; enforcement agents
- 150.002 Application
- 150.003 Appeals

Administration and Scope

- 150.020 Officials
- 150.021 Specific duties of Building Director
- 150.022 Variances

Permits

- 150.035 Permits generally
- 150.036 Application for permit
- 150.037 Permits provided
- 150.038 Issuance of permit
- 150.039 Responsibilities of permit applicant
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- 150.041 Completion of project

Minimum Building Standards and Regulations

- 150.055 Character of building
- 150.056 Location of buildings

Housing Regulations

- 150.070 Scope of subchapter
- 150.071 Prohibited conditions; external
- 150.072 External maintenance and repair
- 150.073 Responsibilities of owner or landlord
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- 150.075 Vacant dwellings; procedure for securing

Swimming Pools, Hot Tubs, Whirlpools, and Spas

150.090 Generally
 150.091 Permit required
 150.092 Permit application
 150.093 Issuance of permit
 150.094 Permit fee
 150.095 Fences

Lot Subdivision

150.110 Lot subdivision
 150.999 Penalty

GENERAL PROVISIONS

§ 150.001 ADOPTION OF STATE CODES; ENFORCEMENT AGENTS.

(A) The Kentucky Building Code, as contained in Title 815, Chapter 7 of the Kentucky Administrative Regulations; the Kentucky Residential Code, as contained in Title 815, Chapter 7 of the Administrative Regulations; the Kentucky Plumbing Code, as contained in Title 815, Chapter 20 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Title 815, Chapter 10 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for inspection during normal business hours.

(B) The Chief Building Inspector for Metro Louisville shall be designated as the local enforcement agent for the Kentucky Building Code and Residential Code.

(C) The Chief Building Inspector for Metro Louisville and all other designated officers, agents and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety. Penalty, see § 150.99

§ 150.002 APPLICATION.

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

§ 150.003 APPEALS.

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

Statutory reference:

Appeals procedure, see KRS 198B.070

ADMINISTRATION AND SCOPE

§ 150.020 OFFICIALS.

(A) *Appointment of Director.* The Mayor may appoint a resident of the city to the position of Director of Building which appointment may be terminated at will by 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 or construction work.)

(B) *Duties.* The Director of Building is hereby authorized and directed to enforce all provisions of this subchapter as herein provided.

(C) *Deputies.* The Director of Building, with the 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 the approval of the Mayor, may appoint inspectors and assistants to help carry out the provisions of this subchapter 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 experience as an architect, engineer, builder, or in some other phase of construction work.

(E) *Right of entry.* Upon the presentation of the proper credentials the Director of Building or his or her duly-authorized representatives, he or she may enter at reasonable times any building, structure, or premises within the city to perform any and all duties imposed upon him or her by this subchapter.

(F) *Liability.* Any person charged with the enforcement of this subchapter, acting in good faith and without malice for the city in the discharge of his or her duties, shall not thereby render himself or herself personally liable and he or she 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 or her in the enforcement of any provisions of this subchapter, and shall have the right to be defended by the City Attorney until final determination of any proceedings pending against him or her.

(1996 Code, § 15-2.02)

§ 150.021 SPECIFIC DUTIES OF BUILDING DIRECTOR.

The Director of Building is hereby authorized and directed to enforce all provisions of this subchapter; to review plans and specifications; to recommend to the Mayor or his or her designee the issuance of denial of building permits and certificates; to conduct inspections; to recommend to the legislative body the issuance of rules and regulations consistent with this subchapter; to maintain records and make reports; and to perform such other services as may be necessary to execute the provisions of this subchapter and be consistent therewith.
(1996 Code, § 15-2.03)

§ 150.022 VARIANCES.*(A) General.*

(1) Any party in interest may request that the legislative body grant a variance to the provisions of this subchapter when the legislative body finds that the provisions of the code impose undue and unwarranted hardships or injustices upon the party requesting such variance and that the granting of the variance will most nearly accomplish and not defeat the purpose and intent of this subchapter, or the county and planning and zoning regulations.

(2) In which case, the variance will have to be granted by the County Planning and Zoning Commission and approved by the legislative body.

(B) Procedure.

(1) Upon receipt of a request for the granting of a variance to this subchapter, the legislative body shall, at its 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 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.

(2) The legislative body shall, at the time the 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.

(1) 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, at the time the hearing was scheduled to have an interest in the property adjacent to that property for which the variance is being requested.

(2) The party requesting the variance shall make a presentation to the legislative body as to why the section of this subchapter from which it is requesting a variance causes undue and unwarranted hardship or injustices to it, and as to why the granting of the variance will not defeat the purpose and intent

of this subchapter.

(3) (a) 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.

(b) 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.

(c) The legislative body may schedule additional hearings, if in said body's opinion, they are necessary for adequate consideration of the request.

(D) *Decision.* The legislative body shall vote at the end of the hearing and if a majority of the whole body votes in favor of such variance, the variance is granted.
(1996 Code, § 15-2.05)

PERMITS

§ 150.035 PERMITS GENERALLY.

(A) No persons 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 both the City of Audubon Park and Jefferson County Metro Louisville.

(B) Ordinary upkeep and maintenance and minor repairs and alterations involving no change in character or use may be made to a building without filing an application or obtaining a permit; provided, such repairs shall not violate any of the provisions of this subchapter.
(1996 Code, § 15-3.01) Penalty, see § 150.999

§ 150.036 APPLICATION FOR PERMIT.

(A) *Form.* An application for a permit, signed by the owner or his or her authorized agent, shall be filed with the Mayor or his or her 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 regulation 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 or her professional registration under KRS Ch. 322 and 323. Single-family dwellings, and accessory buildings or structures thereto are hereby exempted from this section.

(C) *Plans and specifications.*

(1) (a) 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 subchapter and all relevant deed restrictions, laws, ordinances, rules, and regulations.

(b) Such information shall be specific, and this subchapter 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.

(c) 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 along with a boundary line survey, if and where necessary, prepared by a qualified surveyor, may also be required by the Mayor or his or her designee.

(2) 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 months after the date of issuance; provided, that for cause, one or more extensions of time, for periods not exceeding 90 days each, may be allowed by the Mayor or his or her designee.
(1996 Code, § 15-3.02)

§ 150.037 PERMITS PROVIDED.

(A) *Building permit.* No building permit shall be issued until the applicant shall have paid to the City Treasurer a permit fee of \$50, which shall be non-refundable.

(B) *Overlay permit.* No person shall begin any major structural change or any ordinary repairs to any building or structure, or change or create any surface parking lot, or clear a parcel or lot of trees or other major vegetation, or change the appearance to signage, until the city has issued an overlay permit, without cost, certifying that the person has complied with the provisions of the city code, which also serves as the city’s overlay district regulations. This prohibition shall not apply to emergency repairs that need to be made to a building or structure.

(1996 Code, § 15-3.03) (Ord. 7 Series 1999, passed 9-20-1999; Ord. 2, Series 2016, passed 2-16-2016)
Penalty, see § 150.999

§ 150.038 ISSUANCE OF PERMIT.

(A) *Examination of application.* The Director of Building 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 construction indicated and described will not adversely affect the public safety, health, convenience, comfort, and general welfare of the residents of the city; is in accordance with the requirements of this subchapter and all other pertinent laws, ordinances, and deed restrictions; is in uniformity and harmony of exterior design with existing structures on the lot on which the work is proposed and surrounding lots; and is so located so as to not adversely affect adjoining structures, uses, and operations.

(B) *Action on application.*

(1) *Approval.*

(a) The Director of Building 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 adversely affect the public safety, health, convenience, comfort, and general welfare of the residents of the city; conforms to the requirements of this subchapter and all other pertinent laws, ordinances, and deed restrictions; is in uniformity and harmony of exterior design with existing structures on the lot on which the work is proposed and surrounding lots; and is so located so as to not adversely affect adjoining structures, uses, and operations, he or she shall so report to the Mayor or his or her designee which, if it concurs in such Director's report, shall issue a building permit.

(b) 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 subchapter, or other pertinent laws, ordinances, and deed restrictions without authorization from the Mayor or his or her designee, and all work shall be done in accordance with the approved plans and specifications.

(2) *Disapproval.* If the application for a permit and the plans and specifications filed there with, describe work which does not conform to the requirements of this subchapter or other pertinent laws, ordinances, or deed restrictions, or does not contain sufficient information, the Director of Building shall so report to the legislative body, and, if the report of such Director is concurred in by such legislative body, no permit shall be issued. In such event. the pleas 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.*

(1) One set of approved 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 returned to the applicant.

(2) The latter set shall be kept at the site of work at all times during which the work authorized thereby is in process and shall be open to inspection at all reasonable times by the Director of Building or his or her authorized representative.

(D) *Conditions of the permit.*

(1) 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 of the provisions of this subchapter, 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 of violations of this subchapter or any other applicable laws, ordinances, or deed restrictions.

(2) Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months after issuance, or, if after the work is commenced, such work is not completed within six months; provided, that for cause, extensions of time may be allowed by re-applying for a permit.

(E) *Posting of permit.*

(1) No building operations requiring a permit shall be commenced until the permit holder or his or her 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 Building to make entries thereon requesting inspection of the work.

(2) Such card shall be preserved and shall remain posted until completion of the work.
(1996 Code, § 15-3.04) Penalty, see § 150.999

§ 150.039 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 or she assumes the responsibility for assuring the city that water will not be diverted from its natural flow to the detriment of the land(s) surrounding the building or structure which he or she 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 the said project.

(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 activities, and the like.

(1996 Code, § 15-3.05)

§ 150.040 INSPECTIONS.

(A) *Existing buildings.* Before issuing a permit, the Mayor or his or her 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.*

(1) 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.

(2) He or she shall make a record of every such examination and inspection and of all violations of this subchapter and of any other applicable law, ordinance, and deed restriction.

(C) *Procedure.*

(1) The Director of Building shall make, or cause to be made, the inspections called for by this section.

(2) He or she may accept reports of inspectors of recognized inspection organizations; provided, that after investigation he or she is satisfied as to their qualifications and reliability.

(3) 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 a responsible officer of such organization.
(1996 Code, § 15-3.06)

§ 150.041 COMPLETION OF PROJECT.

(A) Upon the completion of a project and the satisfaction of all sections of this subchapter and all other pertinent laws, ordinances, and deed restrictions, those funds on deposit with the city under § 150.039, shall be refunded to the holder of the building permit.

(B) No building shall be occupied or used until final inspections approval.
(1996 Code, § 15-3.07)

MINIMUM BUILDING STANDARDS AND REGULATIONS

§ 150.055 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 affect 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 the lesser of either 25 feet or the height of the house, and 1,200 square

feet.

(D) Construction of concrete block garages is prohibited unless exterior of garage has a brick, stone, or compatible siding veneer applied over concrete block.

(E) Steel or aluminum fiberglass shall not be suitable for garage nor outbuilding construction. (1996 Code, § 15-4.01) (Ord 8 Series 1999, passed 1-18-2000; Ord. 6, Series 2019, passed 9-16-2019) Penalty, see § 150.999

§ 150.056 LOCATION OF BUILDINGS.

(A) (1) The building setback area for all buildings and appurtenances thereto, shall conform to the current restrictions of the county planning and zoning regulations at that location.

(2) 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) (1) Garages and carports attached to a dwelling shall become a part of the dwelling and shall have the same zoning restrictions as the dwelling.

(2) Unattached garages must be located 15 feet from the dwelling and may be located within two feet of the side property line.

(C) No structure may be erected on any lot easement or side yard requirements. (1996 Code, § 15-4.02) Penalty, see § 150.999

HOUSING REGULATIONS

§ 150.070 SCOPE OF SUBCHAPTER.

The provisions of this subchapter shall apply to all buildings or any appurtenance connected or attached to such buildings located with the city including, but not limited to, fences, driveways, private roads, sidewalks, and swimming pools. (1996 Code, § 15-5.01)

§ 150.071 PROHIBITED CONDITIONS; EXTERNAL.

(A) (1) 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, film, rubbish, garbage, or similar matter, and shall be kept free from vermin and rodent infestation.

(2) The occupant or occupants shall have the responsibility for meeting the obligation created in this division (A) with respect to all exterior areas within his, her, or their exclusive control.

(B) (1) All dwellings, fences, gates, and outbuildings or other structures in a dilapidated or unsafe condition shall be removed or repaired.

(2) All sheds and auxiliary structures attached to dwellings which create blind rooms or which overcrowd the land shall be removed.

(3) All yard structures, fences, and rubbish which obstruct light and air, harbor rats and vermin, or create an undesirable environment shall be removed.

(4) 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.

(1996 Code, § 15-5.03) Penalty, see § 150.999

§ 150.072 EXTERNAL MAINTENANCE AND REPAIR.

(A) *External maintenance.*

(1) All foundations, exterior walls, floors, 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.

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

(B) *Gutters and downspouts.*

(1) All roofs of every dwelling shall be equipped with gutters and downspouts connected to an approved sewer. If there is no approved sewer for downspout connections, the stormwater shall be disposed of on the property, in such manner as to not to flow onto adjoining property.

(2) All gutters, downspouts, and connecting drains shall be kept free of the accumulation of material which would tend to impede or obstruct the normal therein.

(1996 Code, § 15-5.04)

§ 150.073 RESPONSIBILITIES OF OWNER OR LANDLORD.

(A) *General obligations.* Except as specifically provided in other sections of this subchapter, all the obligations set forth in this subchapter are the responsibility of the owner, regardless of whether the owner is also the occupant of the property subject to this subchapter.

(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.

(C) *Occupant's responsibilities.* Nothing in this section shall be construed to eliminate the responsibility of an occupant, as provided in divisions (A) and (B) above, unless such infestation extends to two or more dwelling units within the building.

(1996 Code, § 15-5.05) Penalty, see § 150.999

§ 150.074 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 or her dwelling unit is the only one infested.

(1996 Code, § 15-5.06) Penalty, see § 150.999

§ 150.075 VACANT DWELLINGS; PROCEDURE FOR SECURING.

(A) (1) 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.

(2) If the dwelling or dwelling unit thereafter becomes open so that any unauthorized person may enter, the owner shall cause the structure to be closed at all outside openings by securely covering all such openings with a type of covering approved by the Executive Director of Louisville Metro Housing Authority, 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 or her to enter.

(B) (1) 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 his or her designee may order and direct the owner of such structure to close it securely in the manner provided for in division (A) above by delivering to said owner a written notice requiring him or her to securely close said structure within five days of the date of such notice.

(2) (a) The mailing of the notice to the owner at his or her last known address shall be deemed notice to him or her.

(b) If the owner fails to complete the closing of any such dwelling or dwelling unit within the five-day period, the Mayor or his or her 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) (1) If the full amount of the cost of any closing carried out by the Mayor or his or her designee pursuant to division (B) above is not paid to the city by the owner within 30 days after the said closing is completed, the city shall have prepared and cause to be signed and sworn to by the Mayor or his or her designee an affidavit showing the cost and expense incurred for the work and the date, place, or property on which said work was done.

(2) The affidavit shall be recorded in the office of the County Clerk and shall constitute a lien upon the property, which shall remain in full force and effect for the amount due as principal, plus accrued interest at the rate of 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 the work involved has been properly and satisfactorily done; and this shall be full notice to all persons concerned that the amount 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.

(1996 Code, § 15-5.07) Penalty, see § 150.999

SWIMMING POOLS, HOT TUBS, WHIRLPOOLS, AND SPAS

§ 150.090 GENERALLY.

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 §§ 150.020 through 150.024 and § 50.16. (Section 150.094 applies.)
(1996 Code, § 15-6.06)

§ 150.091 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 inground swimming pools, constructed in a rear yard and subject to the limitations hereinafter set forth.

(C) No person shall construct or maintain a swimming pool as provided for 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.

(E) No inflatable domes, covers, or other raised structures over the pool shall be allowed. (1996 Code, § 15-6.01) Penalty, see § 150.999

§ 150.092 PERMIT APPLICATION.

(A) An application for a permit, signed by the owner or his or her authorized agent, shall be filed with the Mayor or his or her 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.

(B) The information set forth in the written application shall contain at least the following information:

(1) The kind of pool to be constructed;

(2) 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;

(3) 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;

(4) Any effect on adjacent properties which can be reasonably expected to result from the construction of the pool;

(5) What provisions are to be made for supplying the pool with potable water and for the drainage thereof;

(6) The substance which will be used as fill and the anticipated disposition of any earth removed;

(7) The time when construction is expected to begin and the length of time it will take before it is completed; and

(8) Submittal of fencing plan.

(1996 Code, § 15-6.02)

§ 150.093 ISSUANCE OF PERMIT.

(A) *Other requirements.* Any person requesting a permit must, in addition to the city permit, obtain the necessary permits from the County Planning and Zoning and the Louisville County and County Health Department.

(B) *Examination of application.* The Mayor or his or her designee shall examine or cause to be examined each application for a swimming, 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 with the requirements of this subchapter and all other pertinent laws, ordinances, and deed restriction.

(C) Action of application.

(1) *Approval.* The Mayor or his or her 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 and conforms to the requirements of this subchapter and all other pertinent laws, ordinances, and deed restrictions, he or she shall so report to this legislative body which, if it concurs in such Director's report, shall issue a permit therefor.

(2) Disapproval.

(a) If the application for a swimming pool permit and the information filed therewith describe work which does not conform to the requirements of this subchapter or all other pertinent laws, ordinances, and deed restrictions, or does not contain sufficient information, the Mayor or his or her designee shall so report to the legislative body, and, if the report of such Mayor or his or her designee is concurred in by the legislative body, no permit shall be issued and the applicant shall be so notified.

(b) When requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor.

(1996 Code, § 15-6.03)

§ 150.094 PERMIT FEE.

No swimming pool permit shall be issued until the applicant shall have paid to the City Clerk a permit fee of \$50, the proposed work is in compliance with this subchapter, and a building permit has been issued.

(1996 Code, § 15-6.04)

§ 150.095 FENCES.

All pool 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.

(1996 Code, § 15-6.05)

LOT SUBDIVISION

§ 150.110 LOT SUBDIVISION.

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

(1996 Code, § 7-6.01) Penalty, see § 150.999

§ 150.999 PENALTY.

Any person violating any of the provisions of this chapter constitutes a civil offense, subject to a maximum civil fine of \$150 if uncontested, and a maximum civil fine of \$300 if contested. Each day a violation occurs shall constitute a separate offense. All past due civil fines are also subject to monthly interest of 1.5%, court costs, and costs associated with collection.

CHAPTER 151: NATIONAL HISTORIC DISTRICT

Section

- 151.01 Establishment
- 151.02 Conformance to corporate boundaries
- 151.03 Distinctive characteristics
- 151.04 Administration and authority
- 151.05 Proposed development; review
- 151.06 Incorporation of standards, guidelines and criteria

§ 151.01 ESTABLISHMENT.

Under the authority of KRS 82.660(1), an overlay district is hereby established for the city, in order to provide for the preservation and conservation of its historic, architectural, natural and cultural character and integrity.

(Ord. 1, Series 2016, passed 2-16-2016)

§ 151.02 CONFORMANCE TO CORPORATE BOUNDARIES.

The district will conform to the corporate boundaries of the city.

(Ord. 1, Series 2016, passed 2-16-2016)

§ 151.03 DISTINCTIVE CHARACTERISTICS.

Distinctive characteristics of the district to be preserved and conserved include, inter alia: its seclusion from the surrounding urban area; its abundance of trees and green spaces, and accompanying invitation to outdoor activities; its eclectic mix of period architecture; and the healthy environment and wildlife habitat afforded by its urban forest and responsible citizenry.

(Ord. 1, Series 2016, passed 2-16-2016)

§ 151.04 ADMINISTRATION AND AUTHORITY.

Overlay regulations shall be promulgated and administered solely as city ordinances; their administration is, therefore, the responsibility of the Code Enforcement Board, operating as provided in

this code of ordinances. The Board shall establish a body of experts to assist in the review of design standards and development proposals.

(Ord. 1, Series 2016, passed 2-16-2016)

§ 151.05 PROPOSED DEVELOPMENT; REVIEW.

Proposed development within the district shall be reviewed as prescribed in the city's Building Code, providing for adequate notice, public hearings and timely consideration of applications.

(Ord. 1, Series 2016, passed 2-16-2016)

§ 151.06 INCORPORATION OF STANDARDS, GUIDELINES AND CRITERIA.

Standards, guidelines and criteria governing development within the district to preserve, conserve and protect the historical, architectural, cultural, aesthetic and other distinctive characteristics of the district are embodied in the city code, whose provisions are incorporated by reference as overlay regulations.

(Ord. 1, Series 2016, passed 2-16-2016)

CHAPTER 152: SOLAR PANELS

Section

- 152.01 Definitions
- 152.02 Permit required; compliance

- 152.99 Penalty

§ 152.01 DEFINITIONS.

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

GROUND-MOUNTED SES. A freestanding solar energy system that is not attached to and is separate from any building on the same parcel on which the solar energy system is located.

SOLAR ENERGY SYSTEM (SES). A system (including solar collector surfaces and ancillary solar equipment), either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores and distributes solar energy for heating or cooling, generating electricity, or heating water. ***SOLAR ENERGY SYSTEMS*** include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems. ***SOLAR PANEL SYSTEMS*** do not include individually powered solar lights such as garden lights, landscape lights, accent lights, security lights, cameras or flood lights.

SOLAR PANEL SYSTEMS. A combination of equipment and/or controls, accessories, inter-connecting means and terminal elements for the collection, storage, and distribution of solar energy. (Ord. 7, Series 2019, passed 9-16-2019)

§ 152.02 PERMIT REQUIRED; COMPLIANCE.

(A) It shall be unlawful for any person to erect or maintain ground- or roof-mounted solar panel systems without first obtaining a permit therefor from the Mayor or his or her designee.

(B) No permit 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 his or her 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 installed on the primary residence's roofline facing the street or seen from the primary residence's street address facade or primary elevation.

(C) Ground-mounted, personal-scale SES shall not be permitted.

(D) A building-mounted SES, and the installation and use thereof, shall comply with the Building Code, the Electrical Code and any other applicable state codes. Installation of a building-mounted SES shall not commence until all necessary permits have been issued.

(Ord. 7, Series 2019, passed 9-16-2019) Penalty, see § 153.99

§ 152.99 PENALTY.

Any person violating any of the provisions of this chapter constitutes a civil offense, subject to a maximum civil fine of \$150 if uncontested, and a maximum civil fine of \$300 if contested. Each day a violation occurs shall constitute a separate offense. All past due civil fines are also subject to monthly interest of 1.5%, court costs, and costs associated with collection.

TABLE OF SPECIAL ORDINANCES

[Reserved]

PARALLEL REFERENCES

References to Kentucky Revised Statutes
References to 1996 Code
References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Cites</i>	<i>Code Section</i>
15.520	31.15, 31.17
61.800 through 61.850	30.02, 31.39, 31.61
61.810	32.080
61.870 et seq.	10.18
61.872 to 61.884	32.025
Ch. 65	32.003
65.8801 through 65.8839	31.35
65.8815(5)	31.39
82.082	32.003
82.660(1)	151.01
83A.010(5)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.045(2)(b)	31.01
83A.060	32.005
83A.065	10.99
83A.080	32.004
83A.090	10.18
83A.085	31.02
83A.130	30.01
91A.010(8)	10.02
95.480	31.02
97.030	31.61
131.183	111.03
Ch. 198B	150.003
198B.070	150.003
Ch. 322	150.036
Ch. 323	150.036
446.010(1)	10.02
446.010(11)	10.02
446.010(12)	10.02
446.010(13)	10.02
446.010(14)	10.02
446.010(16)	10.02
446.010(17)	10.02
446.010(22)	10.02
<i>KRS Cites</i>	<i>Code Section</i>

Audubon Park - Parallel References

446.010(24)	10.02
446.010(25)	10.02
446.010(26)	10.02
446.010(28)	10.02
446.010(29)	10.02
446.010(31)	10.02
446.010(34)	10.02
446.010(36)	10.02
446.010(40)	10.02
446.010(43)	10.02
446.010(44)	10.02
446.010(46)	10.02
446.010(52)	10.02
446.020(1)	10.03
446.020(2)	10.03
446.030	10.02, 10.04
446.050	10.05
446.060	10.06
446.080(1)	10.03
446.080(3)	10.03
446.080(4)	10.03
446.090	10.07
446.100	10.08
446.140	10.01
534.040(2)(c)	10.99

REFERENCES TO 1996 CODE

<i>1996 Code</i>	<i>Code Section</i>
1-1.01	10.02
3-2.01	11.01
3-3.05	30.03
3-4.04	31.03
3-5.01	31.15
3-5.02	31.16
3-5.03	31.17
3-5.04	31.18
3-5.05	31.19
3-5.06	31.20
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