

CODE OF ORDINANCES

OF THE CITY OF

AUDUBON PARK, KENTUCKY



Adopted November 19, 2018

Dorn Crawford, Mayor

Janette Mercer, City Clerk

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AUDUBON PARK, KENTUCKY
TABLE OF CONTENTS

Chapter

TITLE I: GENERAL PROVISIONS

- 11. Rules of Construction
- 12. Corporate Boundaries
- 13. Overlay District

TITLE II: CITY ADMINISTRATION CODE

- 21. General
- 22. City Organization
- 23. Code of Ethics

TITLE III: CODE OF PUBLIC ORDER

- 31. The Public Way
- 32. Use of Streets
- 33. Parking Regulations
- 34. Health and Sanitation
- 35. Animals

TITLE IV: PARKS AND RECREATION CODE

- 41. Parks Designation and Regulation
- 42. Parks and Recreation Board
- 43. Parades

TITLE V: FOREST CODE

- 51. General Provisions
- 52. Forest Board
- 53. City Forester
- 54. Standards and Procedures

TITLE VI: NUISANCE CODE

- 61. General Provisions
- 62. Nuisance Conditions

- 63. Unsafe and Unfit Structures
- 64. Abatement Procedures

TITLE VII: BUSINESS CODE

- 71. Definitions
- 72. Conduct of Business
- 73. Solicitation
- 74. Private Sales
- 75. Signs

TITLE VIII: BUILDING CODE

- 81. Administration and Scope
- 82. Buildings
- 83. Appurtenances
- 84. Swimming and Bathing Facilities
- 85. Permitting Procedures
- 86. Variances

TITLE IX: CODE ENFORCEMENT

- 91. Code Enforcement Board
- 92. Enforcement Proceedings

TITLE I: GENERAL PROVISIONS

CHAPTER 11: RULES OF CONSTRUCTION

§ 11.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the City as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Audubon Park City Code, for which designation "code of ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code.

(KRS 446.140)

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

§ 11.02 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: "(1996 Code, § 5-6.04); (Ord. 5 Series 1999, passed 7-19-1999)"

(B) If a KRS citation is included in the text, the reader should refer to that statute for further information. Example: "Subsequent proceedings are prescribed by KRS 65.8825, *et seq.*"

§ 11.03 SEVERABILITY.

If any phrase, clause, sentence, paragraph, or section of this Code shall be declared invalid by a final judgement or decree of a court of competent jurisdiction, such invalidity shall not affect any of the remaining titles, chapters, phrases, clauses, sentences, paragraphs and sections of this Code.

CHAPTER 12: CORPORATE BOUNDARIES

§ 12.01 RECORDED 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 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 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)



AUDUBON PARK

CHAPTER 13: OVERLAY DISTRICT

§ 13.01 ESTABLISHMENT OF DISTRICT.

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.

§ 13.02 BOUNDARIES.

The district is defined by the corporate boundaries of the City of Audubon Park, as recorded in the preceding Chapter, which coincide with the boundaries of the Audubon Park National Historic District, as listed in the National Register of Historic Places.

§ 13.03 DISTRICT 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.

§ 13.04 OVERLAY REGULATIONS AND STANDARDS.

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 convene a body of experts as required to assist in the review of design standards and development proposals.

§ 13.05 REVIEW PROCEDURES.

Proposed development within the District shall be reviewed as prescribed in Title VIII, the City Building Code, providing for adequate notice, public hearings, and timely consideration of applications.

§ 13.06 CITY CODE TO SERVE AS OVERLAY REGULATIONS.

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.

TITLE II: CITY ADMINISTRATION CODE

CHAPTER 21: GENERAL PROVISIONS

§ 21.01 DEFINITIONS.

CITY. When capitalized in this code shall denote the City of Audubon Park.

COUNCIL. The City legislative body. (KRS 83A.010(5))

COUNCILOR. A member of the City Council. (KRS 83A.010(8))

MAYOR. The City executive authority. (KRS 83A.010(6))

§ 21.02 STRUCTURE OF GOVERNMENT.

The City shall operate under the mayor-council plan of government, as prescribed by KRS 83A.130.

§ 21.03 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, *et seq.*

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

§ 21.04 QUORUM.

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

CHAPTER 22: CITY ORGANIZATION

§ 22.01 ELECTED OFFICIALS.

Election of the Mayor and six Councilors shall be nonpartisan, and shall be conducted as prescribed in KRS 83A.045(2)(b), which provides for forgoing nonpartisan primary election, and permitting candidates to file for election up to the second Tuesday in August preceding the general election.

§ 22.02 APPOINTED OFFICIALS.

(A) The following offices are established to provide for the orderly conduct of the executive powers and duties listed and otherwise required by law. The Mayor shall appoint qualified persons to fill

these offices under his or her authority, subject to confirmation by the Council. Upon assuming office, these officials shall take the oath of office given in Section 228 of the Constitution.

(1) Clerk. The City Clerk is the chief provider of administrative services and support. In addition to the duties prescribed in KRS 83A.085, the Clerk shall provide informational materials and respond to inquiries from citizens; conduct liaison with administrative offices of metropolitan, state and Federal governments; prepare tax rolls from property valuation data and other sources, and conduct the City's tax collection effort; compile materials for, participate in and prepare minutes of Council meetings, hearings and other events as required; facilitate application for and issue of City permits by appropriate authorities; and prepare correspondence and reports in furtherance of the City's obligations and interests. The Clerk shall give bond in the amount of \$10,000.

(2) Treasurer. The City Treasurer is the principal fiscal officer. The Treasurer shall compile budgetary plans and programs for consideration by the Mayor and Council; convey approved budgets into detailed reports for monitoring and oversight; account for, allocate and deposit incoming revenue; validate ongoing expenditures by department and pay the resulting obligations; monitor overall cash flows and balances to insure liquidity in the designated City funds; oversee and coordinate supporting bookkeeping activity and payroll services; and compile materials for and conduct liaison with annual and other auditors reviewing City fiscal affairs. The Treasurer shall give bond in the amount of \$10,000.

(3) Attorney. The City Attorney is the chief legal advisor to the Mayor, Council, and other City officials as required. The Attorney shall review and advise on matters of legal import including legislation, litigation, contracts and insurance; prepare legal documentation and conduct prosecution or defense of the City's interests in court; maintain liaison and coordination with other legal staff designated to represent the 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 City 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 police 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 public safety in the City. The Chief 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 to 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.

(B) Each official shall perform such additional duties as the Mayor may assign. The offices of Clerk and Treasurer may be consolidated at the Mayor's discretion.

(C) City government also includes four Boards whose composition and duties are detailed in the successive Codes they administer:

- (1) Ethics: Title II, Chapter 23
- (2) Parks and Recreation: Title IV
- (3) Forest: Title V
- (4) Code Enforcement: Title IX

§ 22.03 LIABILITY.

Any City official charged with the enforcement of any ordinance of the City, 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 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 an ordinance of this City, and shall have the right to be defended by the City Attorney until final determination of any proceeding pending against him or her.

(1996 Code, § 3-4.04)

CHAPTER 23: CODE OF ETHICS

GENERAL PROVISIONS

§ 23.01 FINDINGS.

The City 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)

§ 23.02 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)

§ 23.03 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, or files a declaration of intent to be a write-in candidate, with the County Clerk.

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 Councilor;
- (3) Any person who occupies a nonelected office listed in §22.02; or
- (4) A member of a Board listed in §22.02, or the governing body of any other City agency duly constituted by the City.
(Ord. 4, passed 12-19-1994)

STANDARDS OF CONDUCT

§ 23.04 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 interest.
- (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)

§ 23.05 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 section 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 section shall apply to the renewal of the contract.

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

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

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

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

(c) A finding is made by the governing body of the City or City agency that the contract with the officer or employee is in the best 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)

§ 23.06 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)

§ 23.07 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)

§ 23.08 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

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

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

responsibilities.

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

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward, or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.
(Ord. 4, passed 12-19-1994)

§ 23.09 MISUSE OF CONFIDENTIAL INFORMATION.

No officer or employee of the City or any City agency shall intentionally use or disclose information acquired in the course of his or her official duties if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Commonwealth Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.
(Ord. 4, passed 12-19-1994)

FINANCIAL DISCLOSURE

§ 23.10 WHO MUST FILE.

Officers and employees of the City and City agencies, as such terms are defined in § 32.004, shall file an annual statement of financial interests with the Board of Ethics; provided; however, that nonelected officers and employees of the City or any City agency shall be required to file an annual statement of financial interests only if they are authorized to make purchases of materials or services, or award contracts, leases, or agreements involving the expenditure of more than \$5,000.
(Ord. 4, passed 12-19-1994)

§ 23.11 WHEN TO FILE STATEMENTS; AMENDED STATEMENTS.

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

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

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

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

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

of the material change, file an amended statement with the Board.
(Ord. 4, passed 12-19-1994)

§ 23.12 FORM OF THE STATEMENT OF FINANCIAL INTERESTS.

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

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

§ 23.13 CONTROL AND MAINTENANCE OF THE STATEMENT OF FINANCIAL INTERESTS.

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

(B) A statement of financial interests shall be retained by the Board, or the designated administrative official, until the expiration of one year after a person ceases to be an officer or employee of the City or a City agency, at which time the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

(C) A statement of financial interests shall be retained by the Board, or the designated administrative official, until the expiration of one year after any election at which a candidate for elected City office was not elected or nominated, at which time the Board shall cause to be destroyed any statements of financial interests or copies of those statements filed by the person.

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

§ 23.14 CONTENTS OF THE STATEMENT OF FINANCIAL INTERESTS.

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

§ 23.15 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)

NEPOTISM

§ 23.16 NEPOTISM.

No family member of a City officer or employee shall be appointed to any office or position of employment with the City or a City agency if such officer or employee will have responsibility, directly or indirectly, to supervise, manage, or control the work of the family member without disclosure to and approval by the City Council, with such approval being noted in the official minutes.

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

ENFORCEMENT

§ 23.17 BOARD OF ETHICS CREATED.

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

(B) The Board of Ethics shall consist of three members who shall be appointed by the Mayor, subject to the approval of the City Council. The initial members of the Board of Ethics shall be appointed within 60 days of the effective date of this chapter. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the City or any City agency. The members shall serve for a term of three years; except that with respect to the members initially appointed, one member shall be appointed for a term of one year, one member shall be appointed

for a term of two years, and one members shall be appointed for a term of three years. Thereafter, all appointments shall be for a term of three years. Each member of the Board of Ethics shall have been a resident of the City for at least one year prior to the date of the appointment and shall reside in the City throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be reappointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by the Mayor, subject to the approval of the City Council, for misconduct, inability, or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the Mayor and the City Council.

(D) Vacancies on the Board of Ethics shall be filled within 60 days by the Mayor, subject to the approval of the City Council. If a vacancy is not filled by the Mayor within 60 days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

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

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

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

(H) The presence of 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)

§ 23.18 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)

§ 23.19 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 requirements of this chapter and the Commonwealth Open Records Act; and/or

(G) To develop and submit any reports regarding the conduct of its business that may be required by the Mayor or Council.
(Ord. 4, passed 12-19-1994)

§ 23.20 FILING AND INVESTIGATION OF COMPLAINTS.

(A) (1) All complaints alleging any violation of the provisions of this chapter shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics.

(2) All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics.

(3) The Board shall forward within ten working days to each officer or employee of the City or City agency who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this chapter.

(B) (1) Within 30 days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint.

(2) The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint.

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

(1) The Board may turn over to the Commonwealth Attorney or County Attorney evidence which may be used in criminal proceedings.

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

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

(1) Due to mitigating circumstances, issue a written confidential reprimand to the officer or employee concerning the alleged violation and provide a copy of the confidential reprimand to the Mayor and City Council or governing body of the City agency; or

(2) Initiate a hearing to determine whether there has been a violation. (Ord. 4, passed 12-19-1994)

§ 23.21 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)

§ 23.22 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)

§ 23.23 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)

§ 23.24 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)

§ 23.25 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)

§ 23.26 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)

§ 23.99 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 30 days of the Board's determination.

(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) (1) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under § 32.045 within the time period established in the notice, shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Board under this section may be recovered by the City in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

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

(D) Any person who knowingly files with the Board a false complaint pursuant to § 23.20 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 III: CODE OF PUBLIC ORDER

CHAPTER 31: THE PUBLIC WAY

§ 31.01 STRUCTURAL OBSTRUCTIONS.

It shall be unlawful for any private person to erect, keep, or maintain upon or over any sidewalk, street, or public way within the City, or upon or over any part of such sidewalk, street, or public way, any house, fence, wall, building, or structure of any kind, or any post, rail, trees, plantings, or other things that may in any way obstruct, either totally or partially, such street or sidewalk, or that may in any way prevent or impede the full and free use by the public of such entire sidewalk, street, or public way. (1996 Code, § 11-3.01)

§ 31.02 SIGHT OBSTRUCTIONS.

(A) Whenever there exist trees, or overhanging branches or the same, hedges, shrubs, weeds, or other obstruction of any kind on the sidewalks or public ways of the City or on private property adjacent thereto, which obstruct the vision of any operator of vehicles over said public ways, or obstruct any traffic sign, so as to create a hazard to the safe operation of such vehicles, the Mayor or his or her designee may order the removal of such obstructions by giving the owner of such property written notice to remove said obstructions within ten days from receipt thereof, and if said notice is not complied with within said time, then the Mayor or his or her designee may have such obstruction removed at the expense of such property owner.

(B) The notice herein provided shall state the nature of such obstructions and what part thereof shall be removed, and such notice may be delivered or mailed to the owner of such property or his or her agent.

(C) Upon the failure of any person to comply with any notice specified herein, the Mayor or his or 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)

§ 31.03 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 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)

§ 31.04 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 after said work is completed, within one day after the 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)

§ 31.05 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)

§ 31.06 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.

(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 ten 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, 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)

§ 31.07 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 City 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)

§ 31.08 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 Mayor.

(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.
(1996 Code, § 11-4.02)

§ 31.09 ENTRANCE TO STREETS AND ROADS.

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

(1996 Code, § 11-5.04) (Ord. 008, Series 2002, passed 11-18-2002)

§ 31.10 UTILITY EQUIPMENT; PERMIT.

No telegraph, telephone, electric light, and power poles, wires, tubes, cables, and other wires and lines, and no constricting of sewers, sewer connections, drains, water lines, gas lines, and other utilities equipment shall hereafter be placed on, under, or above the surface of any public way or lot within the corporate boundaries of the City without first obtaining a permit from the Mayor or his or her designee.
(1996 Code, § 11-8.01)

CHAPTER 32: USE OF STREETS

§ 32.01 TAMPERING WITH VEHICLES.

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

(1996 Code, § 5-3.01)

§ 32.02 DISPLAY OF PARKED VEHICLE FOR SALE.

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

(1996 Code, § 5-3.02)

§ 32.03 USE OF ROADWAYS.

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

(1996 Code, § 5-3.03)

§ 32.04 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway.

(B) (1) It shall be unlawful for the operator of any vehicle to drive said vehicle out of any driveway or building or lot and across a sidewalk, or its extension across such driveway, unless such vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension, and upon entering the roadway from such driveway, building or lot shall yield the right-of-way to all vehicles approaching on said roadway.

(2) The operator of any vehicle intending to cross a sidewalk and turn into a driveway from the roadway may do so at low speed and with caution.

(1996 Code, § 5-5.14)

§ 32.05 INJURY TO STREET BY VEHICLES; CHAINS.

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

(B) It shall be unlawful to operate on any street any freight-carrying motor vehicle which is not equipped with tires of rubber or other material of equal resiliency, or which has tires so worn that the thickness thereof is less than one-half inch, or so damaged as to cause pounding on the pavement.

(C) (1) When chains are used on any rubber-tired vehicle, the cross-chains shall not be more than three-quarters inch in thickness or diameter, and shall be spaced not more than ten inches apart around the circumference of the tires.

(2) No freight-carrying vehicle equipped with any anti-skid device so constructed that any rigid part of the same comes to contact with the pavement, shall be operated on any street.

(1996 Code, § 5-3.04)

§ 32.06 DEBRIS ON ROADWAY; REMOVAL.

(A) It shall be unlawful to remove any wrecked vehicle without removing broken glass or debris from the roadway.

(B) It shall be unlawful for any person to leave, throw, or deposit upon any street any glass bottles, glass, nails, tacks, hoods, wires, cans, or any other substances likely to injure any person, animal, or vehicle.

(1996 Code, § 5-3.05)

§ 32.07 JOGGING, HIKING AND CYCLING.

When using the roadways between dusk and dawn, joggers, hikers and cyclists shall wear reflective clothing or carry a visible light unless participating in a permit allowed event. Joggers and hikers using roadways shall use the left side of the roadway facing traffic at all times.

(1996 Code, § 5-3.07)

§ 32.08 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, motorcycle, coaster sled, skate board, roller states, or any toy vehicle shall fasten or attach the same or shall cling to any moving vehicle on any street.

(B) No person shall ride on the, projection of, or on the running board or fenders of any vehicle. (1996 Code, § 5-3.08)

§ 32.09 PROHIBITION OF TRUCK TRAFFIC.

It shall be unlawful for any person to operate or cause to be operated any truck or trailer (other than an emergency vehicle and buses) upon the roadways of the City except in the course of performing services for, delivering to, or picking up property for, the City or its residents, or in operating such truck or trailer owned by a resident of the City to and from his or her place of residence. (1996 Code, § 5-3.09)

CHAPTER 33: PARKING REGULATIONS

§ 33.01 STOPPING, STANDING, OR PARKING PROHIBITED (NO SIGNS REQUIRED).

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

(A) On a sidewalk;

(B) In front of a public or private driveway;

(C) Within an intersection;

(D) Within 15 feet of a fire hydrant;

(E) On a crosswalk;

(F) Within 30 feet of an intersection;

(G) Within 30 feet of an official traffic-control device original on the approaching side;

(H) At any place where the standing of a vehicle will impede or block the free passage and flow of traffic on a roadway;

(I) In any area within the City designated as a public park area pursuant to § 41.02; or

(J) At any place where official signs prohibit parking, stopping, or standing. (1996 Code, § 5-6.01)

§ 33.02 ALL-NIGHT PARKING PROHIBITED.

No person shall park any vehicle on any street within the City or any parking area adjacent to such street other than a driveway for any period of time between the hours of 2:00 a.m. and 6:00 a.m., of any

day, except with the permission of the Mayor or his or her designated representative.
(1996 Code, § 5-6.02)

§ 33.03 FRONT YARD PARKING PROHIBITED.

No person shall park any vehicle on any portion of the front yard of any private residential lot within the City except on the driveway of such residential lot.
(1996 Code, § 5-6.03)

§ 33.04 EXTERIOR PARKING OF VEHICLES AND NON-OPERATING VEHICLES.

(A) For the purposes of this section,

(i) “Commercial vehicle” means a box-style truck; truck with a gross vehicle weight rating over 16,000 lbs; or any truck used to haul hazardous material.

(ii) “Recreational vehicle” means a camper, house car, motor home, trailer, van, boat, or other vehicle primarily used for recreational purposes.

(B) No person shall permit any commercial vehicle to remain or be parked on any property within the City, unless such vehicle is in an enclosed building or so located upon the property as not to be readily visible from any street or adjoining property, except that this section shall not apply to any truck or other motor vehicle used for commercial or business purposes parked upon such property or street adjacent to such property at the time when the owner or driver of such motor vehicle is furnishing goods or services to the owner or occupant of such property.

(C) No person shall permit any vehicle defined in this section as a commercial or recreational vehicle to remain or be parked on any property within the City unless such vehicle is in an enclosed building or located to the rear of the dwelling on such property and not readily visible from the street, except that this section shall not apply to any recreational vehicle remaining or parked on such property for the purpose of loading or unloading such vehicle or otherwise preparing the same for immediate recreational use.

(D) A motor vehicle of any type that is inoperable or that cannot be legally operated upon the streets or roadways of the City or the county shall not remain or be parked longer than 30 days on any property within the City unless such vehicle is in an enclosed building.
(1996 Code, § 5-6.04) (Ord. 5 Series 1999, passed 7-19-1999)

§ 33.05 PARKING SIGNS REQUIRED.

Except as provided in § 35.01, whenever parking is prohibited on designated streets or areas in the City, the Chief of Police shall cause the erection of appropriate signs giving notice thereof.
(1996 Code, § 5-6.06)

§ 33.06 PARKING ON PAVED PORTION OF ROADWAY.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle on the

paved portion of the roadway and within six inches of the curb or edge thereof, and it shall be unlawful for such vehicle to be parked with any wheel thereof on the grass or unpaved surface intermediately adjacent to the paved portion of such roadway.

(1996 Code, § 5-6.07)

§ 33.07 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 curb line of Preston Highway
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 300 feet south of the south edge of Audubon Parkway

(1996 Code, § 5-6.05)

CHAPTER 34: HEALTH AND SANITATION

WATER

§ 34.01 WATER FLOW.

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

(1996 Code, § 13-2.01)

§ 34.02 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)

SEWERS

§ 34.03 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)

§ 34.04 MANDATORY CONNECTION TO SEWERS.

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

(1996 Code, § 13-3.02)

§ 34.05 DISCHARGE OF STORMWATER INTO SANITARY SEWER PROHIBITED.

No person shall discharge or cause to be discharged any storm water, 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 Mayor and the Louisville Department of Health and County Department of Health.

(1996 Code, § 13-3.03)

§ 34.06 DISCHARGE OF SEWAGE INTO STORM SEWERS PROHIBITED.

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

(1996 Code, § 13-3.04)

WASTE COLLECTION AND DISPOSAL

§ 34.07 GARBAGE DISPOSAL FRANCHISE OR CONTRACT.

(A) The City shall, by franchise or contract, which may be exclusive or nonexclusive, provide for the collection and disposal of garbage, recycling, and yard and other trash and waste within the City.

(B) Aside from construction debris, it shall be unlawful for any person to collect for hire and dispose of trash or 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 as provided in (A) above.

(1996 Code, § 11-7.01)

§ 34.08 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)

§ 34.09 GARBAGE CONTAINERS.

It shall be unlawful for any person to store any garbage can or refuse container of any type at any location on premises within the City so as to be visible from the streets adjoining such premises, except public parks and entrance ways into the City.

(1996 Code, § 11-7.03)

CHAPTER 35: ANIMALS

§ 35.01 ANIMALS WITHIN THE CITY.

(A) No chickens, ducks, geese, pigeons, or other fowl, and no swine, cattle, goats, horses, ponies, or other like animal or animals shall be kept or maintained within the City.

(B) No person, partnership, or corporation may maintain an establishment where animals of any species are kept for the purpose of breeding, buying, showing, or boarding of such animals, or engage in the training of dogs for guard or sentry purposes.

(C) Harboring of animals exceeding four at any one time, other than in a home aquarium, shall be deemed to be a business venture.

(D) An enclosure or pen for the housing of pets shall be so constructed so that the animals cannot stray therefrom and it must be maintained so that no offensive odor, loud, or raucous noises are emitted so as to disturb the repose, comfort, or be injurious to the property of any individual or to the public.
(1996 Code, § 7-3.01)

§ 35.02 ANIMALS AT LARGE.

It shall be unlawful for any owner or person in charge of an animal to permit or allow such animal to run at large in the City.
(1996 Code, § 7-3.02)

§ 35.03 LEASH OR OTHER PHYSICAL CONTROL REQUIRED.

It shall be unlawful for any owner or person in charge of any dog or cat to permit such dog or cat to be on the streets of the City unless said dog or cat is on a leash or otherwise under the absolute physical control of the owner or his or her agent.
(1996 Code, § 7-3.03)

§ 35.04 BITING ANIMALS.

It shall be unlawful for any animal to bite any human being, but should such event occur, the offending animal shall be remanded to Metro Animal Services for observation.
(1996 Code, § 7-3.05)

§ 35.05 POISONING OF ANIMALS.

It shall be unlawful for any person to place any poison of any description in any place, or on his or her own premises or elsewhere, where it may be easily found and eaten by animals.
(1996 Code, § 7-3.06)

§ 35.06 THEFT AND DESTRUCTION OF ANIMALS.

All licensed animals are hereby declared to be personal property of the registered owner thereof, and subjects of larceny. It shall be unlawful (except as provided in KRS 258.235) for any person, except a peace officer, to destroy any animal in the exercise of his or her lawful duties under applicable law.
(1996 Code, § 7-3.07)

§ 35.07 CRUELTY TO ANIMALS.

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

(1996 Code, § 7-3.08)

DRAFT

TITLE IV: PARKS AND RECREATION CODE

CHAPTER 41: PARKS DESIGNATION AND REGULATION

§ 41.01 PARKS AND RECREATION DEVELOPMENT.

The City's parks and other public spaces being the anchor points for activities that promote and reinforce the unique cohesiveness and spirit of this community, this title provides a structure and mechanism to channel the energy resources of the City to advance its development and implementation. (Ord. 5, Series 2014, passed 9-15-2014)

§ 41.02 DESIGNATION OF PUBLIC PARK AREAS.

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

(A) *Robin Park*. The plot situated at the extreme southern end of Robin Road and running 313.85 feet northward on the east side of Robin Road, thence eastward 181.20 feet to Wren Road; thence 362.42 feet on a triangular line to the starting point at the extreme end of Robin Road.

(B) *Wren Park*. The plot starting at a point at Dove Lawn and Linnet Road running eastward on the north line of Dove Lawn, 432 feet to Wren Road; thence southward 140 feet to Dove Lawn; thence westward 432 feet to Linnet Road; thence 140 feet to the starting point of Dove Lawn.

(C) *Oriole Park*. The plot starting at the northeast corner of Oriole Court and Thrush Road, running eastward 360 feet to Oriole Drive; thence southward 140 feet to Dove Lawn; thence westward 360 feet to Thrush Road; thence 140 feet to Oriole Court, the point of beginning.

(D) *Crossbill Park*. The triangular plot, beginning at the point of Audubon Parkway and Crossbill Road, running along Audubon Parkway 242.6 feet eastwardly, then 170 feet southward to Crossbill Road; thence 293.9 feet westwardly to the point of beginning at Crossbill Road and Audubon Parkway.

(E) *Curlew Park*. The irregular-formed plot beginning at the northwest point of Curlew Road and Crossbill 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 Crossbill Road. (1996 Code, § 11-2.01)

§ 41.03 DAMAGE TO PUBLIC PARK AREAS.

It shall be unlawful for any person to damage the grass in any designated public park area within the City, or to destroy, break, 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, or other trash therein.

(1996 Code, § 11-2.02)

CHAPTER 42: PARKS AND RECREATION BOARD

§ 42.01 ORGANIZATION.

(A) A City Parks and Recreation Board is established under the authority of KRS 97.030, to develop and oversee park resources, and to plan and conduct activities using these and other public spaces for the betterment of the community.

(B) The Board shall include five members appointed by the Mayor, with the advice and consent of the City Council. Members shall serve terms of four years, or until their successors are appointed, except that initial appointments to establish staggered rotation shall be one of one year, one of two years, one of three years, and two of four years. Members shall choose officers among themselves on an annual basis, including, as a minimum, a Chairperson and recording Secretary.

(C) The Board shall meet the first Monday of each month at 7:00 p.m. at City Hall, or as otherwise decided by its members. Meetings shall be open to the public, with proper notice and access as prescribed the Commonwealth Open Meetings Act, KRS 61.800 through 61.850. Minutes shall be taken and furnished to the City Clerk for archiving, and a summary report shall be provided at each ensuing meeting of the City Council.

§ 42.02 DUTIES. The Board shall be responsible for the following:

(1) Planning and executing the acquisition of equipment and facilities to enhance recreational use of City public spaces;

(2) Coordinating closely with the City Forest Board to ensure complementary development and use of natural recreational resources;

(3) Managing budgets provided by the City Council to equip, maintain, and utilize public recreational facilities;

(4) Soliciting and accepting grants, bequests, and gifts in support of its purposes, for integration by the Council into City budget development and execution;

(5) Planning, organizing, and executing community recreational and support activities in coordination with the efforts of individual volunteers and non-governmental groups;

(6) Developing and maintaining comprehensive files of planning factors, points of contact, lessons learned, best practices, and proposed directions for the City's activities program.

(Ord. 5, Series 2014, passed 9-15-2014)

CHAPTER 43: PARADES

§ 43.01 PERMIT.

(A) No person shall engage in, participate in, aid, form, or start any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, sidewalk, park, or other public place in the City, unless a parade permit shall have been obtained from the Mayor or 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)

§ 43.02 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)

§ 43.03 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)

§ 43.04 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)

§ 43.05 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Council. The appeal must be made within ten days after notice of denial. The Council shall act upon the appeal not later than the date of such body's next regularly scheduled meeting.
(1996 Code, § 11-9.05)

§ 43.06 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (A) Starting and ending time;
- (B) The portions of the street, sidewalk, park, or other public place to be traveled that may be occupied by the parade; and
- (C) Such other information as the Mayor or his or designee shall find necessary to the enforcement of this chapter.
(1996 Code, § 11-9.06)

§ 43.07 DUTIES OF PERMITTEE AND PUBLIC CONDUCT DURING PARADES.

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

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

(C) 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)

TITLE V: FOREST CODE

CHAPTER 51: GENERAL PROVISIONS

§ 51.01 INTENT.

Trees are declared to be beneficial public resources. To that end, this Title 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. 008, Series 2002, passed 11-18-2002)

§ 51.02 DEFINITIONS.

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

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

CITY FORESTER. The City official appointed by the Mayor and confirmed by the City Council pursuant to § 53.01.

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

FOREST BOARD. Those individuals appointed by the Mayor and confirmed by the City Council pursuant to § 52.01.

GIRDLING. Removal of bark from the trunk of a tree, most often the result of striking the trunk with a trimmer or mower.

LION-TAIL PRUNING. The practice of removing interior foliage along main branches such that the normal taper of the branch is compromised, resulting in increased likelihood of limb and tree failure.

PLANT PEST AND/OR PATHOGEN. Any living stage of: insects, mites, nematodes, slugs, snails, protozoa or any other invertebrate animals; bacteria, fungi, mycoplasma or other parasitic plants, weeds or reproductive parts thereof; viruses or any organisms similar to or allied with any of the foregoing; or biological control agents that may directly or indirectly injure or cause disease or damage to any beneficial organisms, plants, parts of plants, or plant products.

TOP or TOPPING. The act of cutting back limbs within the crown of a tree to such a degree as to remove the normal canopy and to disfigure the tree.

TREE. Any self-supporting woody perennial which has a trunk diameter of two inches or greater measured at a point six inches above the ground level, and which normally attains a height of at least ten feet at maturity. The term shall also apply to any other woody perennial designated by the City Forester

regardless of size.

TREE NUISANCE or HAZARD. Any tree, or part thereof, with an infectious disease or insect problem; any tree, or part thereof, which is dead or dying; any tree, or part thereof, which poses a threat to safety, as determined under Title VI.

UTILITY. Any railroad, and any public or private entity providing services including, but not limited to the following: telephone; electric; gas; water; sewer; television; or cable. The term *UTILITY* shall apply to any subcontractor or other person or entity working on behalf of a utility as herein defined. (Ord. 008, Series 2002, passed 11-18-2002)

CHAPTER 52: FOREST BOARD.

§ 52.01 APPOINTMENT AND CONSTITUTION.

(A) There is hereby established a City Forest Board whose members, each of whom must be a resident and/or a landowner, shall be appointed by the Mayor, with the advice and consent of the City Council.

(B) 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 appointed members of the Forest Board shall constitute a quorum.

§ 52.02 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.

§ 52.03 MEETINGS. The Forest Board shall meet on the second Wednesday of each month at City Hall, or such other location as shall have been duly designated according to the Kentucky Revised Statutes. Minutes of every such meeting shall be kept and promptly filed with the City Clerk.

§ 52.04 DUTIES.

(A) The Forest Board shall propose criteria for the approval or denial of permits requested pursuant to § 54.02, as well as procedures for submitting applications for such permits. Such criteria and procedures shall include provisions to preserve and renew the City's forest resources, and shall become effective upon approval by the City Council. Copies of such criteria and procedures shall be made available by the City Clerk without charge.

(B) The Board shall further be responsible for:

(1) Acting on permit applications pursuant to § 54.02, and on potential nuisance conditions identified under § 61.01(C), in consultation with the City Forester as needed;

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

- (3) Maintaining awareness of tree health and population diversity;
- (4) Providing for the education of residents on planting, care, and preservation of trees;
- (5) Organizing, promoting and overseeing community volunteer activities to further the health and maintenance of the urban forest;
- (6) Preparing applications for grants and honorifics associated with urban forestry;
- (7) Advising the Mayor and City Council on matters pertaining to the urban forest; and
- (8) Such other duties as may, from time to time, be assigned to it by the Mayor.

§ 52.05 ORGANIZATION. The Forest Board shall elect such officers as it deems appropriate for its efficient operation, including, at minimum, a Chair and recording secretary. Members of the Forest Board shall serve without compensation. (Ord. 008, Series 2002, passed 11-18-2002)

CHAPTER 53: CITY FORESTER

§ 53.01 APPOINTMENT. Upon recommendation of the Forest Board, the Mayor shall appoint an individual as City Forester, with the advice and consent of the City Council.

§ 53.02 DUTIES AND RESPONSIBILITIES. The City Forester shall provide professional counsel to the Forest Board in fulfillment of its forest management and development responsibilities. In particular, the Forester shall:

(A) Consult with the Forest Board as needed on each application for a permit under § 54.02, and shall determine at the Board's request, after conducting a field inspection, whether the activity described in the permit satisfies the requirements of this Title.

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

(C) Identify and report to the Forest Board any tree nuisance or hazard as defined in § 61.01 (C), initiating written notice from the Mayor of required abatement to the landowner or resident of the property where such tree nuisance is situated. Abatement action shall then proceed as prescribed in Chapter 64.

(D) 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 landowner of his or her intention to do so, the reason for such entry, and the time when such entry shall occur.

(E) Provide input and recommendations for the City's forest management plan and implementing budget requests prescribed by § 52.04(B)(2), including needs for structural maintenance of existing trees, and preferred sites and species for reforestation.

(F) Participate in maintaining awareness of tree health and diversity as prescribed by § 52.04(B)(3).

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

CHAPTER 54: STANDARDS AND PROCEDURES

§ 54.01 REGULATED FOREST ACTIVITIES.

(A) *Planting and care of trees.* Planting and care of trees by property owners and residents are encouraged and commended, as the essential keys to renew and sustain the urban forest. To maintain a healthy diversity of species, and sustain the City's historic tree canopy, a permit must be obtained, under procedures set forth in § 54.021, for the planting, maintenance or removal of any tree that currently or at maturity provides shade to a portion of the public way.

(B) *Removing stumps.* Any service provider, landowner, resident, utility, or other person removing a tree must also remove the stump and restore the area within a reasonable period of time, as determined by the City Forester, of the completion of the tree's removal.

(C) *Excavation and construction.* Any service provider, landowner, resident, utility, or other person proposing to trench or otherwise excavate, or to perform construction, repair, or remodeling work, with or without the use of construction machinery and vehicles, within a radius of ten feet from the trunk of any tree must first obtain a permit to do so in accordance with the procedures set forth in § 54.02.

(D) *Affixing foreign objects or materials.* It shall be unlawful for any service provider, landowner, resident, utility, or other person to nail, screw, or otherwise affix to a tree any foreign object including, but not limited to, a notice, sign, or house address. The City Forester may grant exceptions to this provision for standard arboricultural practices (e.g., cabling).

(E) *Topping, Lion-Tail Pruning or Girdling.* It shall be unlawful for any service provider, landowner, resident, utility, or other person to top, lion-tail prune, or girdle any tree; provided, however, that the City Forester may grant exemption from the provisions of this section in the case of severely damaged trees, whether by storm or otherwise, or in the case of trees whose location makes pruning impractical.

(F) *Trimming by utilities.* Except in the case of emergency repairs occasioned by storm damage, any utility proposing to trim any tree, whether or not located along such utility's right-of-way or easement, must first meet with the City Forester and obtain a permit to do so.

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

§ 54.02 PERMITS.

(A) *Application.* Applications for permits required by § 54.01 shall be submitted to the City Clerk in accordance with procedures established by the City upon the recommendation of the Forest Board.

(B) *Processing; Stipulations.*

(1) Prior to the approval or denial of any permit, a designated member of the Forest Board, or, as needed, the City Forester, shall complete a field inspection.

(2) Prior to the approval of any permit, the Forester or designee shall make a determination that the work to be performed will follow standard arboricultural practices and methods, and that the residents, property, and vegetation in the work area will be protected.

(C) *Replacement.* No permit for the removal of a tree subject to § 54.01 shall be issued without satisfactory arrangements for its replacement, in the same or another suitable location, in consultation with the Forest Board, and, as needed, the City Forester. Unless inhibited by overhead utility lines, a replacement tree must be one expected to reach at least 40 feet in height at maturity, and otherwise satisfy the same siting and selection standards as for new plantings.

(D) *Insurance.* No permit shall be issued under this section until the applicant has provided proof that the service provider has obtained insurance for property damage and bodily injury in the amount of \$500,000 per person or parcel of property and \$2,000,000 per occurrence, and worker's compensation insurance for all agents or employees of the service provider in the amounts required by law. Certificates of such insurance shall name the City as an insured party.

(E) *Posting permits.* No work requiring a permit hereunder shall commence until the permit holder or service provider shall have posted a permit card in a conspicuous place in the work area. Such card shall be preserved and remain posted until the work is completed.

(F) *Appeals.* Upon determining that an application for permit is to be denied, the City Forester shall state the basis for such denial in writing, and shall notify the applicant of the criteria upon which the denial is predicated. Upon denial of a permit, the affected landowner or resident may appeal such denial by requesting a variance in the same manner described in Chapter 86.
(Ord. 008, Series 2002, passed 11-18-2002)

§ 54.03 LIENS.

(A) Should a landowner fail to comply with any of the requirements specified in this chapter, the City may send its employees or contractors upon the property where a violation exists to remedy said violation. The City shall have a lien against said property for the reasonable value of labor and materials used in remedying the violation, which lien shall be recorded in the office of the County Clerk.

(B) Such lien shall bear interest at the rate of 1% per month from the date of recording until paid, and shall also include the cost of recording and releasing such lien.
(Ord. 008, Series 2002, passed 11-18-2002)

TITLE VI. NUISANCE CODE

CHAPTER 61: GENERAL PROVISIONS

§ 61.01 ENUMERATED NUISANCES. The following conditions, as further elaborated in this Title, are hereby declared to be public nuisances and are unlawful and prohibited.

(A) *Dwellings unfit or unsafe for human habitation.* A dwelling is unfit or unsafe when it is dangerous or detrimental to life or health because of want of repair; defects in the drainage, plumbing, lighting; ventilation or construction; infection with contagious disease; or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

(B) *Dangerous buildings adjoining streets.* Causing or allowing any building, house, or structure to become so out of repair and dilapidated that, if the condition is permitted to be and remain, it shall endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property using or being upon the streets or public ways of the City adjoining such premises, by reason of the collapse of such building, house, or structure or by the falling of parts thereof or of objects therefrom.

(C) *Dangerous trees, stacks, and the like adjoining public way.* Causing or allowing any tree, stack, or other object to remain standing upon any premises within the City in such condition that it shall, if the condition is suffered to continue, endanger the life, limb, or property or cause hurt, damage, or injury to persons or property upon the streets or public ways of the City adjacent thereto, by the falling thereof or of parts thereof.

(D) *Dilapidated buildings.* Causing or allowing any building, house, or structure to become so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire because of its condition and lack of repair, or that due to lack of adequate maintenance or neglect it endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property, or causes or tends to cause diminution in value of other property in the neighborhood in which such building, house, or structure is located.

(E) *Accumulation of rubbish.* Causing or allowing 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 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 allowing 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, and all other noise-producing agencies, 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, ragweed, milkweed, 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 other than fly-proof, water-tight receptacles; the deposit of garbage and trash on road easement prior to the day before waste collection.

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

§ 61.02 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)

§ 61.03 TEST FOR NUISANCE.

Whether or not a particular annoyance, of the character listed in § 61.01, 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)

§ 61.04 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)

CHAPTER 62: NUISANCE AND HAZARD CONDITIONS

§ 62.01 BUILDING CONDITIONS.

(A) (1) The exterior of every dwelling within the City, including all courts, yards, and abutting 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 section 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 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 abutting 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 anywhere about the premises.

(1996 Code, § 15-5.03)

§ 62.02 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; storm water 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 drainage therein.

(1996 Code, § 15-5.04)

§ 62.03 VEGETATION.

(A) 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 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 e, § 11-5.01) (Ord. 008, Series 2002, passed 11-18-2002)

(B) 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.

(C) The Mayor or his or her designee shall give notice of violations of this section to the owner or his or her agent requiring the nuisance to be abated within five days.

(D) Upon failure of the owner of the property to comply with any notice specified herein, the Mayor or his or her designee may send employees upon said property to remedy the situation and the City shall have a lien against said property for the reasonable value of labor and materials used in remedying the situation, which lien shall be in the form of an affidavit signed by the City Clerk and shall be recorded in the County Clerk's office and which lien shall bear interest at the rate of 1% per month thereafter until paid.

(1996 Code, § 11-5.03) (Ord. 008, Series 2002, passed 11-18-2002)

§ 62.04 EASEMENTS.

(A) *General provisions.* It shall be unlawful to acquire or grant any easement or other legal encumbrance that would compromise the character of the City by sanctioning emissions of noise or other pollutants, or the risk of injury or property damage, or any other public nuisance defined elsewhere in this Title, beyond the minimum required for the provision of essential public utilities to its residences.

(B) *Permit.* No individual, organization, or agency may acquire any easement within the corporate boundaries of the City without first obtaining a permit from the Mayor or his or her designee. No easement executed in the absence of such permit shall be considered as having legal effect.

(1) Applications for permits required by this section shall be filed with the City Clerk by letter, describing the purpose and effect of the easement, and attaching a specimen of the proposed text. No fee is assessed for this permit.

(2) The Mayor or his or her designee shall evaluate the application according to the criteria provided in (A) above, and other relevant provisions of this Title, and shall issue a permit upon determining that such provisions are satisfied. Conversely, if the application is determined to serve the unlawful purposes given in (A), no permit shall be issued.

(C) Notwithstanding penalties for other violations of this chapter, any person, organization or agency violating the provisions of this section shall be subject to fines not to exceed \$1,000 for each offense. Each instance, and each day's continued violation, shall constitute a separate offense.
(Ord. 6, Series 2013, passed 12-16-2013)

§ 62.05 PEST INFESTATIONS AND EXTERMINATION.

It shall be unlawful for any dwelling within the City to be infested with rats, mice, roaches, or other pests, 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 all applicable regulations.

(1996 e, § 15-5.02)

(A) *Owner's responsibilities.* Every owner of a multiple dwelling 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, or to more than one dwelling.

(B) *Occupant's responsibilities.* Every occupant of a single dwelling within the City shall be responsible for the extermination of any insects, rats, or other pests therein or on the premises; and every occupant of a multiple dwelling shall be responsible for such extermination within in his or her dwelling, unless concerted action is needed to treat infestation in more than one dwelling.

(1996 Code, § 15-5.06)

§ 62.06 VACANT DWELLINGS; PROCEDURE FOR SECURING.

(A) *Action by Owner.*

(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 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) *Remedial Action.*

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

(2) 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.

(3) If the full amount of the cost of any closing carried out by the Mayor or his or her designee pursuant to (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.

(4) 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 1% per month from the date of completion of the work, plus any attorney fees necessary for the collection thereof, until full payment is made.

(C) 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)

CHAPTER 63: UNSAFE AND UNFIT STRUCTURES

§ 63.01 UNFIT STRUCTURES. The following conditions shall warrant a finding that a structure or its premises is unfit:

(1) *Ventilation.*

(a) Any structure that does not have the window area for each habitable room equal to at least 10% of the total floor area of such room, excluding rooms abutting row houses and rooms not

abutting exterior walls;

(b) Any structure that does not have ventilation provided by operable doors or windows equal to 4.5% of total floor area of each room, except where there is supplied forced air ventilation complying with all applicable laws and ordinances; or

(c) Any structure that, from May 15 through October 15, does not have screens to effectively cover all operable windows, doors, and other ventilation devices required under (1)(a) above, with mesh in good repair and of maximum gauge 14 by 18.

(2) *Below ground level.*

(a) Any structure having a basement or cellar with windows or other openings that are not screened or otherwise protected to effectively prevent the entrance of vermin and other pests; or

(b) Any basement or cellar used as a habitable room or dwelling unit in which the floor and walls are not impervious to leakage of underground and surface runoff water and are not insulated against dampness, or in which the total window area in each room is not equal to at least the minimum window area sizes required by (1)(a) above, or in which such required minimum window area is not located entirely above the grade of the ground adjoining such window area, or in which the total operable window area in each room is not equal to at least the minimum required by (1)(b) above, except where there is installed some other operable device affording adequate ventilation and approved by the Code Enforcement Board Office, or in which exits are not adequate or do not comply with the fire safety standards.

(3) *Ceiling heights.* Any structure having rooms with the ceiling height less than seven feet throughout one-half of the area of such room; any portion of a room having a ceiling height less than five feet high shall not be considered in computing the total floor area of such room.

(4) *Plumbing.*

(a) Any structure that does not have a potable water supply;

(b) Any structure that does not have hot and cold running water with operable water heating facilities capable of heating water to such a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub, or shower at a temperature of at least 120° F;

(c) Any structure that does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system;

(d) Any structure that does not have an installed bathtub or shower and lavatory properly connected to the hot and cold water supply pipes and the sewer system, or in which the tub or shower is not located in a room affording privacy;

(e) Any structure that does not have an operable flush type water closet located in a room affording privacy and properly connected to the water supply pipes and the sewer system; or

(f) Any structure in which all plumbing fixtures are not connected to sewer lines that

discharge into a public sewage system, or if no public system is available, into a private- or jointly-owned system meeting the requirements of all public health authorities having jurisdiction.

(5) *Lighting.*

(a) Any structure that does not have installed operable and safe electric lighting facilities consisting of at least two separate wall type convenience outlets or one ceiling type fixture and one wall type outlet for every habitable room, and at least one such wall outlet or ceiling fixture in each water closet compartment, bathroom, laundry room, furnace room, and public hall and stairway; or

(b) Any multiple dwelling of five or more units in which all public halls and stairways are not adequately lighted at all times, and any multiple dwelling of four units or less in which there is neither conveniently located switches controlling an adequate lighting system for public halls and stairways nor adequate full time lighting thereof.

(6) *Heating.* Any structure that does not have operable central or other heating facilities installed and maintained in accordance with the fire safety standards, capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70° F, and is adequately vented.

(7) *Refuse and pests.*

(a) Any structure that does not have adequate rubbish storage facilities and garbage disposal facilities or garbage storage containers; or

(b) Any structure in which there has been accumulated extraordinary garbage, rubbish, and refuse, or in which there is an infestation of vermin or other pests, or other unsanitary conditions, any of which are hazardous to health.

(8) *Miscellaneous substandard and hazardous conditions.* Any structure in which exist other conditions dangerous or injurious to the health, safety, or morals of the occupants thereof, or of the occupants or owners of neighboring structures, or of other residents of the City, including, but not limited, to any effects increasing the hazards of fire, accident, or other calamities, lack of adequate light, ventilation, or sanitary facilities, dilapidation, disrepair, structural defects, and uncleanliness.

§ 63.02 UNSAFE STRUCTURES. The following conditions are hereby determined to be hazardous and shall warrant a finding that a structure or its premises is unsafe:

(1) *Structural hazards.*

(a) Any structure whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members;

(b) Any structure that has a support member or members that have deteriorated to such an extent as to be unable to safely support the applied loads or that have 40 % damage or deterioration of the non-supporting enclosed or outside walls or covering;

(c) Any structure that has improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used;

(d) A stress in any materials, element, or member of any structure, or portion thereof, due to all dead and live loads, which is greater than the working stresses allowed by the Commonwealth Building Code or fire safety standards;

(e) Any structure that has been damaged by fire, wind, earthquake, flood, or other causes in such a manner that the structural stability or strength thereof is appreciably less than the minimum requirements set forth by the Commonwealth Building Code for new construction of a similar structure;

(f) Any structure that has parts thereof so attached, dislodged, or detached that they may fall or collapse and injure person or property;

(g) Any structure that has settled to such an extent that the walls or other structural portions thereof have been displaced or distorted and rendered structurally unstable or dangerous, or that the basic function of such element has been impaired;

(h) Any structure that because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for its support, is likely to partially or completely collapse, or some portion of its foundation or underpinning is likely to fall or give way;

(i) Any structure, exclusive of its foundation, showing damage or deterioration to 33 % or more of its members, or 50% or more of its non-supporting enclosed or outside wall or covering;

(j) Any structure that is for any reason whatsoever manifestly unsafe for the purpose for which it is used or intended to be used;

(k) Any structure that has been so damaged by fire, wind, earthquake, flood, or has become so dilapidated or deteriorated from any cause whatsoever, as to become an attractive nuisance to children who might play therein, or as to afford a harbor for vagrants, criminals, disorderly persons, or others who are not lawful occupants of such structure, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;

(l) Any structure that when constructed was, and now exists or is maintained in violation of any specific requirement or prohibition under City building ordinances or other laws in effect at the time of such construction relating to the location, use, and physical condition of structures;

(m) Any structure that, whether or not originally erected in accordance with all applicable laws and ordinances, because of dilapidation, deterioration, damage, or other cause, has become so weakened or defective as to have in any supporting member less than 50%, or in any supporting member less than 66% , of the strength, fire-resisting qualities, or characteristics required by law or ordinance in the case of new construction of a similar structure;

(n) Any structure that because of faulty construction, age, lack of proper repair, or other cause, is especially liable to fire and constitutes, contains, or creates a fire hazard; or

(o) Any structure that for any reason whatsoever is dangerous to the public health or safety because of its condition, and that may cause or aid in the spreading of disease or injury to the health or the occupants of it or neighboring structures.

(2) *Faulty weather protection.*

(a) Any structure that has deteriorated, crumbling, or loose plaster;

(b) Any structure that has deteriorated or ineffective water-proofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

(c) Any structure that has defective or ineffective weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; or

(d) Any structure that has broken, rotted, split, or buckled exterior walls or roof covering.

(3) *Faulty construction materials.* Any structure that has construction materials that are not approved by the Commonwealth Building Code and fire safety standards and that have not been adequately maintained in good and safe condition.

(4) *Fire hazards.*

(a) Any structure that is not of fire-resistive construction or provided with fire extinguishing systems or equipment required by the fire safety standards, except those structures that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration, or additions, or any change in occupancy;

(b) Any structure or combustible waste or vegetation that is in a condition likely to cause a fire or explosion or provide ready fuel to augment the spread and intensity of fire or explosion arising from any cause;

(c) Any structure that has a door, aisle, passage way, stairway, or other means of exit of insufficient width or size, or not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to, or might use such means of exit; or

(d) Any structure that does not have any unobstructed means of egress leading to safe and open space at ground level.

(5) *Hazardous or unsanitary premises.* Any premises in which there is an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, refuse, vermin harborage, stagnant water, combustible materials, or similar materials or conditions, constituting fire, health, or safety hazards.

(6) *Electrical hazards.*

(a) Any structure that has permanent electrical wiring that is dangerous due to lack of insulation, improper fuses or circuit breakers, inadequate grounding, wire of inadequate capacity, obvious

shock hazards, or other dangerous conditions; or

(b) Any structure that has temporary wiring, except extension cords that run directly from portable electric fixtures to convenience outlets and do not lie underneath floor covering materials or extend through doorways, transoms, or other similar opening through walls, floor, or ceiling.

(7) *Plumbing hazards.*

(a) Any structure that has plumbing that permits contamination of the water supply through backflow, back siphonage, or any other methods of contamination;

(b) Any structure that has water supply inlets below the flood level of any sink, lavatory, bathtub, or other fixture, or submerged inlets except those with a vacuum breaker complying with the Commonwealth Building Code; or

(c) Any structure with a water using fixture whose waste line is not trapped.

(8) *Heating hazards.*

(a) Any structure that has fuel supply connection of material other than pipe or tubing of solid metal, or is not permanently fastened in place;

(b) Any structure that has equipment or vents so close to combustible materials or structural components, or so lacking in insulation, that there is danger of combustion; or

(c) Any structure that has equipment burning liquid or solid fuel that is not connected to chimneys or flues, or that is connected to vents suitable for natural gas only.

§ 63.03 UNSAFE AND UNFIT STRUCTURES PROHIBITED; NUISANCES.

(A) It shall be unlawful to maintain or permit the existence of any unsafe or unfit structures or premises in the City. It shall be unlawful for the owner, occupant, or person in custody of any unsafe or unfit structural premises to permit the same to remain in an unsafe or unfit condition or to occupy or permit the occupancy of same while it is or remains in an unsafe or unfit condition.

(B) It shall be unlawful to occupy or permit the occupancy of such structures or premises after the time to appeal any adverse notice or order from the City Code Enforcement Board has been entered. Vacating and closing structures or premises that are unsafe and unfit due to dangerous or unsanitary conditions shall not exonerate the owners without rendering the same safe and sanitary for neighbors and the general public.

(C) Any structure that is unsafe or unfit for human habitation as herein defined shall be repaired, rebuilt, or demolished as hereinafter provided.

(Ord. 7, Series 2007, passed 7-16-2007)

§ 63.04 RESPONSIBILITIES OF OCCUPANTS AND OWNERS.

(A) *Occupants.*

(1) Keep the portion of the structure and premises he or she controls and occupies in a clean and sanitary condition.

(2) Dispose of rubbish and garbage in a clean and sanitary manner as prescribed by City ordinances.

(3) Hang and remove screens provided by the owner except where the owner has agreed to supply such services.

(4) Keep plumbing fixtures in a clean and sanitary condition, and exercise reasonable care in the proper use and operation thereof.

(5) Control pests as prescribed in § 62.05.

(B) *Owners.*

(1) Have the structure and premises in a safe, clean, sanitary, habitable condition, free from infestation by insects, vermin, and other pests before renting, and to exterminate if necessary.

(2) Provide every window with screens and door and other ventilation device opening directly from a dwelling unit to outdoor space, and to provide a self-closing device for each such door.

(3) Control pests as prescribed in § 62.05.

(4) Perform the responsibilities of the occupant when the premises are vacant.
(Ord. 7, Series 2007, passed 7-16-2007)

§ 63.05 IRREPARABLE CONDITION.

Any structure within the City that shall have been damaged by fire, decay, or other causes to the extent that it would reasonably cost at least 50 % of its fair market value to restore it to a condition that is safe and fit for human habitation shall be deemed to be irreparable and shall be demolished, or at the option of the owner shall be rebuilt to standards for new construction under the Commonwealth Building Code and fire safety standards.

(Ord. 7, Series 2007, passed 7-16-2007)

§ 63.06 COMPLAINTS AND INVESTIGATION; ENFORCEMENT PROCEEDINGS; NOTICE AND FINAL ORDER.

Investigations and complaints shall be conducted and processed, enforcement proceedings shall be instituted, hearings held, notices delivered, and final orders entered in accordance with the specific requirements of Title IX, establishing a City Code Enforcement Board.

(Ord. 7, Series 2007, passed 7-16-2007)

§ 63.07 ENFORCEMENT OF NOTICE AND ORDER.

If remedial action, demolition, or appeal shall not be timely undertaken by the property owner, the Code Enforcement Board may cause the structure or premises in violation to be:

- (A) Wholly or partially so remedied;
 - (B) Demolished, if the structure is irreparable as defined herein;
 - (C) Vacated and closed or otherwise secured; and
 - (D) Posted as being unfit or unsafe and condemned, and prohibiting occupancy.
- (Ord. 7, Series 2007, passed 7-16-2007)

§ 63.08 LIEN FOR COSTS.

A lien for costs shall exist and shall be asserted in accordance with the specific provisions of Title IX, Code Enforcement. Costs shall include expenses incurred by the Code Enforcement Board and the City for actions taken pursuant to § 63.06.

(Ord. 7, Series 2007, passed 7-16-2007)

63.09 PERSONAL LIABILITY OF OWNER.

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

(Ord. 7, Series 2007, passed 7-16-2007)

CHAPTER 64: ABATEMENT PROCEDURES.

§ 64.01 PROCEDURES.

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

(A) The Mayor or his or her designee may cause the person promulgating 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, and the matter shall be determined as provided in Title IX, Code Enforcement, or by other applicable provisions of law.

(B) If the nuisance involves a matter of health and sanitation with respect to which the county Board of Health has jurisdiction, the nuisance may be referred to the local health officer for proceedings as provided by statute or pertinent health regulations.

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

(1996 Code, 7-2.05)

TITLE VII: BUSINESS CODE

CHAPTER 71: DEFINITIONS

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

BUSINESS. Includes all trades, occupations, professions, and other commercial activities, whether or not engaged in, carried on, pursued, or conducted in for profit.

DAY NURSERY. Any place or institution which provides care for children away from their own homes.

FRANCHISE. A privilege or right granted by contract that provide services.

HOME OCCUPATION. An activity carried on by a resident of a dwelling as a secondary use within the same dwelling, in connection with which there is no person employed other than a member of the family residing on the premises, and no mechanical equipment is used except such as is permissible for purely domestic purposes.

NURSERY SCHOOL AND/OR KINDERGARTEN. Any place where children between the ages of two and five years come together for not less than two hours a day and no more than six hours, and wherein a supervised education is offered.

PEDDLE. To sell and make immediate delivery, or offer for sale and immediate delivery at any place within the City, of any goods, wares, or merchandise in possession of the seller or for immediate services to be performed.

SIGN. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

SIGN, ADVERTISING. A sign that directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

SIGN, BUSINESS. A sign that directs attention to a business, profession, service, product, activity, or entertainment, sold or offered upon the premises where such sign is located.

SOLICIT. To sell or take orders at any place within the City for goods, wares, or merchandise for future delivery, or for future services to be performed.

VENDING VEHICLE. Any vehicle designed or used for the purpose of peddling or soliciting any product from such vehicle.

YARD SALE. An occasional sale of household goods, owned, and conducted by a resident of the City from his or her residential dwelling.
(1996 Code, § 9-1.01)

CHAPTER 72: CONDUCT OF BUSINESS

§ 72.01 LIMITATION.

It shall be unlawful for any person to engage in any business within the City except:

- (A) A home occupation;
- (B) A day nursery or nursery school and/or kindergarten in accordance with the requirements of § 72.05;
- (C) Rental or lease of dwelling units, in conformance with applicable zoning regulations;
- (D) Commercial and business establishments within the City located on the east side of Preston Street; and
- (E) As provided elsewhere in this Title.
(1996 Code, § 9-2.01)

§ 72.02 LICENSE OF BUSINESSES.

(A) All persons doing business within the City as described in § 72.01(A-D) shall obtain a yearly business license. An annual fee of \$100 for such licenses shall be due and payable by July 1 of each year.

(B) Businesses offering alcoholic beverages for sale also require alcoholic beverage licenses as prescribed by statute. Designated state applications shall be endorsed by the City ABC Administrator after appropriate review and payment of City fees of \$150 for sale of beer or wine, and \$300 for sale of distilled spirits. State fees shall be payable as indicated on the application form.

(C) New businesses shall pay a *pro rata* part of the applicable license fee for that fraction of the year from the commencement of business until the next prescribed renewal date.

(D) Any person or firm failing to renew a license upon expiration of a former license shall pay a penalty of 20%, in addition to the regular license fee.
(1996 Code, § 9-2.02) (Ord. 3 Series 1991, passed 11-25-1991)

§ 72.03 BILLBOARDS.

(A) Each person, company, or corporation shall pay a license fee of \$400 per year for the privilege of posting billboard advertising within the corporate limits of the City.

(B) Such license fee shall be due and payable July 1 each year.

(C) Billboards shall be any sign larger than 12 square feet.

(D) Any person, company, or corporation who fails to renew a license within ten days following expiration shall pay a penalty of 20% in addition to the license fee.
(1996 Code, § 9-2.03)

§ 72.04 QUIET, PEACEFUL, LAWFUL OPERATION.

(A) It shall be the duty and obligation of all persons conducting any business permitted by § 72.01 to conduct and operate such business in as quiet a manner as the regular operation of such business will permit, and to maintain peace and decorum at all times.

(B) It shall be unlawful for any person to permit any loud, boisterous, or obscene conversation; any noise or nuisance; lewd, indecent, or immoral acts; or any disorderly conduct or any unlawful act in or upon the premises under the control and jurisdiction of such person.
(1996 Code, § 9-2.04)

§ 72.05 OPERATION OF DAY NURSERIES.

(A) The operation of any nursery, nursery school, and/or kindergarten permitted by § 72.01(B) shall be conducted in accordance with rules, regulations, and standards governing such facilities, issued from time to time by applicable governmental authorities, in such manner as not to adversely affect the safety, health, convenience, comfort, and general welfare of the City and the area surrounding the location of such facility.

(B) The building in, and the lot upon, which such nursery, nursery school, and/or kindergarten is located shall be preserved in exterior appearance and character as a residential dwelling, and the person operating such a facility shall make no exterior additions to or alterations to the building or lot having the effect of changing such appearance or character, or erect any business sign on the building or lot.
(1996 Code, § 9-2.05)

§ 72.06 FRANCHISES.

(A) Franchises for utilities and other municipal services shall be awarded and administered as City contracts under constitutional and statutory authority, on terms most favoring the City and its residents.

(B) The successful bidder shall pay all costs or fees associated with the granting of a franchise to operate within the City.
(1996 Code, § 9-2.07)

CHAPTER 73: SOLICITATION

§ 73.01 ILLEGAL SOLICITATION AND PEDDLING.

Except as provided below, it shall be unlawful for any peddler or solicitor or for any person to peddle or solicit by going upon residential property within the City or ringing a doorbell or knocking on a door of a private residence, including an apartment within the City, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or peddling or hawking the same, unless such peddler or solicitor has been requested or invited to do so by the owner or occupant of such residence or apartment.
(1996 Code, § 9-3.01)

§ 73.02 EXEMPTIONS.

The provisions of § 73.01 shall not apply to any person soliciting or peddling for a religious,

charitable, school, educational, veteran, or character building organization.

CHAPTER 74: PRIVATE SALES

§ 74.01 PERMIT REQUIRED.

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

(B) Goods offered for sale shall be displayed in other than the front yard, except that the permit for the sale shall be attached to the "sale" sign in the front yard.
(1996 Code, § 9-4.01)

§ 74.02 SALE APPLICATION.

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

- (A) The date or dates of the proposed sale;
- (B) The location of the proposed sale;
- (C) What provisions are to be made for parking and access to the proposed sale;
- (D) A description of the household goods to be offered for sale and that such goods are owned by the applicant and were ordinarily used by him or her at his or her residence; and
- (E) The date of the last previous sale, if any, conducted by the applicant and the location of such sale.
(1996 Code, § 9-4.02)

§ 74.03 SALE PERMIT.

- (A) *Approval.*
 - (1) If 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, he or she shall issue a permit for such sale.
 - (2) The 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 as 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)

§ 74.04 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 chapter.

(1996 Code, § 9-4.06)

§ 74.05 AUCTIONS; PERMITS AND REGULATIONS.

(A) It shall be unlawful for any person to conduct an auction of any personal 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; a sign shall be posted at the side, stating that parking is not permitted on the grass along 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)

CHAPTER 75: SIGNS

§ 75.01 ADVERTISING AND BUSINESS SIGNS PROHIBITED.

It shall be unlawful for any person to erect or display any advertising or business sign on the public ways or parks of the City. Any such signs found on the public way shall be deemed City property, and shall be removed and confiscated by law enforcement.

(1996 Code, § 9-5.01)

TITLE VIII: BUILDING CODE

CHAPTER 81: ADMINISTRATION AND SCOPE

§ 81.01 PURPOSE.

The purpose of this Title is to provide the minimum standards to safeguard life, health, property, and public welfare within the City. The provisions of this Title shall apply to the location, design, materials, and equipment, removal, construction, and demolition of every building or any appurtenance associated with such buildings located within the corporate boundaries of the City. In the event there is an apparent difference in the materials, methods of construction, or other requirements specified in different sections of this Title, or between the requirements of this Title and of any other applicable law or deed restrictions, the more restrictive shall govern.

(1996 Code, § 15-2.01)

§ 81.02 OFFICIALS.

(A) *Appointment of Director.* The Mayor shall appoint a Building Director in accordance with Chapter 22 of the City Code. The Building Director is charged to administer all provisions of this Title.

(B) *Inspectors.* The Building Director, with the approval of the Mayor, may appoint inspectors and assistants to help carry out the provisions of this Title. Persons appointed as inspectors should have some experience in architecture, engineering, building, or in some other phase of construction work.

(C) *Right of entry.* Upon the presentation of the proper credentials the Building Director, or his or her duly authorized representatives, 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 Title.

(D) *Liability.* Any person charged with the administration of this chapter, acting in good faith and without malice 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 administration of any provisions of this Title, 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)

§ 81.03 LOT DELINEATION.

For the purposes of this Title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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.

REAR (or BACK) 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.

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.

§ 81.04 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)

CHAPTER 82: BUILDINGS

§ 82.01 SCOPE OF BUILDING REGULATIONS.

(A) *New buildings.* New buildings erected within the City shall comply with the requirements of this chapter.

(B) *Existing buildings.* Except as otherwise specifically provided, buildings to which additions, alterations, or repairs are made, and all such additions, alterations, or repairs, shall comply with the requirements of this chapter for new buildings.

(1996 Code, § 15-2.04)

§ 82.02 PERMIT REQUIRED.

(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 as indicated in § 82.03 below, and obtaining a permit following the procedures set out in Chapter 85.

(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 building permit, provided such repairs shall not violate any of the provisions of this Title. An overlay permit shall be issued for all proposed work meeting the preceding conditions (§ 13.06).

(1996 Code, § 15-3.01)

§ 82.03 PERMIT APPLICATION.

(A) *Form.* An application for a permit required by this chapter shall be filed with the City Clerk for review by the Building Director. 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 the Director for a clear understanding of the proposed work.

(B) *Registered architects and engineers.* Design for the construction or substantial remodeling of any building allowed by zoning regulations within the corporate limits of the City, except as listed below, shall be entrusted only to an architect or professional engineer acting within the scope of his or her professional registration under KRS Ch. 322 and 323. Single-family dwellings, and accessory buildings or structures thereto, are exempt from this section.

(C) *Plans and specifications.*

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

(2) The application shall include drawings showing the location of the proposed building or structure and of every existing building or structure on the lot. 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 Building Director.

§ 82.04 STANDARDS OF EVALUATION.

(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 one story in height 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, aluminum or fiberglass shall not be suitable for garage nor outbuilding construction. (1996 Code, § 15-4.01) (Ord 8 Series 1999, passed 1-18-2000)

§ 82.05 LOCATION OF BUILDINGS.

(A) (1) The building setback area for all buildings and appurtenances thereto, shall conform to the current restrictions of zoning regulations for 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. (1996 Code, § 15-4.02)

CHAPTER 83: APPURTENANCES

§ 83.01 FENCES.

(A) A person wishing to erect or maintain a fence must first obtain a permit from the Building Director or his or her designee. A permit shall only be issued after a plan of such fence is delivered to and approved by the Building Director. Such plan shall show the location of the fence and the type of construction, and shall specify the material to be used.

(B) The proposed construction must be in keeping with and not detract from the surrounding neighborhood. If the material to be used for the fence is wood, it must be pressure treated lumber or a naturally resistant lumber such as redwood or cedar.

(C) It shall be unlawful for any person to erect a fence on any lot within the City which is taller than 48 inches, subject to the following exceptions.

(1) The owner of any lot on the west side of Robin Road may erect and maintain a fence of up to 84 inches in height along the rear lot line.

(2) The owner of any lot in the City with a side yard abutting Hess Lane may erect and maintain a fence of up to 72 inches in height along such side yard.

(3) The owner of any lot on the north side of Audubon Parkway and the west side of Oriole Drive, whose rear lot line abuts the City limits of Louisville Metro, may erect and maintain a fence of up to 84 inches in height along such rear lot line.

(D) It shall be unlawful for any fence on any lot within the City to be closer than 24 inches to another fence.

(E) The material used in the facing of any fence (for example, the wooden pickets in a picket fence) must face away from the interior of the lot on which the fence is erected.

(F) It shall be unlawful for any person to erect or maintain a fence on any part of the front or side yard of any interior lot within the City, except that any person owning a dwelling without an entrance into the back yard, but with a side entrance into the rear section of the dwelling, may extend a backyard fence forward on that side three feet beyond said entrance, so as to provide an entrance directly into the fenced rear yard.

(1996 Code, § 15-7.02) (Ord. 006 Series 2009, passed 8-17-2009)

§ 83.02 PULL-OFFS AND STREET CURBS.

(A) No person shall construct or permit any paved or gravel pull-off, parking areas, or curved or circular drive within view of the street on any residential lot in the City.

(1996 Code, § 15-8.01)

(B) *Permit for street curb.*

(1) No person shall construct or permit any curb to be constructed or maintained at the edge of any paved portion of any street within the City without first obtaining a permit therefor from the Mayor or his or her designee.

(2) No permit referred to in (B)(1) above shall be issued until a plan of such curb showing the

location and material and type of construction is delivered to the Mayor or his or her designee and he or she determines that such curb:

(a) Will not be more than six inches in height, and be located in line with existing curbs at or near such curb;

(b) Will not impede surface water drainage; and

(c) Will be in keeping with and will not detract from the surrounding neighborhood.

(3) Upon the failure of any person to comply with these regulations, the Mayor or his or 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 doing so.

(1996 Code, § 15-8.02)

§ 83.03 TELEVISION OR RADIO ANTENNAE.

(A) It shall be unlawful for any person to erect any device for receiving or sending radio or television signals on any front or side lot within the City.

(B) It shall be unlawful for any person to erect or maintain such device without first obtaining a permit therefor from the Mayor or his or her designee.

(C) No permit referred to in (B) above 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 readily visible from the street.

(1996 Code, § 15-9.01)

§ 83.04 FLOODLIGHTS.

(A) *Permit required.* It shall be unlawful for any person to install or permit any permanent flood or similar light to be installed or maintained on any lot within the City without first making application and obtaining a permit therefor from the Mayor or his or her designee.

(1996 Code, § 7-7.01)

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

(1) A plat or sketch showing the location of the proposed light;

(2) The type, name, and manufacturer and candle power of the proposed light; and

(3) What provisions are to be made for shielding such light from adjoining premises.

(1996 Code, § 7-7.02)

(C) *Light permit.*

(1) *Approval.* If the Mayor or his or her designee is satisfied that the proposed light will not adversely affect the safety, health, convenience, comfort, and general welfare of the City, and the premises adjoining the lot on which such light is to be located, he or she shall issue a permit for such light, which permit shall specify what shielding of such light, if any, shall be supplied by the applicant.

(2) *Disapproval.* If the application is incomplete or the Mayor or his or her designee determines that the proposed light would adversely affect the safety, health, convenience, comfort, and general welfare of the City, when requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor.

(1996 Code, § 7-7.03)

CHAPTER 84: SWIMMING AND BATHING FACILITIES

§ 84.01 GENERAL PROVISIONS.

(A) Private above-ground hot tubs, whirlpools, and spas, when installed on the exterior of any residence, shall be subject to the same provisions as below-ground swimming pools, and be limited to a water capacity of 400 gallons.

(1996 Code, § 15-6.06)

(B) It shall be unlawful for any person to construct or maintain a swimming pool in the front or side yard of any lot within the City.

(C) There shall be allowed in the City only permanent in-ground swimming pools, constructed in a rear yard and subject to the limitations hereinafter set forth.

(D) No swimming pool shall be constructed 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)

(F) 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)

§ 84.02 PERMIT APPLICATION.

(A) No person shall construct or maintain a swimming pool as provided for herein without first making application and obtaining a permit from the City.

(B) An application for a permit, signed by the owner or his or her authorized agent, shall be filed with the Building Director or his or her designee. It shall provide such information as may be reasonably required by such Director for a clear understanding of the proposed work and its effect on the surrounding properties.

(C) 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 or diagram 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) Provisions made for supplying the pool with potable water and for the drainage thereof;
 - (6) Substance to be used as fill, and the anticipated disposition of any earth removed;
 - (7) Time when construction is expected to begin and the length of time it will take before it is completed; and
 - (8) Fencing plan.
- (1996 Code, § 15-6.02)

§ 84.03 STANDARDS OF EVALUATION.

(A) *Other requirements.* Any person requesting a permit must, in addition to the City permit, obtain the necessary permits from metropolitan zoning authorities and health officials.

(B) *Examination of application.* The Mayor or his or her designee shall examine or cause to be examined each application for a swimming or bathing facility, and based on the information furnished in connection therewith, shall ascertain by such examination that the construction of such facility 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 Title and all other pertinent laws, ordinances, and deed restrictions.

CHAPTER 85: PERMITTING PROCEDURES

§ 85.01 GENERAL.

Applications for permits required by this Title may be obtained from, and returned to, the City Clerk for referral to the Building Director. Applicants shall be guided by the pertinent chapter of this Title in compiling and submitting the necessary supporting material for the project proposed.

§ 85.02 PERMIT FEE.

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

(1996 Code, § 15-3.03) (Ord. 7 Series 1999, passed 9-20-1999)

§ 85.03 REVIEW AND ISSUANCE OF PERMIT.

(A) *Examination of application.* The Building Director 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 is in accordance with the requirements of this Title; 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 Building Director 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 conforms to the requirements of this Code and all other pertinent laws, ordinances, and deed restrictions; is in uniformity and harmony of exterior design with existing structures on the lot 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, concurring in the 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 Title, 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 Code, or does not contain sufficient information, the Building Director shall so report to the Mayor, and, if the report is concurred in by the Mayor, no permit shall be issued. In such event the plans and specifications shall be returned to the applicant with the rejection of the permit. When requested by the applicant, such refusal shall be in writing and shall contain the reasons therefor. In such case the applicant may seek a variance as provided in Chapter 86.

(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.

(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 Building Director or his or her authorized representative.

(D) *Conditions of the permit.*

(1) A City permit, together with such other permit as may be required by proper authority, 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 Code, or any other pertinent laws, ordinances, or deed restrictions, nor shall such issuance of a permit prevent the Building Director from thereafter requiring a correction of errors in plans or in construction, or of violations of this Title 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 three months; provided, that for cause, one or more extensions of time, for periods not exceeding 30 days each, may be allowed in writing by the Mayor or his or her designee.

(E) *Posting of permit.*

(1) No building operations requiring a permit shall commence 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 Building Director 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)

§ 85.04 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 ensuring that water will not be diverted from its natural flow to the detriment of the land(s) surrounding the building or structure 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 a permit is issued is discarded or abandoned within the boundaries of the City, either during or upon 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 construction and related activities.
(1996 Code, § 15-3.05)

§ 85.05 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 Building Director may 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 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 building shall be occupied or used until final approval by the Building Director.
(1996 Code, § 15-3.07)

CHAPTER 86: VARIANCES

§ 86.01 GENERAL.

Any party in interest may request that the Council grant a variance to the provisions of this Title, asserting 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 Code.

§ 86.02 PROCEDURE.

(A) Upon receipt of a request for the granting of a variance to this chapter, the Council 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. Once notified, the parties requesting the variance shall give at least ten days' notice of the hearing, acknowledged by signature, to the owners of all property adjacent to the area for which the variance is being requested.

(B) The Council 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.

§ 86.03 HEARING.

(A) During the course of the hearing, the Council shall require proof that a good faith effort has been made to notify those parties identified above who may have an interest in the variance request.

(B) The party requesting the variance shall make a presentation to the Council as to why the section of this chapter 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 Title.

(1) 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.

(2) The Council 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 Council, are necessary for adequate consideration of the request.

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

§ 86.04 DECISION. The Council shall vote at its next regularly scheduled meeting upon the granting of the variance.

(1996 Code, § 15-2.05)

TITLE IX: CODE ENFORCEMENT

CHAPTER 91: CODE ENFORCEMENT BOARD

§ 91.01 DEFINITIONS.

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

CODE ENFORCEMENT BOARD. An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act.

CODE ENFORCEMENT OFFICER. A City police officer, safety officer, citation officer, or other public law enforcement officer with the authority to issue a citation.
(Ord. 5, Series 2007, passed 7-16-2007)

§ 91.02 ESTABLISHMENT.

There is hereby established a City Code Enforcement Board of three primary and two alternate members, to be constituted and to operate as prescribed by KRS 65.8801, *et seq.*
(Ord. 5, Series 2007, passed 7-16-2007)

§ 91.03 MEETINGS.

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. Special meetings may be called by the chair or a majority of the members in accordance with KRS 61.823.
(Ord. 5, Series 2007, passed 7-16-2007)

§ 91.04 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 disqualify 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)

CHAPTER 92: ENFORCEMENT PROCEEDINGS.

§ 92.01 NOTICE OF VIOLATION.

If a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a City ordinance, he or she shall issue a notice of violation to the offender allowing the offender a specified period of time to remedy the violation without fine.
(Ord. 5, Series 2007, passed 7-16-2007)

§ 92.02 CITATION.

If the recipient of a notice fails to remedy the violation within the time specified, the Code Enforcement Officer shall issue a citation. Subsequent proceedings are prescribed by KRS 65.8825, *et seq.*
(Ord. 5, Series 2007, passed 7-16-2007)

§ 92.03 GENERAL PENALTY.

Unless otherwise specified, the penalty for violation of civil provisions of this Code shall be a fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00), plus recovery of costs permitted by law. Each day of continuing violation of any such provisions shall constitute a separate offense.

(1996 Code, § 1-1.07)

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