

SPRINGFIELD, KENTUCKY

CODE OF ORDINANCES

Local Legislation current through Ord. 2025-003, passed 3-11-2025

Published by:

American Legal Publishing

525 Vine Street Suite 310

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Internet: <http://www.amlegal.com>

CITY OFFICIALS

Chris Essex

Mayor

City Councilmembers

Daniel Bishop

Willie Ellery

Michael Hale

Carolyn Hardin

John Pettus

Lance Smith

Jessica Hart

City Administrator/Clerk

Marie Blandford

Financial Officer

Elizabeth Coulter

City Attorney

Sue Mudd

Chief of Police

Forrest Carrico

Fire Chief

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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§ 10.01 SHORT TITLES.

(A) All ordinances of a permanent and general nature of the city as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Springfield, Kentucky Code, for which designation “codified ordinances” or “code” may be substituted. Title heads, chapter heads and section and division heads or titles, and explanatory notes and cross references, 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 “traffic code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.” Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 DEFINITIONS.

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

ACTION. Includes all proceedings in any court of this state.

(KRS 446.010(1))

AND. May be read **OR**, and **OR** may be read **AND**, if the sense requires it.

ANIMAL. Includes every warm-blooded living creature except a human being.

(KRS 446.010(2))

AVIS. The automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator’s licenses and personal identification cards.

(KRS 446.010(55))

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

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

(KRS 446.010(9))

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

(KRS 446.010(10))

COUNCIL. The city legislative body.

(KRS 83A.010(5))

COUNTY. Washington County, Kentucky.

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

(KRS 446.010(12))

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

(KRS 446.010(13))

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

(KRS 446.010(14))

DOMESTIC ANIMAL. Any animal converted to domestic habitat.

(KRS 446.010(15))

EXECUTIVE AUTHORITY. The Mayor.

(KRS 83A.010(6), KRS 91A.010(4))

FEDERAL. Refers to the United States.

(KRS 446.010(17))

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

(KRS 446.010(18))

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

KRS. Kentucky Revised Statutes.

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

(KRS 446.010(23))

LEGISLATIVE BODY. The City Council.

(KRS 91A.010(8))

LEGISLATIVE BODY MEMBER. A City Council member.

(KRS 83A.010(8))

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

(KRS 446.010(25))

MAY. The act referred to is permissive.

(KRS 446.010(26))

MONTH. Calendar month.

(KRS 446.010(27))

MUNICIPALITY. The City of Springfield, Kentucky.

OATH. Includes affirmation in all cases in which an affirmation may be substituted for an **OATH**. (KRS 446.010(28))

PARTNERSHIP. Includes both general and limited **PARTNERSHIPS**.

(KRS 446.010(30))

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

(KRS 446.010(31))

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

(KRS 446.010(33))

PERSONAL PROPERTY. Includes all property except real.

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

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

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

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

REAL PROPERTY. Includes lands, tenements and hereditaments.

REGULAR ELECTION. The election in even-numbered years at which members of Congress are elected and the election in odd-numbered years at which state officers are elected.

(KRS 446.010(37))

SHALL. The act referred to is mandatory.

(KRS 446.010(39))

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

STATE. The Commonwealth of Kentucky.

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

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

SWORN. Includes affirmed in all cases in which an affirmation may be substituted for an oath.

(KRS 446.010(43))

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

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

(KRS 446.010(46))

VIOLATE. Includes failure to comply with.

(KRS 446.010(47))

YEAR. Calendar year.

(KRS 446.010(49))

§ 10.03 RULES OF CONSTRUCTION.

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

(KRS 446.020(1))

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

(KRS 446.020(2))

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

(KRS 446.080(1))

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

(KRS 446.080(3))

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

(KRS 446.080(4))

§ 10.04 COMPUTATION OF TIME.

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

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

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

(KRS 446.030)

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

§ 10.05 MAJORITY MAY ACT FOR ALL; AUTHORIZED AGENT.

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

(KRS 446.050)

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

§ 10.06 WRITINGS AND SIGNATURES.

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

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

(KRS 446.060)

§ 10.07 SEVERABILITY.

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

(KRS 446.090)

§ 10.08 REVIVOR.

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

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

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

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

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

(KRS 446.100)

§ 10.09 RIGHTS AND LIABILITIES ACCRUING BEFORE REPEAL OF ORDINANCE.

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

(KRS 446.110)

§ 10.10 CONSTRUCTION OF SECTION REFERENCES.

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

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

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

§ 10.11 ORDINANCES REPEALED.

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

§ 10.12 ORDINANCES UNAFFECTED.

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

§ 10.13 ORDINANCES SAVED.

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

§ 10.14 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

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

(B) The method of amendment set forth in KRS 83A.060(3) should be used by the city to amend, add or repeal a chapter, section or division of this code of ordinances.

§ 10.15 CONFLICTING PROVISIONS.

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

§ 10.16 REFERENCE TO OFFICES.

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

§ 10.17 ERRORS AND OMISSIONS.

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

§ 10.18 HISTORICAL AND STATUTORY REFERENCES.

- (A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example:
- (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)
- (B) If a KRS cite is included in the history, this indicates that the text of the section reads either verbatim or substantially the same as the statute. Example:
- (KRS 83A.090)
- (C) If a KRS cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

Inspection of public records, see KRS 61.870 et seq.

§ 10.99 GENERAL PENALTY.

Where an act or omission is prohibited or declared unlawful in this code of ordinances, and no penalty is otherwise provided, the offense shall be deemed a violation, and the offender shall be fined not more than \$1,000 for each offense.

Statutory references:

Enforcement of ordinances, see KRS 83A.065

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

TITLE III: ADMINISTRATION

- Chapter
- 30. CITY GOVERNMENT
 - 31. FINANCE AND REVENUE
 - 32. PERSONNEL POLICIES
 - 33. LAW ENFORCEMENT AND PUBLIC SAFETY
 - 34. ORGANIZATIONS
 - 35. CITY POLICIES

CHAPTER 30: CITY GOVERNMENT

Section

- General Provisions**
- 30.01 Form of government
- City Officials**
- 30.15 Election procedure
- 30.16 Mayor
- 30.17 City Clerk
- City Council**
- 30.30 Presiding Officer
- 30.31 Meetings

GENERAL PROVISIONS

§ 30.01 FORM OF GOVERNMENT.

(A) Pursuant to KRS 83A.020, the city hereby elects to retain the organization and structure of its city government existing of July 14, 1980 being that of a Mayor-Council plan governed by KRS 83A.130, immediately before the effective date of nonemergency legislation enacted by the 1980 Regular Session of the General Assembly.

(B) For the purposes of the organization and structure of the government of the city, KRS 83A.130 shall direct and control the organization and structure of city government.

(C) Pursuant to KRS 83A.020, ordinances and resolutions of the city are hereby declared to remain in force and effect, and any such ordinance citing or relying on a section of Kentucky Revised Statutes repealed by the 1980 Regular Session of the General Assembly shall be deemed to refer to such repealed statute for purposes of structure, procedure and operation only, and not for the grant of any power or authority found in such section.

(Prior Code, § 240.4)

CITY OFFICIALS

§ 30.15 ELECTION PROCEDURE.

(A) Election of city officers in the city shall be in accordance with nonpartisan city election laws as provided in KRS 83A.045, 83A.170 and 83A.175.

(B) As of the effective date of this section, the nonpartisan primary election for the nomination of candidates to elected city offices is hereby eliminated as authorized by KRS 83A.045(2)(b).

(C) All candidates for elected city offices shall file their nomination papers with the County Clerk no later than 68 days before the day fixed by KRS Chapter 118 for holding the regular election.

(D) All nomination papers shall be filed no later than 4:00 p.m. prevailing local time when filed on the last day on which such papers are permitted to be filed.

(E) The election of candidates to all elected offices shall be governed by the provisions of this section and by the applicable provisions of KRS Chapter 83A and Chapters 116 through 121. The city will not conduct a nonpartisan primary election.

(Ord. 89-001, passed 1-20-1989)

§ 30.16 MAYOR.

(A) The compensation to be paid to the Mayor for his or her term shall be established by ordinance.

(B) When the absence or disability of the Mayor shall prevent his or her serving in the office and performing the duties and responsibilities of the Mayor during a national, state or local emergency, these duties shall be administered temporarily by the longest serving Council person per KRS 83A.040.

(Ord. 90-002, passed 2-12-1990; Ord. 2015-001, passed 2-10-2015)

§ 30.17 CITY CLERK.

(A) There is hereby established the city office to be known as the City Clerk.

(B) The office of the City Clerk shall be filled by appointment, by the Mayor, subject to the approval of the City Council.

(C) The duties of the office of City Clerk shall be as follows:

- (1) Attends City Council meetings and takes minutes;
- (2) Maintains safe keeping of official city records, including ordinances, municipal orders and executive order books;
- (3) Performs duties of the custodian of records, pursuant to KRS 61.870; and
- (4) Performs related work as required by the Mayor and all duties and responsibilities required of the City Clerk by statute or ordinance.

(D) The City Clerk shall take the constitutional oath of office upon appointment and prior to performing his or her duties hereunder.

(E) The City Clerk shall post bond in the amount of \$25,000 for faithful performance of duties outlined herein, this may be combined with other city employee bonding requirements.

(Prior Code, § 230.02) (Ord. 91-007, passed 10-14-1991)

CITY COUNCIL

§ 30.30 PRESIDING OFFICER.

Pursuant to KRS 83A.130(5), within 30 days after the biennial election of City Council members, the Council shall elect by nomination and roll-call vote one of its members to preside at City Council meetings in the absence of the Mayor.

(Ord. 90-001, passed 1-8-1990)

§ 30.31 MEETINGS.

Pursuant to the requirements of KRS 83A.130(11), regular meetings of the City Council are hereby scheduled in the City Council Meeting Room of City Hall at 127 West Main Street, Springfield, Kentucky at 4:30 p.m., prevailing time, on the second Tuesday of each calendar month.

(Ord. 2023-001, passed 1-20-2023)

CHAPTER 31: FINANCE AND REVENUE

Section

Funds

31.01 Revolving Loan Fund

Procurement Standards

31.15 Methods of procurement

31.16 Contracts

31.17 Documentation

31.18 Locally owned, minority owned, female owned and small business

31.19 Code of conduct

31.99 Penalty

FUNDS

§ 31.01 REVOLVING LOAN FUND.

(A) A goal of the City Council is job creation and retention. The city's Revolving Loan Fund represents one effort to achieve this goal. Since the monies in this Fund are limited, objectives of the City Council are to approve projects that are sound and capable of repaying their loan and to maximize earnings through investment. These objectives will help maintain and ensure the growth of the Fund for use by future prospective businesses.

(B) (1) *Establishment of Revolving Loan Fund Board.*

(a) The City Council hereby establishes a Revolving Loan Fund Board composed of the members of the existing City Industrial Authority.

(b) The RLF Board will establish, evaluate and carry out policy, establish loan conditions and recommend disposition of loans under the SRLF.

(c) The Mayor shall serve as loan fund manager and will act as liaison between potential borrowers and the SRLF Board of Directors. The Mayor may delegate this authority or request assistance as is needed.

(d) In addition, three members of the Board will serve as a Loan Review Committee. This Loan Review Committee will, with the assistance of the RLF manager, review all loan requests and make recommendations to the full Board regarding the various requests.

(2) *Processing fees.* A fee of \$250 shall be charged to cover the costs of processing an application. This fee shall be levied only on those applicants desiring to submit an application for consideration. No charge shall be made for initial contact or preliminary discussions required for the development of a possible application. No charge to the city for projects.

(3) *Technical and managerial assistance.*

(a) Due to their involvement with and knowledge of other sources of financing, the Lincoln Trail Area Development District shall provide technical and managerial assistance and secretarial support to the SRLF Board and potential applicants.

(b) Technical assistance shall consist of: working with applicant and other loan participants to develop a feasible project; seeking additional loan sources which may be available; reviewing proposals; and advising the SRLF Board and manager on merits of the loan.

(4) *Servicing of loans.* The city's Revolving Loan Fund will not directly engage in the servicing of its portfolio. The Board will negotiate with outside sources, preferably the first lender, who possess the necessary skills to service the loans.

(5) *Monitoring of loan.* The RLF manager will conduct a monitoring visit of each project at least twice a year to

determine if there are any problems that jeopardize the loan. The RLF and servicing agency will keep each other informed about problems they encounter. If so desired, the Board may request periodic financial reports from the company as a condition of loan approval.

(6) *Solicitation of loans.* The Revolving Loan Fund will recruit potential borrowers through several methods. The RLF manager will actively solicit participation through private lenders, referrals from the State Development Block Grant Program and other sources as appropriate. These development agencies will be in the position of making RLF program information available to various enterprises with which they have contact.

(C) (1) *Eligible applicants.*

(a) The applicant must be registered sole proprietor partnership or corporation established for the purpose of doing business in the city, or the city or its agency.

(b) The applicant must possess good character and reputation. Character references will be required. References may include creditors, past employers or others who possess knowledge of the applicant.

(2) *Eligible projects.*

(a) Acquisition and assembly of land for industrial or commercial use;

(b) Acquisition of properties with redevelopment potential for industrial or commercial use;

(c) The start-up and/or expansion of industries in the city;

(d) The rehabilitation and renovation of useable vacant building for specific industrial or commercial use; and

(e) Other projects determined to be in the best interest of the citizens of the city generally accepted to improve the climate for attracting new business and to benefit existing business.

(3) *Ineligible projects.*

(a) Businesses serving alcoholic beverages;

(b) Rolling stock (i.e., trucks, forklifts, automobile);

(c) Speculative building;

(d) Loans to retire existing debt;

(e) Working capital;

(f) Business activity located outside the boundaries of the city; and

(g) Any other projects determined not to be in the best interests of the citizens of the city.

(4) *Eligible costs.* Loans made under the SRLF can be used to finance:

(a) *Land costs.* All related costs related to the acquisition and development of land for industrial or commercial use;

(b) *Building costs.* All costs associated with acquisition, construction and rehabilitation of buildings for industrial or commercial use, including leasehold improvements;

(c) *Machinery and equipment costs.* All related costs associated with the acquisition and installation of machinery and equipment; and

(d) *Facility development costs.* Costs for facility development necessary for project completion (i.e., water lines, sewer lines, access roads).

(D) The following factors will be considered in the loan review process for all SRLF loan applications.

(1) Highest priority will be given to projects creating at least one job per every \$5,000 of RLF monies. Except under exceptional circumstances, the SRLF will not consider projects where the ratio exceeds \$10,000 per new long-term job created. Jobs used for purposes of this ratio are those existing at the end of two years after start-up. Construction jobs in the building of a facility are not included.

(2) No SRLF loans shall be made if funding is otherwise available from private lenders on terms that would allow for the successful completion of the project.

(3) No SRLF loans can be used to refinance existing debt.

(4) The SRLF will not participate in projects outside the geographical boundary of the city.

(E) The SRLF shall exercise flexibility in negotiating terms with the participating financial institutions. The following conditions, however, are set as minimum guidelines.

(1) The SRLF reserves the right to sell its interest in a loan package where the Board deems advisable.

(2) The SRLF would accept convertible subordinated debt, with or without deferral provisions for either principal and/or interest.

(3) Where appropriate in debt position, liens will be taken covering all assets. A subordinated position will not be accepted where an inordinate amount of risk is evident.

(4) Personal guarantees may be required of owners who control at least 20% of the company.

(5) The SRLF will impose the following maximum term requirements and restrictions on loans.

	<i>Maximum Length of Terms</i>
Machinery and equipment	7-12 years or the usable life of the equipment
Real estate	10-20 years

(6) Rates will be negotiated by the SRLF Board, but in no case shall it be less than 5%.

(7) In negotiating terms for potential borrowers, terms will not be made that cannot feasibly be met. A thorough credit analysis will be undertaken prior to negotiating loan terms.

(8) There will be no provision for repayment of money borrowed by the city.

(F) (1) *Initial meeting.* The initial meeting that the RLF manager will conduct with a potential borrower will be to determine eligibility, generally discuss the project and explain the application process and needed information. At this point, projects which are ineligible or which do not look strong should be referred to proper funding sources or discouraged from applying. The loan manager will indicate that the following items will be required from the applicant prior to the next meeting:

(a) Three-year financial statements, if applicable;

(b) A brief description of the request, including total project cost, amount of loan requested, purpose of loan and terms requested;

(c) The loan fund manager and the potential borrower will take a first cut at structuring the loan package;

(d) An economic impact statement, including the number and type of jobs to be retained and/or created at the end of two years;

(e) Historical financial data; and

(f) Any other items requested of applicant by the RLF manager or Board.

(2) *Loan application process.* Upon determination of applicant eligibility, the borrower will complete the loan application form. Prior to this, the borrower will have been issued full information regarding standard conditions and federally required assurances and conditions. In conjunction with the above cited standard forms, the SRLF Board of Directors shall request the following information, much of which will be included as part of the applicant's business plan:

(a) Financial information, where relevant, which shall include:

1. Current audited financial statement, including balance sheets, income statement with auditor's footnotes and supporting statements for the applicants three most recent fiscal years, where applicable, and audited consolidated financial and income statements, with auditor's footnotes, of any parent company for the three most recent fiscal years, also where applicable;

2. Most recent interim financial statements of the applicant and, if applicable, of its parent company, certified by officers of the respective companies and maintained current during the loan application process; and

3. Projected pro forma balance sheets, income statements, cash flow and supporting statements of the applicant, quarterly, from the date of the latest interim financial statement to the date of the commencement of project operation. The statements and balance sheets should reflect the applicant's ability to repay debt principal out of earnings within the first three years of operation.

(b) The non-financial information as the RLF Board of Directors deems is necessary to substantiate the pro forma projections. These may include, but not be limited to:

1. Estimates, firm quotations, receipts, contracts, orders, invoices, leases or equivalent documentation from architects, engineers, contractors, sub-contractors, material suppliers, lessors or others involved in the sale, lease or construction of fixed assets, if any, for applicant's project, including schedules of implementation; and

2. Any backup information regarding the applicant's operating costs, including projected employment by job category and applicable wage rate, cost and availability of raw materials and energy.

(c) General information about company management capabilities, including resumes of top management and detailed marketing strategies;

(d) Such additional information as the SRLF Board of Directors may require regarding collateral, appraisals, valuations of nonprofit assets and guarantees;

(e) Completed applications; and

(f) Signed statement of assurances.

(G) (1) *Application review and evaluation.*

(a) Upon completion of the SRLF full application, the RLF Loan Review Committee will carry out a loan review and submit its recommendation for approval or disapproval and the basis for such recommendation to the full Board. The RLF will then consider the recommendation made by the RLF Loan Review Committee. The Board may solicit or allow additional comment or advisement if it so desires. The Board shall then make its recommendations to the City Council to approve or deny the loan.

(b) The SRLF Board of Directors will utilize and fully consider all loan selection criteria to ascertain whether the proposed project is consistent with the economic development strategy for the city. The SRLF Board will determine whether all loan requirements can be met and shall apply their financial experience and judgment to the project having considered all available information.

(2) *Loan Fund Board approval.* Upon final approval, the SRL Board Chairperson will forward the entire package to the RLF's bank, with a request to draw down funds to the borrower.

(H) The SRLF will closely coordinate all loan closing activity with the first participation lender to avoid duplication and to hold closing costs to a minimum. The RLF, working with the participating lender, will make all necessary preparation for the closing. After scheduling the date of closing, the RLF will prepare the information and documentation for closing, including:

- (1) RLF agreement;
- (2) Participating agreement between RLF and the first position lender;
- (3) Promissory on mortgage notes;
- (4) Check from the SRLF; and
- (5) All closing costs incurred, which will be paid by the borrower at the time of closing.

(I) (1) The SRLF full loan application form is attached to the ordinance codified in this section as Appendix 1.

(2) (a) Every six months, the RLF manager will monitor the projects in the RLF portfolio, evaluate the loans made and determine progress made in obtaining goals and objectives cited in the SRLF administration plan. Factors such as jobs created, jobs retained, potential for future job creation, tax revenues created, types of jobs created, minority and/or women's business assisted and the ratio of RLF dollars to jobs retained/created will be considered in this evaluation process. Results of all project evaluations will be presented to the SRLF Board and the City Council in an annual report of RLF activity.

(b) All assurances as specified in Community Development Block Grant regulations shall be agreed to by the borrower in order to receive funds. No application shall be approved unless the statement of assurances is properly signed. The loan manager will notify the Department of Local Government of projects prior to action by the Board. This notification process shall be to ensure conformance with CDBG regulations.

(c) Investment of idle funds shall be in conformance with state statutes as they relate to investment practices of local governments.

(3) Since the monies that help fund this Revolving Loan Fund come from repayment of loans made from grants received from the Community Development Block Grant Program, each activity funded under the SRLF program must meet at least one of the three national objectives identified in Title I of the Housing and Community Development Act of 1974, as amended in 1983, hereafter referred to as the Act, § 104(b)(3). The three objectives are:

- (a) Benefit to low and moderate income persons;
- (b) Prevention or elimination of slums or blight; and
- (c) Meeting community development needs having a particular urgency.

(4) In addition to the procedures for loans set out above, the city may spend funds out of RLF for projects that meet the three national objectives identified above after review by the RLF Board and approved by the City Council.

(Prior Code, § 910.0) (Ord. 86-010, passed - -; Ord. 88-012, passed 9-12-1988)

PROCUREMENT STANDARDS

§ 31.15 METHODS OF PROCUREMENT.

(A) All procurements made by the city will be made in accordance with the following procurement standards. Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The city shall not engage in procurement practices which may be considered restrictive in trade. Purchases will be reviewed by the city department heads to prevent duplication and to ensure that costs are reasonable.

(B) Procurements shall be made by one of the following methods: small purchase procedures; competitive sealed bids; competitive negotiation; and noncompetitive negotiation.

- (1) *Small purchases.* Purchases of supplies, equipment and services which cost between \$15,000 and \$40,000 will

require written estimates, but no legal advertisement is required. The city will solicit written responses from at least three vendors, and if no such responses are available, a statement explaining the procurement will be prepared and filed. For purchases of less than \$15,000, efforts will be made to get the lowest and best prices, but written records of such efforts are not necessary.

(2) *Competitive sealed bids.*

(a) Bidding will be employed when detailed specifications for the goods or services to be produced can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than those personal or professional exceeds \$40,000, an invitation for bids (IFB) notice will be prepared. This notice will be published at least once in at least one official newspaper of general circulation within the city. This newspaper notice will appear not less than seven days and not more than 21 days before the due date for bid proposals. The Chief Elected Official may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

(b) The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with, such as § 3 of the 1068 Housing Act, § 109 of the 1974 Housing and Community Development Act (42 U.S.C. §§ 5301 et seq.), the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), Executive Order 11246 and the Davis-Bacon Act (40 U.S.C. §§ 3141 through 3148).

(c) Sealed bids will be opened in public at the time and place stated in the IFBs. The bids will be tabulated by the City Council at the time of bid opening. The results of the tabulation and the bid documents will be examined for accuracy and completeness by the department head which will make recommendations to the City Council. In addition, the department head determines whether all firms are responsive and responsible. The City Council will award the contract to the responsive and responsible bidder with the lowest bid price or the lowest evaluated bid price. After the bid award is made by the City Council, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

(d) The city may cancel an invitation for bid or reject all bids if it is determined in writing that such is in the best interest of the city. The city may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

(3) *Competitive negotiation.*

(a) The city will utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible); and
2. The services to be procured are professional or personal in nature.

(b) With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows.

1. Proposals will be solicited through newspaper advertisement; additionally, a request for proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven days and not more than 21 days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor.

2. Award must be made to the offerer whose proposal is determined in writing by a review committee to be the top rated proposal according to the systematic evaluation. Evaluations must be based on the factors set forth in the request for proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

(4) *Noncompetitive negotiations.*

(a) Noncompetitive negotiations may be used for procurements in excess of \$40,000 when bidding or competitive negotiations are not feasible. The city may purchase goods and services through noncompetitive negotiations when it is determined in writing by the Mayor that competitive negotiation or bidding is not feasible and that:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures;
2. The product or service can be obtained only from one source;
3. The contract is for the purchase of perishable items purchased on a weekly or more frequent basis;

4. Only one satisfactory proposal is received through RFP or RFQ; or

5. The state has authorized the particular type of non-competitive negotiation (example: the procurement of services by an Area Development District).

(b) Procurement by non-competitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers.

(Ord. 2004-001, passed 3-9-2004; Ord. 2023-010, passed 7-11-2023)

§ 31.16 CONTRACTS.

Generally, all procurement in excess of \$15,000 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared. The contractual provisions required by the "Common Rule," 24 C.F.R. part 85 will be included in all contracts.

(Ord. 2004-001, passed 3-9-2004)

§ 31.17 DOCUMENTATION.

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement and so forth). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection basis for cost (including the issue of reasonableness of cost) and basis for payment.

(Ord. 2004-001, passed 3-9-2004)

§ 31.18 LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESS.

Efforts will be made and documented to solicit participation of locally owned, minority owned, female owned and small businesses. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases.

(Ord. 2004-001, passed 3-9-2004)

§ 31.19 CODE OF CONDUCT.

(A) *Conflict of interest.* No elected official, employee or designated agent of the city will take part or have an interest in the award of any procurement transaction if a conflict of interest, clear or apparent, exists.

(B) *Acceptance of gratuities.* No elected official, employee or designated agent of the city shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

(Ord. 2004-001, passed 3-9-2004) Penalty, see § 31.99

§ 31.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any elected official, employee or designated agency of the city who knowingly and deliberately violates the provisions of §§ 31.15 through 31.19 will be open to civil suit by the citizens of the city without the legal protection of the city. Furthermore, such a violation of the procurement standards is grounds for dismissal by the city.

(Ord. 2004-001, passed 3-9-2004)

CHAPTER 32: PERSONNEL POLICIES

Section

Labor Unions

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32.02 Agreement

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- 32.04 Abstain or refrain; no requirement
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Job Classifications

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LABOR UNIONS

§ 32.01 PUBLIC POLICY DECLARATION.

It is hereby declared to be the public policy of the city that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

(Prior Code, § 430.2)

§ 32.02 AGREEMENT.

Any agreement of combination between any employer and any labor union or labor organization whereby persons not members of the union or organization shall be denied the right to work for the employer, or whereby the membership is made a condition of employment or continuation of employment by the employer, or whereby any such union or organization acquired an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

(Prior Code, § 430.2)

§ 32.03 BECOME OR REMAIN; NO REQUIREMENT.

No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment.

(Prior Code, § 430.2)

§ 32.04 ABSTAIN OR REFRAIN; NO REQUIREMENT.

No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

(Prior Code, § 430.2)

§ 32.05 PAYMENT; NO REQUIREMENT.

No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

(Prior Code, § 430.2) Penalty, see § 32.99

§ 32.06 APPLICATION TO LAWFUL CONTRACT.

The provisions of this subchapter shall not apply to any lawful contract in force on the effective date hereof, but they shall apply in all respects to contracts entered into thereafter any to any renewals or extension of any existing contract.

(Prior Code, § 430.2)

§ 32.07 INTIMIDATION AND THE LIKE PROHIBITED.

Any person, firm, association, corporation or labor union or organization engaged in lockouts, lay-offs, boycotting, picketing, work stoppages or other conduct, a purpose of which is to cause, force, persuade or induce any other person, firm, association, corporation or labor union or organization to violate any provisions of this subchapter shall be guilty of illegal conduct contrary to public policy; provided, that nothing herein contained shall be construed to prevent or make illegal the peaceful and orderly solicitation and persuasion by union members of others to join a union, unaccompanied by any intimidation, use of force, threat of use of force, reprisal or threat of reprisal; and provided, that no such solicitation or persuasion shall be conducted so as to interfere with or interrupt the work of any employee during working hours.

(Prior Code, § 430.2) Penalty, see § 32.99

OLD-AGE AND SURVIVOR'S INSURANCE

§ 32.20 AUTHORIZATION.

(A) The Mayor is authorized to execute, on behalf of the city, a contract between the city and the State Agency of the Old-Age and Survivors Insurance System, which contract is in words and figures.

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

EMPLOYEE. An employee, as defined in § 210(k) of the Social Security Act, being 42 U.S.C. §§ 301 through 1307, and any amendments thereto, and shall include an officer.

SERVICES. All services performed by individuals as employees of the political subdivision, except:

(a) Any service performed by an employee in a position covered by a retirement system on the date this agreement is made applicable to his or her coverage group;

(b) Service performed by an employee who is employed to relieve him or her from unemployment;

(c) Service performed in a hospital, home or other institution by an inmate thereof;

(d) Covered transportation service (as defined in § 210(l) of the Social Security Act, being 42 U.S.C. §§ 301 through 1307);

(e) Service (other than agricultural labor or service performed by a student) excluded from employment by any provisions of § 210(a) of the Social Security Act, being 42 U.S.C. §§ 301 through 1307, other than paragraph (8) of said section; and

(f) Services of an emergency nature.

(Prior Code, § 240.1)

§ 32.21 SERVICES COVERED.

This plan includes all services performed by individuals for the political subdivision except all elective officials.

(Prior Code, § 240.1)

§ 32.22 ADMINISTRATION.

The political subdivision agrees and has heretofore authorized and directed the appropriate officers and employees to do and perform all things found necessary by the state agency to the proper and efficient administration of the plan, including, but not limited to, the maintenance of employment records relating to both services, required contributions by both the political subdivision and its employees and other data required by the state agency or the Federal Security Administrator, to make such reports in such form and containing such information as the state agency may, from time to time, require and to comply with such provisions as the state agency or the Federal Administrator may, from time to time, find necessary to assure the correctness and verification of the reports.

(Prior Code, § 240.1)

§ 32.23 CONTRIBUTIONS.

(A) The political subdivision will pay into the contribution fund established by KRS 61.470, with respect to wages, as defined in KRS 61.420, at such time or times as the state agency may by regulation prescribe, contributions equivalent to

the sum of the taxes which would be imposed by I.R.C. §§ 1400 and 1410 if the services covered by this plan and agreement constituted employment as defined in I.R.C. § 1426.

(B) (1) The political subdivision agrees to levy a tax on all property assessed for taxation by the political subdivision for each and every year this contract shall be and remain in force, which levy shall be sufficient in itself, or when added to any balance remaining from previous levies, to ensure the payment of the obligations of the political subdivision to the state agency imposed by this contract for the ensuing fiscal year; and the payment of the obligations shall be specifically provided for in the political subdivision's budget for each and every year this agreement shall be and remain in force. In determining the rate of taxation for the annual levies, the political subdivision shall anticipate the collection of taxes in an amount not to exceed 90% of the levy. All collections pursuant to the levy shall be covered into a revolving fund, to be created by the political subdivision, which shall be devoted exclusively to the payment of the obligations imposed under this contract, as when the same shall become due and payable, until all of the obligations shall have been satisfied in full.

(2) Provided, however, for the fiscal year commencing July 1, 1951, and ending June 30, 1952, or for any subsequent fiscal year hereunder, the foregoing requirements of this section may be dispensed with by the political subdivision paying in advance into its revolving fund an amount of money sufficient to meet the combined employer-employee contributions for the fiscal year.

(C) (1) The political subdivision agrees to and shall advance to the contribution fund, provided for in KRS 61.470, an amount equal to the average quarterly contributions provided for in division (A) above plus 10% thereof, which shall be credited to the political subdivision in the contribution fund account.

(2) The average quarterly contribution shall be arrived at in the first instance by a fair estimate based on the payroll for the previous calendar year; provided, however, that, the advancement may be adjusted from time to time as the state agency may require, and, when adjusted, the estimate shall be based on the payroll for the calendar quarter immediately preceding the date of the adjustment. The advancement provided for herein may be used by the state agency to offset any unpaid financial obligation incurred by the political subdivision hereunder, and for no other purpose, and may be applied thereto summarily, but the use shall not relieve the political subdivision of the obligation to the state agency; provided, however, that no advancement by the political subdivision shall be applied to the default of any other political subdivision.

(D) The political subdivision will pay to the State Treasury, at such time or times that the state agency may by regulation prescribe, an amount equal to the political subdivision's share of the cost of administration of the state agency, such amount to be not greater than 5% of the contributions made by the political subdivision under division (A) above.

(E) (1) The political subdivision agrees that it shall impose upon each of its employees, as to services which are covered by this plan and agreement, a contribution with respect to his or her wages, not exceeding the amount of the tax which would be imposed by § 1400 of the Federal Insurance Contribution Act, 26 U.S.C. § 3101 if the services constituted employment within the meaning of that Act, and to deduct the amount of the contribution from his or her wages as and when paid.

(2) It is further understood that the contributions so collected shall be paid into the contribution fund in partial discharge of the liability of the political subdivision, but that failure to make the deduction shall not relieve the employee or the political subdivision from liability therefor.

(Prior Code, § 240.1)

§ 32.24 ADJUSTMENTS, REFUNDS AND INTEREST ON DELINQUENT PAYMENTS.

(A) If more than the correct amount due under §32.23 is paid with respect to any remuneration, proper adjustment (or refund, if adjustment is impracticable) shall be made without interest in such manner and at such times as the state agency shall prescribe.

(B) If the political subdivision does not make at the time or times due, the payments required under this plan and agreement, there shall be added, or part of the amount due, interest at the rate of 0.5% per month or fraction thereof.

(C) Without prejudice to other available methods of collection, the state agency in its discretion may deduct such delinquent amounts plus interest from any other money payable to the political subdivision by any department, agency or fund of the state.

(Prior Code, § 240.1)

§ 32.25 TERMINATION.

(A) (1) The political subdivision may request the state agency to take all necessary steps with the Federal Security Administrator, pursuant to § 218(g) of the Social Security Act, being 42 U.S.C. §§ 301 through 1307, to terminate this plan and agreement either in its entire application to the political subdivision or with respect to any coverage group.

(2) Upon good cause shown at a time in a manner to be specified by the state agency, the state agency shall give notice to the Federal Security Administrator required by § 218(g) of the Social Security Act, being 42 U.S.C. §§ 301 through 1307 for the purpose of granting the requested termination to the political subdivision.

(B) If the state agency, after notice and opportunity for hearing to the political subdivision, finds that there has been a failure to comply substantially with any provision contained in this plan and agreement or KRS Chapter 61, it may terminate this plan in its entirety, the termination to take effect at the time prescribed in the notice and on such conditions as may be

provided by regulations of the state agency, and as may be consistent with the provisions of the Social Security Act, being 42 U.S.C. §§ 301 through 1307.

(Prior Code, § 240.1)

§ 32.26 MODIFICATION.

(A) This plan and agreement may be modified, at the request of the political subdivision, to include coverage groups or services in addition to those now included by this plan.

(B) The modification must be consistent with KRS Chapter 61 and the provisions of § 218 of the Social Security Act, being 42 U.S.C. §§ 301 through 1307.

(Prior Code, § 240.1)

CODE OF ETHICS

§ 32.40 STANDARDS OF CONDUCT.

(A) *Conflicts of interest.*

(1) An elected or appointed officer or employee of the city shall not intentionally participate in the discussion or vote, or make a decision in his or her official capacity in any matter:

(a) In which the officer, employee or any immediate family member or business associate will derive a monetary gain or suffer a direct monetary loss as the result of the officer's or employee's vote or decision; and/or

(b) Which relate specifically to a business in which the officer or employee owns or controls an interest of \$10,000 or more, or an interest of more than 5%.

(2) No elected or appointed official of the city shall be deemed in violation of these provisions if, by reason of the officer's or employee's participation, vote, decision or action, no monetary or material gain accrues to the officer or employee, family member or a business associate, 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.

(B) *Acceptance of gifts.*

(1) No elected or appointed officer or employee of the city or any independent agency to which the code of ethics applies shall knowingly accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the city; provided, however, that any such elected or appointed officer or employee of the city who is a candidate for public office may accept campaign contributions and services in connection with any such campaign as governed by state statutes.

(2) However, no elected or appointed officer or employee of the city shall be prohibited from giving or receiving: gifts from relatives; gifts accepted on behalf of the city and transferred to the city; awards presented in recognition of public service; commercially reasonable loans made in the ordinary course of the lender's business; or reasonable travel and travel-related expenses, costs of admission, food and beverages and entertainment furnished in connection with public events, appearances, ceremonies, economic development activities or fact-finding trips related to official government business.

(C) *Use of city equipment and personnel.* No elected or appointed officer or employee of the city shall use or permit the use of city property (including land, vehicles, equipment, personnel, materials and any other property) for personal convenience or profit, except when the use is generally available to citizens of the city or provided as a matter of city policy.

(D) *Misuse of information.* An elected or appointed officer or employee of the city shall not intentionally disclose or use information acquired in the course of his or her official duties, if the primary purpose of the disclosure is to further his or her own economic interest or that of another person. Information is considered confidential if it is not subject to disclosure pursuant to the State Open Records Act, KRS 61.870 through 61.884 at the time of its disclosure or use.

(E) *Off-duty or outside employment.* An elected or appointed officer or employee of the city shall not accept any employment or enter into any contracts that result in a conflict of interest with their duties as an official or employee of the city. An employee of the city may be self-employed or may take occasional part-time jobs if, in the opinion of his or her supervisor/department head, there is no conflict with working hours, the employee's efficiency in his or her city work or other interests of the city. Employees wishing to take off-duty employment shall have the written approval of their supervisor/department head. City employment shall remain the first priority, and if, at any time, the outside employment interferes with an employee's job requirements or performance for the city, the employee shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or his or her city employment.

(F) *Representation of persons before city government.* No elected or appointed officer or employee of the city or any business organization in which an elected or appointed officer or employee has an interest shall represent any person or party, other than the city, in connection with any cause, proceeding, application or other matter pending before any agency of the city. Nothing shall prohibit any elected or appointed officer or employee of the city or member of his or her immediate family from representing himself, herself or themselves in negotiations or proceedings concerning his, her or their own

interests. No elected or appointed officer or employee of the city shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his or her immediate family, whether directly or indirectly in return thereof.

(Ord. 94-011, passed 12-12-1994)

§ 32.41 FINANCIAL DISCLOSURE.

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

(1) Elected officers of the city;

(2) Candidates for elected offices of the city. For the purpose of this division (A), a **CANDIDATE** is defined as one who files a notification and a declaration for nomination for city office with the County Clerk or the Secretary of State of the Commonwealth of Kentucky; or is nominated for office under the provisions of KRS 83A.165, 83A.170 or 83A.175 for non-partisan elections and KRS 118.105, 118.115, 118.325 or 118.760 for non-partisan elections; or

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

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

(1) Name of filer;

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

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

(4) Occupations of the filer and his or her spouse;

(5) Information regarding each source of income of filer and filer's immediate family members (spouse and dependents living at home) from within the state exceeding \$10,000 during the preceding calendar year and the form of income (i.e., salary, interest and the like). Specific dollar amounts do not have to be listed; and

(6) Names and addresses of all business organizations located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of \$10,000 or more. Specific dollar amounts do not have to be listed.

(C) The financial disclosure statement shall be filed annually with the Board of Ethics as a repository thereof and shall be filed within 30 days after taking office or beginning employment.

(D) Within 30 days after there is a material change in any information contained in a filed statement, the filer shall submit an amended statement reflecting the change.

(Ord. 94-011, passed 12-12-1994)

§ 32.42 NEPOTISM.

(A) No elected or appointed official shall appoint, vote for the appointment of, or recommend the appointment of, a family member to an office or position of employment with the city.

(B) For the purpose of this section, a **FAMILY MEMBER** shall be defined as a spouse, a child (including step-child), sibling, parent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

(C) This section shall apply to full-time permanent employees of the city. This provision shall not apply to part-time or seasonal employees so long as the relationship is fully disclosed before the employment action is taken and the minutes or municipal order reflects the relationship.

(D) This provision shall not apply to any person appointed to a city office or employed by the city prior to the effective date of this subchapter.

(Ord. 94-011, passed 12-12-1994) Penalty, see § 32.99

§ 32.43 BOARD OF ETHICS.

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

(B) The Board of Ethics shall consist of five members. The initial members shall be selected and elected by the Board of Directors of the Springfield-Washington County Chamber of Commerce within 15 days of the effective date of this subchapter. 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, two members shall be appointed for a term of two years, and two 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 names of the members of the Commission shall be submitted annually to the City Clerk no later than January 15 of each year, and the list of names and addresses of the Board members along with the date of the expiration of their term shall be maintained at City

Hall. 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 may be reappointed for any number of consecutive terms.

(C) A member of the Board of Ethics may be removed by a majority vote of the Chamber of Commerce Board of Directors 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 Chamber of Commerce Board of Directors.

(D) Vacancies on the Board of Ethics shall be filled within 60 days by the Chamber of Commerce Board of Directors. If a vacancy is not filled by the Chamber of Commerce 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 but may be reimbursed by the Chamber of Commerce for all necessary and reasonable expenses incurred in the performance of their duties.

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

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

(H) (1) The presence of three or more members shall constitute a quorum, and the affirmative vote of three or more members shall be necessary for any official action to be taken.

(2) 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 filed with the City Clerk, and the vote of each member on any issue decided by the Board shall be recorded in the minutes and filed with the City Clerk.

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

(1) To initiate on its own motion, receive and investigate complaints, hold hearings and make findings of fact and determinations with regard to alleged violations and the provisions of this subchapter;

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

(3) To administer oaths and to issue requests for the attendance and testimony of witnesses and the production of documentary evidence relating to an investigation or hearing being conducted by the Board. If the complainant fails to appear as requested by the Board, the complaint shall be dismissed as unfounded, absent other evidence to the contrary;

(4) To refer any information concerning violations of this subchapter to the executive authority of the city, the city legislative body, the governing body of any city agency, the County Attorney and other appropriate person or body, as necessary;

(5) To render advisory opinions to city officers and agencies and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of this subchapter;

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

(7) To control and maintain statements of financial interests that are required to be filed by this subchapter and to ensure that the statements are available for public inspection in accordance with requirements of this subchapter and the State Open Records Act, KRS 61.870 through 61.884;

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

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

(K) As reimbursement for administering the Board of Ethics, the city shall reimburse the County Chamber on an annual basis (presently \$250). All other expenses associated with the Board of Ethics will be borne by the Chamber of Commerce unless approved by the City Council.

(L) Nothing in this section shall prohibit the establishment by the Springfield-Washington County Chamber of Commerce of a joint City/County Ethics Commission with expanded membership as long as the format has prior approval of the City Council and county fiscal court.

(Ord. 94-011, passed 12-12-1994; Ord. 2011-003, passed 4-12-2011)

JOB CLASSIFICATIONS

§ 32.55 CLASSIFICATIONS.

The city hereby adopts the job classifications and position descriptions attached to the ordinance codified in and made a part of this section. For publication purposes, job descriptions and pay scales may be obtained at City Hall during normal business hours. Some descriptions may be adopted for future purposes but positions left vacant at this time. Additionally, the city reserves the right to hire seasonal and part-time employees that may not be described hereto:

- (A) City Administrative Officer;
- (B) City Clerk;
- (C) Assistant City Clerk;
- (D) City Treasurer;
- (E) Financial Officer;
- (F) City Project Coordinator;
- (G) City Project and Grant Coordinator;
- (H) Administrative Secretary;
- (I) Main Street Director;
- (J) Chief of Police;
- (K) Assistant Chief of Police;
- (L) Police Captain;
- (M) Police Sergeant;
- (N) Police Detective;
- (O) Patrol Officer;
- (P) Dispatch Captain Supervisor;
- (Q) Telecommunicator (Dispatcher);
- (R) Parks and Recreation Director;
- (S) Park Maintenance Foreman;
- (T) Director of Public Works;
- (U) Equipment Operator;
- (V) Laborer I;
- (W) Laborer II;
- (X) Theater Artistic Managing Director;
- (Y) Administrative Police Clerk; and
- (Z) Police Lieutenant.

(Prior Code, § 230.1) (Ord. 2021-001, passed 6-22-2021; Ord. 2024-001, passed 2-13-2024)

§ 32.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any violation of any of the provisions of §§32.01 through 32.07 by any person, firm, association, corporation or labor union or organization shall be a misdemeanor and punishable by a fine of not less than \$10, nor more than \$100, and each day that said violation is in existence shall constitute a separate offense.

(C) (1) The Board of Ethics, upon finding, pursuant to an adjudicatory proceeding, that there has been clear and convincing proof of a violation of this code may:

- (a) Issue an order requiring the violator to cease and desist the violation;
- (b) Issue an order requiring the violator to file any report, statement or other information as required by this code;
- (c) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to any appropriate authority; and
- (d) Issue an order requiring the violator to pay a civil penalty to the city of up to \$500.

(2) The Board of Ethics may also refer to the County Attorney or State Attorney for prosecution evidence of criminal violations of this code.

(3) Any person found by the Board of Ethics to have committed a violation of this code may appeal the action to the county circuit court. The appeal shall be initiated within 30 days after the date of the final action of the Board by filing a petition with the court against the Board of Ethics. The Board shall transmit to the clerk of the court all evidence considered by the Board at its public hearing. The court shall hear the appeal upon the record as certified by the Board of Ethics.

(Prior Code, § 430.2) (Ord. 94-011, passed 12-12-1994)

CHAPTER 33: LAW ENFORCEMENT AND PUBLIC SAFETY

Section

Police Department

- 33.01 Establishment of Department
- 33.02 Appointment
- 33.03 Qualification
- 33.04 Oath of office
- 33.05 Duties of Chief and police officers
- 33.06 Powers of Chief and police officers
- 33.07 Compensation

Fire Department

- 33.20 Taking equipment outside city; authorization
- 33.21 Return of fire apparatus
- 33.22 Serving outside district

Blackouts

- 33.35 Purpose and authorization
- 33.36 Appointment of special police
- 33.37 Exercise of authority
- 33.38 Necessary action

- 33.99 Penalty

POLICE DEPARTMENT

§ 33.01 ESTABLISHMENT OF DEPARTMENT.

(A) There is hereby established a Police Department, to be known as the City Police Department.

(B) This Department shall consist of the Chief of Police and such other police officers, or assistants, as may be appointed by the Mayor with approval of the City Council from time to time as it may deem proper for the good government of the city.

(Ord. 2006-010, passed 12-11-2006)

§ 33.02 APPOINTMENT.

The Chief of Police and other members of the Police Department shall be appointed by the Mayor.

(Ord. 2006-010, passed 12-11-2006)

§ 33.03 QUALIFICATION.

(A) The following is required to be eligible for appointment as a member of the police force:

- (1) Must be at least 21 years of age;
- (2) Must have a minimum educational attainment of a high school degree or its equivalent as determined by the State Law Enforcement Council;

(3) Shall, within one year of the date of employment, complete a basic training course certified or recognized by the State Law Enforcement Council;

(4) Shall successfully complete each year an in-service training course of 40 hours duration appropriate to their rank and responsibilities;

(5) Must be able to read and write the English language intelligibly; and

(6) Must be sober and of good moral character.

(B) No person who has been convicted of a felony shall be eligible for appointment. The applicant must:

(1) Meet the requirements of KRS 440.710 certification;

(2) Meet the Peace Officers Professional Standards (POPS) as prescribed by KRS 15.310 through 15.370; and

(3) Meet any other federal or state requirements existing at the time the application is completed and returned for consideration.

(Ord. 2006-010, passed 12-11-2006)

§ 33.04 OATH OF OFFICE.

Before entering upon the discharge of their duties, the Chief of Police and each member of the Police Department shall take the oath of office as required by the Constitution and laws of the state to faithfully perform the duties of their office; and must swear that he or she possesses the required qualifications.

(Ord. 2006-010, passed 12-11-2006)

§ 33.05 DUTIES OF CHIEF AND POLICE OFFICERS.

(A) The Chief of Police shall be in command of the Police Department.

(B) He or she shall attend all sessions of the City Council, execute its orders and serve notices as directed by the Mayor or City Council.

(C) The Chief of Police or any member of the police force shall cause proceedings against any person carrying on business or doing any act without a license for which a license is required.

(D) It shall be the duties of the members of the Police Department to see that all laws and ordinances of the City Council are complied with; to arrest forthwith all persons actively engaged in riots, unlawful assemblies, breaches of the peace or any other misdemeanor or felony, or any violation of any ordinance of this city, or law of the state; to procure and execute warrants of arrest for all persons who he or she may have reasonable grounds to believe guilty of any offense, to take them before a judge, jury or other official, to be dealt with according to the law. It shall be their duty to use diligent efforts to detect all offenses against the laws of the state or ordinances of the city, to see that all disorders and disturbances of the peace are quelled and that good order be maintained in the city.

(E) Coordinate with other law enforcement agencies, city, county, state and federal and any other law enforcement agencies whenever appropriate. Whenever necessary, memorandums of understanding should be signed and entered into.

(F) The members of the Police Department shall patrol the city during the day and night as the City Council may direct.

(G) Members of the Police Department, at all times when on duty, shall wear their uniforms and shall keep same in good order and at all times present a neat appearance. At all times, they shall wear a metal badge, on which shall be printed or engraved, suitable words showing their official position.

(H) It shall be the duty of all members of the police force to carry out all rules and regulations which may be made or enacted by the City Council, relative to the hours and time which they may serve; and any and all other rules and regulations with reference to the Department, that the City Council may prescribe. These rules and regulations may be changed from time to time as the City Council, in its judgment, may deem best. It shall be the duty of the members of the Police Department to see to it that some member of the Police Department is on duty at all times.

(I) It shall be the duty of the Chief of Police to see that the streets and alleys of the city are kept in a clean and sanitary condition, free from all paper, debris and other objectionable material and to identify any nuisance in the city which may require abatement.

(J) Perform such lawful duties as directed by the Major. These could include memorandum of understandings with entities located within close proximity of the city.

(Ord. 2006-010, passed 12-11-2006)

§ 33.06 POWERS OF CHIEF AND POLICE OFFICERS.

The Chief of Police and every member of the police force may, whether directed to them or not, execute warrants of arrest processes, subpoenas and attachments for witnesses. They may arrest as prescribed by law for offenses against ordinances or municipal regulations of the city or the state and shall have the same power of arrest for offenses against the state as the Sheriff.

(Ord. 2006-010, passed 12-11-2006)

§ 33.07 COMPENSATION.

The Chief of Police and other members of the police force shall be paid for their services. The City Council shall fix the salaries for which they are appointed.

(Ord. 2006-010, passed 12-11-2006)

FIRE DEPARTMENT

§ 33.20 TAKING EQUIPMENT OUTSIDE CITY; AUTHORIZATION.

The City Fire Department, when authorized by the Mayor or any member of the City Council, is directed to take outside the city limits any of its equipment owned by the city and designated for the extinguishment of fires and may operate and conduct such apparatus or machinery to any point outside the city limits in a radius of two and one-half miles around the city and aid and assist in extinguishing any fires within this area; provided, that the apparatus can be used at such point as a fire may occur in that area.

(Prior Code, § 310.1)

§ 33.21 RETURN OF FIRE APPARATUS.

As soon as the fire is extinguished, the Department will forthwith return the fire apparatus to the city, and neither the city nor its officers, agents, servants or employees shall be liable in any manner at any point in the designated area outside of the corporate limit of the city or municipality; and the use of the machinery or apparatus shall be deemed to be employment and use thereof in the exercise of a governmental function of the city or municipality.

(Prior Code, § 310.1)

§ 33.22 SERVING OUTSIDE DISTRICT.

All municipal or fire protection district firefighters, full paid or volunteer, attending and serving at a fire or doing fire prevention work outside the corporate limits of the municipality or the limits of fire protection districts as hereinabove provided shall be considered as serving in their regular line of duty as full as if they were serving within the corporate limits of their own municipality or fire protection district, but full paid persons shall receive only such compensation as may be provided for by ordinance or resolution for such cases, and all such firefighters shall be entitled to all the benefits of any pension fund, firefighters' fund and pension fund in the same manner as if the firefighting or fire prevention work had been within the corporate limits of the municipality or fire protection district.

(Prior Code, § 310.1)

BLACKOUTS

§ 33.35 PURPOSE AND AUTHORIZATION.

In order to protect life and property in the city from enemy action, the Mayor is authorized and directed to carry out blackouts and air raid protection measures in the city at such time and for such periods as are ordered by the Army or Navy and or Civilian Defense authorities when acting with the sanction or approval of the Army or Navy and to promulgate such orders, rules and regulations as may be necessary to ensure the success of the blackouts and air raid protection measures and to protect life and property during the periods. The orders, rules and regulations shall include traffic movements of emergency and other vehicles, evacuation of residents, congregation of persons on public streets, sidewalks, in public places or buildings, but this enumeration shall not be taken as a limitation on the power to promulgate orders, rules regulations governing any other subject, persons or property which must be regulated in order to ensure the proper carrying out of any duly authorized blackout or air raid protection measures.

(Prior Code, § 330.1)

§ 33.36 APPOINTMENT OF SPECIAL POLICE.

The Mayor may appoint, for specified time, as many special police, without pay, from among the residents of the city as may be deemed advisable for service in connection with any blackout or air raid protection measures. During the term of service of such special police, they shall possess all the powers and privileges and perform all the duties of privates in the standing police force of the city. The special police must wear the identifying emblem or uniform as may be prescribed by the Mayor, and it shall be unlawful for any special police officer to attempt to carry out any order, rule or regulation promulgated under the authority conferred by this subchapter when he or she is not wearing the identifying emblem or uniform.

(Prior Code, § 330.1) Penalty, see § 33.99

§ 33.37 EXERCISE OF AUTHORITY.

This subchapter is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, nor any individual subject to regulations lawfully included herein or promulgated pursuant to authority herein conferred shall be liable for any damage sustained to person or property during, or as a result of, an

authorized blackout or air raid protection measures.

(Prior Code, § 330.1)

§ 33.38 NECESSARY ACTION.

When deemed necessary in order to protect life or property during a blackout or air raid the police, or the special police authorized herein, are authorized and directed to enter upon any premises with the city and extinguish lights or take other necessary action to make effective any order, rule, regulation promulgated under the authority conferred by this subchapter.

(Prior Code, § 330.1)

§ 33.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating any of the provisions of §§33.35 through 33.38 or any order, rule or regulation made, issued and proclaimed by the Mayor pursuant thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding \$100 or imprisonment for not more than six months, or by both the fine and imprisonment.

(Prior Code, § 330.1)

CHAPTER 34: ORGANIZATIONS

Section

34.01 Department of Highways

34.02 Water and Sewer Commission

34.03 Springfield and Washington County Airport Board

34.04 Planning Commission

34.05 Springfield-Washington County Economic Development Authority

§ 34.01 DEPARTMENT OF HIGHWAYS.

(A) Except as otherwise provided in this section, the Department shall assume the maintenance of the vehicular traveled portion of the roads, streets, viaducts and bridges to which this section applies and which are enumerated in division (H) below and those storm sewers and appurtenances constructed by it. The city shall maintain the sidewalks, sanitary sewers and appurtenances and those storm sewers and appurtenances not constructed by the Department.

(B) The city will not pass any ordinances or resolutions concerning those roads, streets, viaducts and bridges to which this section applies without first having submitted to the Department a copy of the ordinance or resolution at least five days prior to the time the ordinance is to be voted on, and this shall include ordinances and resolutions relating to changes in the city limits.

(C) The city shall pass any necessary parking or other ordinance or resolution so as to ensure the maximum use of the roads, streets, viaducts and bridges for vehicle travel consistent with the standards of safety as formulated by the Department.

(D) The city will permit the Department to install and maintain traffic control devices, such as, but not limited to, vehicle detectors, signs, islands and pavement markings within the city so as to regulate the flow of traffic to and from the roads of the city to and on the roads constructed, reconstructed and maintained by the Department.

(E) The city will pay all costs of the purchase of power for the operation of traffic signals and street lights, except street lights and sign lights on interstate routes, and for sweeping, removal of debris and the like.

(F) The city will provide the maintenance for the traffic control devices installed by the Department, including repairs of damages caused by traffic accidents, except any maintenance requirements that are beyond the normal repair capabilities of the city.

(G) If the city is unable to perform the maintenance required of it by this section, the necessary maintenance shall be performed by the Department, and the city will reimburse the Department for all the expenses incurred by the Department in performing the maintenance.

(H) The roads, streets, viaducts and bridges to which the provisions of this section apply are as follows:

- (1) KY 53, from its junction with Main Street along Walnut Street in the city to the north city limits;
- (2) KY 152, from its junction with U.S. 150 in the city to the east city limits;

- (3) U.S. 150, from the junction of Main and Cross Streets in the city along Main Street to the east city limits;
- (4) KY 55, from the junction of Main and Cross Streets in the city along Cross Street or Lebanon Hill Street to the south city limits;
- (5) A one- to 34-foot RCDG span on KY 55, 426 feet south of the junction of Cross and Main Streets;
- (6) U.S. 150, from its junction with Main and Cross Streets in the city along Main Street, to the northwest city limits;
- (7) One- to 20-foot by six feet by 67 feet, R.C. Box Culvert, 45 degrees Skew, on U.S. 150, 384 feet east of northwest city limits over Road Run Creek; and
- (8) KY 528, from its junction with Main Street along Lincoln Park Road to the north city limits.

(Prior Code, § 240.3)

§ 34.02 WATER AND SEWER COMMISSION.

(A) All of the contracts, obligations and actions of the Municipal Sewer System Commission and all of the contracts, obligations and actions of the Municipal Water Works Commission are hereby ratified, confirmed and approved.

(B) Nothing herein shall in any way affect the outstanding bonds previously issued and all of the obligations of the water revenue bonds and the outstanding bonds previously issued and all obligations of the sewer revenue bonds.

(C) (1) From and after November 1, 1951, there is hereby created the City Water and Sewer Commission, whose duty it shall be, subject to the limitations contained in this section, to exclusively supervise, manage, control and operate for and on behalf of the city the joint water and sewer systems of the city. The Commission shall have the direct supervision of the joint water and sewer systems in the maintenance, operation, control expansions and extensions thereof as fully and completely as if said Commission represented private owners. The Commission shall hire and discharge all employees, fix their compensation, fix and define their duties and fix their hours and places of employment.

(2) The City Water and Sewer Commission shall be composed of three voting members and the Mayor, who shall be a non-voting ex officio member.

(3) The term of office of the City Water and Sower Commissioners shall be three years; however, initial appointments shall be for a term of three, two and one years in order to provide for replacement of one Commissioner every year. Any Commissioner shall be eligible for reappointment upon the expiration of his or her term. Upon the occurrence of a vacancy upon said Commission by expiration of term of a Commissioner, or otherwise, the remaining Commissioner or Commissioners shall immediately notify the Mayor in writing, and the Mayor shall, with approval of the City Council fill such vacancy. In the event the vacancy is caused by the death or resignation of members, then the person or persons appointed to succeed said member or members shall be appointed to fill out the unexpired term of said member or members. If during his or her term, a Commissioner other than an ex officio Commissioner is absent from more than three meetings in a row, that member shall be considered to have resigned and the position will be considered vacant. In the event of the death or resignation of the entire Commission, the Mayor, with the approval of the City Council, shall appoint a new Commission and shall designate the Commissioners each is to succeed. Should the Mayor fail or refuse to make said appointment within 60 days, the City Council may fill said vacancy or vacancies.

(4) The Commission shall annually elect from its members, other than the Mayor, a Chairperson and a Treasurer, provided the same member shall not hold both positions or offices.

(5) Two members of the Commission shall constitute a quorum for the transaction of business, and the affirmative vote of the majority of the members present shall be necessary for the adoption of any motion, resolution or order, or the approval of any consideration.

(6) The Commission may adopt such rules and regulations from time to time as are necessary for the proper conduct and carrying on its affairs and also such rules and regulations as are necessary for the proper management and control of the affairs of the joint water and sewer systems and the appurtenances thereto.

(7) The Commission shall hold regularly scheduled meetings open to the public, at least monthly, at the City Water and Sewer Commission office as may be necessary for it to conduct the business affairs of the joint water and sewer systems. The Commission shall file a copy of its annual financial audit with the City Administrator or Clerk, and said audit shall be made available to general public at City Hall.

(8) Each member of the Commission shall receive a salary of \$500 per month. The Chairperson will receive \$600 per month.

(9) The member or members of the Commission may be removed for cause by the City Council of the city after a public hearing.

(10) The Commission shall have no power to borrow money or to enter into any contracts involving the expenditure of funds derived from the operation of the joint water and sewer systems, other than operating expenses of the joint water and sewer system, and the maintenance, expansion and improvement of same together with the expenses of the operation of the Commission, unless fast-approved by the City Council.

(11) The Commission shall not have the right to lower or raise the rates for water and sewer services, but the

Commission shall make their recommendations in writing to the City Council, and such rates so recommended shall not become effective until the same have been approved by an ordinance duly passed and published as by law required by the City Council. No change or alteration in any of said rates shall be made by the City Council except upon the recommendation in writing by the Commission.

(12) The first fiscal year of the Commission shall be considered from the date of this section to January 1, 1953, and after said date, the fiscal year shall be from July 1, to June 30, of each succeeding year. Within 120 days after the close of the fiscal year, the Commission shall cause an audit to be made of the records and accounts of said Commission by a certified public accountant, and a report thereof shall be filed with the City Council, and the expense of making said annual audit shall be charged to the operation account of the joint water and sewer system.

(13) The funds derived from the joint operation of the water and sewer systems shall be managed, handled and controlled by the Commission so as to comply in all particulars with the provisions of any ordinance in so far as said ordinance is applicable, which purports to authorize the issuance of any water or sewer revenue bonds.

(14) The Commission shall have the power to supervise, manage and control all of the physical properties, including real estate, which is used in connection with the water and sewer systems, and may rent or lease, or sub-rent or sub-lease any of the physical properties, including real estate which is used in connection with the water and sewer systems, upon such terms and conditions as the Commission may desire.

(D) (1) The Commission shall elect a secretary, who need not be a member of the Commission. The secretary shall keep and preserve the records of all of the meetings and the accounts of the Commission and shall be custodian of all of the funds under the control of the Commission, which shall be deposited in a bank, and be withdrawn on a check signed by the secretary and counter-signed by the treasurer. The secretary, treasurer or any other person or persons handling funds shall be required to execute a bond in an amount to be fixed by the Commission for the faithful discharge of the duties of said office, and for the accounting for all funds of the Commission, and shall receive such salary as may be fixed by the Commission. The secretary may be removed at the pleasure of the Commission.

(2) A petty cash fund of not exceeding \$50 may be furnished the secretary and kept on hand and replenished from time to time out of which to pay items of expense, but any item of expense in excess of \$10 shall be paid by check as heretofore directed.

(E) The City Council enacts this section for the assurance and protection of the citizens of said city, and for the purpose of assuring the holder or holders of any water revenue bonds, and holder or holders of the sewer revenue bonds, and holder or holders of any water and sewer revenue bonds of an efficient and faithful operation of the joint water and sewer systems of said city.

(Ord. 2022-003, passed 6-23-2022)

§ 34.03 SPRINGFIELD AND WASHINGTON COUNTY AIRPORT BOARD.

(A) It is hereby agreed between the city and the county to form an airport board to be known as "Springfield and Washington County Airport Board." The Board shall possess all the rights, powers, duties and obligations prescribed by law, and more specifically KRS Chapter 183, relating to such an Airport Board. It shall have full power and authority to manage and control the airport, make such rules and regulations concerning the use of same and charges to be made therefor as it deems necessary.

(B) (1) The members of the Airport Board shall be appointed as indicated below.

- (a) The Mayor of the City of Lebanon shall appoint one member.
- (b) The Judge Executive of Marion County shall appoint two members.
- (c) The Judge Executive of Washington County shall appoint one member.
- (d) The Mayor of the City of Springfield shall appoint two members.

(2) Each member shall serve without compensation. Members shall be appointed for a term of three years.

(C) The terms of office of the members appointed by the Council are to commence at the same time the terms of office of the members appointed by the respective County Judge Executive. Terms of Marion County and Washington County appointments shall be staggered.

(D) The secretary-treasurer of the Board shall submit a certified audit report in writing to the City Council concerning its operations and activities if an audit is required under state law for that particular year.

(E) Upon appointment of all members to the Board, the members thereof shall meet and organize in accordance with the provisions of KRS Chapter 183 and more specifically KRS 183.132.

(Prior Code, § 150.3) (Ord. 2006-011, passed 12-11-2006)

§ 34.04 PLANNING COMMISSION.

(A) This Commission shall be known as the City Planning Commission. Upon the appointment and subsequent approval of members, election of officers and adoption of its bylaws, its existence shall begin subject to the provisions of KRS

Chapter 100. The Commission may engage in planning operations within its jurisdiction which shall be coterminous with its political boundary, except where otherwise provided by KRS 100.131.

(B) (1) The City Planning Commission shall consist of six members. The Mayor, with the approval of the City Council, shall appoint (two-thirds or more of the total) members to be known as citizen members. The oath of office shall be administered to all members of the Commission before entering upon their duties. The oath shall be administered as provided by law.

(2) The term of office of citizen members shall be four years, except that the original terms shall be staggered so that a proportionate number serve one, two, three and four years respectively. Re-appointments are appointments to fill vacancies shall continue the staggered pattern.

(3) All vacancies, whether by resignation, dismissal or expiration of term of office, shall be filled within 60 days by the appropriate appointing authority or as otherwise provided for in KRS 100.147. A citizen member may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance or conflict of interest. The removed member shall have the right of appeal in the manner prescribed by KRS 100.157.

(4) (Note: This section is to be used only when it is desired that public elected and/or appointed officials serve on the Commission.) Two members may be appointed to serve and shall be known as ex officio members by virtue of an office they hold either through election or appointment. The term of office of all ex officio members who are elected public officials appointed to the Planning Commission shall be the same as their official tenure in office. The term of office of all ex officio members who are appointed public officials appointed to the Planning Commission shall be for four years or at the pleasure of the appropriate appointing official.

(5) Citizen-members and ex-officio members receive \$100 per month. The chairperson shall receive \$150 per month.

(C) The Commission shall elect a Chairperson and any other officers which it deems necessary from among its citizen-members. The term of office shall be one year with eligibility for re-election. The Commission may employ a staff as it may deem necessary for its work and may contract with professional planners and other parties for the services as it may require.

(D) (1) The Commission shall conduct each year at least six regular meetings for the transaction of its business. The bylaws adopted by the Commission shall reflect the schedule of regular meetings; the manner in which notice shall be given; date; time; place; and the subject or subjects to be discussed, as well as the method of calling and conducting special meetings. A simple majority of the total membership shall constitute a quorum.

(2) After a quorum has been established, a simple majority of that quorum can transact any official business except in those instances where there is to be an adoption or amendment of the Commission's bylaws or elements of the comprehensive plan or regulations, then a vote of the simple majority of the total membership shall be necessary.

(E) (1) The Commission shall adopt and approve its bylaws before it may properly transact any business.

(2) The bylaws set forth the procedures, rules and regulations necessary for the Commission to conduct its business.

(3) The bylaws shall describe the method for administration of funds and provide for an annual audit thereof.

(F) The Commission shall have general powers necessary to carry out its function in accordance with this section and KRS Chapter 100. The Commission may be assigned any powers, duties and functions related to urban renewal or public housing by the legislative body or the Mayor.

(Prior Code, § 150.6)

§ 34.05 SPRINGFIELD-WASHINGTON COUNTY ECONOMIC DEVELOPMENT AUTHORITY.

(A) Pursuant to the authority of KRS 154.50 through 154.301 et seq., there is hereby created and established a nonprofit industrial development authority to be composed of six members.

(B) It shall be known as the Springfield-Washington County Economic Development Authority, hereinafter referred to as the "Authority."

(C) (1) The purpose of the Authority shall be: to aid in the acquisition, retention and development of land for industrial and commercial purposes; to aid in the development and promotion of industrial sites, parks and subdivisions for accommodating industrial and commercial needs; and to alleviate poverty through the development, growth and retention of new and existing industries and businesses. In addition, the Authority shall market and promote the city and the county to potential and existing businesses, and to furnish advice and assistance to existing and new businesses wishing to alter, expand or locate within the city and county.

(2) The Authority shall have the purpose, duties and powers provided in KRS 154.50 through 154.301 and KRS 154.50 through 154.346; provided, however, that the Authority shall not incur indebtedness in excess of the approved operating budget and loans that are secured by the Authority's assets without prior approval of the City Council and the county fiscal court.

(a) There is hereby created a fund to be known as the Development Fund which shall be used for the purposes of financing and exercising the powers provided for in this section. The Fund shall consist of such sums of money as may be hereafter appropriated by the city, the county or other government sources and private contributors; and all of rentals, interest, income, dividends, earnings and monies available from the sale, lease, conveyance or other disposition of any

property acquired pursuant to the powers exercised by the Authority under the terms of this section; and such other sums as may be provided by ordinance or state statute or the laws of the United States of America.

(b) The Authority shall function on a fiscal year basis of July 1 to June 30. However, the first year of operation shall be considered to start upon receipt of the contributed funds and shall continue through the next following June 30.

(c) The Authority shall cause all accounts, records and books concerning the management, operation and disbursement of said Fund and of properties acquired thereby to be accounted for in the manner provided by KRS 154.50 through 154.336. In addition thereto, the appointing authorities shall require an annual audit, the expense of which shall be borne by the Authority.

(d) The Authority shall prepare an operating budget for each fiscal year and shall submit the budget to the City Council and county fiscal court for approval not less than three months prior to the commencement of the fiscal year.

(D) (1) The Authority shall consist of six members. Three members shall be appointed by the Mayor, and three members shall be appointed by the County Judge/Executive. The Mayor and County Judge/Executive shall be ex officio, non-voting members of the Authority for coordination between governments.

(2) Members of the Authority shall serve for a term of four years each and until their successors are appointed and qualified. Initial appointment shall be so that two members are appointed for two years, two members for three years and two members for four years. Upon expiration of these staggered terms, successors shall be appointed for a term of four years.

(3) An Economic Development Authority member may be replaced by the appointing authority upon a showing to the appointing authority of misconduct as an Authority member or upon a conviction of a felony.

(4) Any vacancy on the Authority, however occasioned, shall be filled by the original appointing authority.

(5) Should any Authority member become a candidate for public office, his or her position on the Authority shall be deemed vacant.

(6) The Authority, through its Chairperson, who shall be elected by the Authority members, shall act in a supervisory capacity to the Authority Director.

(E) The officers of the Authority shall be the Chairperson, Vice Chairperson and secretary-treasurer.

(F) The officers shall be elected and installed by the Authority at the annual meeting, and the Chairperson and Vice Chairperson shall serve a one-year term. In the event of a vacancy occurring during the period for which an officer has been elected, the Board shall fill such vacancy at the next regular meeting or at a special meeting. No member shall be eligible to hold the same office more than a four-year consecutive term.

(G) An officer of the Authority may be removed for inefficiency, malfeasance, misfeasance or conflict of interest at any time by a majority vote of the membership of the Authority.

(H) (1) Members of the Authority shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred by them in the conduct of the affairs of the Authority, providing funds are available.

(2) The Authority may fix a salary for the secretary-treasurer, and the secretary-treasurer shall execute any official bond to be set and approved by the Authority, and the cost thereof shall be paid by the Authority.

(I) The Authority may employ necessary counsel, agent and employees to carry out its work and functions and prescribe such rules and regulations as it deems necessary.

(J) (1) The title to all property acquired by the Authority shall vest in the Authority. All property acquired for the development of industrial sites, parks and subdivisions shall be exempt for taxation to the same extent as other property cost used for public purposes. All revenues collected by the Authority shall also be exempt from taxation.

(2) The acquisition of any lands for the purpose of developing industrial sites, parks and subdivisions is hereby declared to be a public and governmental function exercised for a public purpose, and a matter of public necessity, and such lands and other property, easements and privileges acquired in the manner and for the purposes enumerated in KRS 150.301 and 154.50 through 154.50-301 shall be and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

(K) The Authority may be dissolved by a majority vote of the City Council and of the county fiscal court, provided that upon such complete termination, all funds, property and other assets held by the joint industrial development authority shall be returned to the city and county in the same proportion as contributions of funds, property and other assets were made by the city and county. This section shall not apply and no dissolution shall be made until such time as all legal obligations of the joint industrial development authority shall be satisfied and all existing commitments fulfilled.

(Prior Code, § 150.8) (Ord. 97-009, passed 7-28-1997)

CHAPTER 35: CITY POLICIES

Grievance Procedure

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Public Records

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Statutory reference:

State open records provisions, see KRS 61.870 to 61.884

GRIEVANCE PROCEDURE

§ 35.01 POLICY.

The following procedures shall be the grievance procedures for anyone who believes he or she has been discriminated against by the city based on handicapped status with respect to federally funded programs.

(Prior Code, § 230.03)

§ 35.02 ADMINISTRATION.

The administration of these procedures and related federal and state regulations shall be the responsibility of the executive authority of the city.

(Prior Code, § 230.03)

§ 35.03 AMENDMENT.

These procedures may be amended by ordinance to comply with court directives or additional federal and state regulations.

(Prior Code, § 230.03)

§ 35.04 PROCEDURE; STEPS.

(A) Any person, employee or citizen who believes that he or she has been subjected to discrimination, as prohibited by the federal revenue sharing program regulations and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., may personally or by a representative, file a complaint with the office of the Mayor.

(B) A person who has not personally been subjected to discrimination may also file a complaint.

(C) When any person, citizen, applicant or employee who believes he or she has been adversely affected by an act or decision by the city, and that such act or decision was based on handicapped status, shall have the right to process a complaint or grievance with the following procedure.

(1) *Step One.* An-aggrieved person must submit a written statement to the Mayor setting forth the nature of the

discrimination alleged and facts upon which the allegation is based.

(2) *Step Two.* The Mayor shall contact the complainant no later than 15 days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five days nor more than 45 days after receiving the written statement. There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the city.

(3) *Step Three.* Within 15 days of the informal meeting, if no decision has been made by the Mayor or the decision of the Mayor does not satisfy the complainant, he or she may request a hearing with the City Council by submitting a written request to the City Clerk.

(4) *Step Four.* In thus discussing the grievance, the complainant may designate any person of his or her choice to appear with him or her and participate in the discussion. The City Council shall require the Mayor to participate in the discussion of the grievance when it is brought before the City Council. The Council shall issue a written decision on the matter within 15 days, and the decision shall be the final procedure for the complainant at the local level.

(D) There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of the city.

(Prior Code, § 230.03)

PUBLIC RECORDS

§ 35.15 DEFINITIONS.

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

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

(KRS 61.870(9))

CITY. The city government of this city.

COMMERCIAL PURPOSE. The direct or indirect use of any part of a public record or records in any form for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. **COMMERCIAL PURPOSE** shall not include:

- (1) Publication or related use of a public record by a newspaper or periodical;
- (2) Use of a public record by a radio or television station in its news or other informational programs; or
- (3) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to the action, or the attorneys representing the parties.

(KRS 61.870(4))

CUSTODIAN.

- (1) The official custodian or any authorized person having personal custody and control of public records.

(KRS 61.870(6))

- (2) The **CUSTODIAN** having personal custody of most of the public records of this city is the City Clerk.

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

(KRS 61.870(8))

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

(KRS 61.870(7))

OFFICIAL CUSTODIAN.

(1) The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care, and keeping of public records, regardless of whether the records are in his or her actual personal custody and control.

(KRS 61.870(5))

- (2) The **OFFICIAL CUSTODIAN** of this city shall be the Mayor.

PERSON. A human being who makes a request for inspection of public records.

PREScribed FEE or FEE. The fair payment required by the city for making copies of public records and for mailing public records, which shall not exceed the actual cost thereof and shall not include the cost of required staff time.

PUBLIC AGENCY.

- (1) Every state or local government officer;
- (2) Every state or local government department, division, bureau, board, commission, and authority;
- (3) Every state or local legislative board, commission, committee, and officer;
- (4) Every county and city governing body, council, school district board, special district board, and municipal corporation;
- (5) Every state or local court or judicial agency;
- (6) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;
- (7) Any body created by state or local authority in any branch of government;
- (8) Any body which, within any fiscal year, derives at least 25% of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds. However, any funds derived from a state or local authority in compensation for goods or services that are provided by a contract obtained through a competitive procurement process shall not be included in the determination of whether a body is a public agency under this division (8);
- (9) Any entity where the majority of its governing body is appointed by a public agency as defined in this definition; by a member or employee of the public agency; or by any combination thereof;
- (10) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency as defined in this definition; and
- (11) Any interagency body of two or more public agencies where each public agency is defined in this definition.

(KRS 61.870(1))

PUBLIC RECORD.

(1) All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency.

(2) ***PUBLIC RECORD*** shall not include any records owned or maintained by or for a body discussed in division (8) of the definition of ***PUBLIC AGENCY***, above that are not related to functions, activities, programs, or operations funded by state or local authority.

(KRS 61.870(2))

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

RESIDENT OF THE COMMONWEALTH.

- (1) An individual residing in the commonwealth;
- (2) A domestic business entity with a location in the commonwealth;
- (3) A foreign business entity registered with the Secretary of State;
- (4) An individual that is employed and works at a location or locations within the commonwealth;
- (5) An individual or business entity that owns real property within the commonwealth;
- (6) Any individual or business entity that has been authorized to act on behalf of an individual or business entity defined in divisions (1) to (5) of this definition; or
- (7) A news-gathering organization as defined in KRS 189.635(9)(b)1.a. to e.

(KRS 61.870(10))

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

(KRS 61.870(3))

§ 35.16 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

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

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

(C) If the public records are to be inspected at the offices of the city, suitable facilities shall be made available in the office of the City Clerk or in another office of the city as determined by the official custodian or custodian for the inspection. No person shall remove original copies of public records from the offices of the city without the written permission of the official custodian of the record. When public records are inspected at the city offices, the person inspecting the records shall have the right to make abstracts and memoranda of the public records and to obtain copies of all written public records. When copies are requested, the custodian may require advance payment of the prescribed fee.

(D) Upon proper request, the city shall mail copies of the public records to a person whose residence or principal place of business is located outside of the county after the person precisely describes the public records which are readily available and after the person pays in advance the prescribed fee.

Statutory reference:

Right to inspection, limitations, see KRS 61.872(1)-(3)

§ 35.17 REFERRAL TO PROPER CUSTODIAN.

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

(KRS 61.872(4))

§ 35.18 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection or mailing of the public records, not to exceed three days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection or duplication.

(KRS 61.872(5))

§ 35.19 REFUSAL OF UNREASONABLE REQUESTS.

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

(KRS 61.872(6))

§ 35.20 TIME LIMITATION; DENIAL OF INSPECTION.

Each public agency, upon any request for records made under this chapter, shall determine within five days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the five-day period of his, her, or its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his or her authority and shall constitute final agency action.

(KRS 61.880(1))

§ 35.21 CONCEALING OR DESTROYING RECORDS PROHIBITED.

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

§ 35.22 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or her or in which he or she is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 35.27.

(KRS 61.884)

§ 35.23 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 35.27. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that the duplication will not damage or alter the original records.

(KRS 61.874(1))

(B) (1) Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format. Nonexempt public records used for noncommercial purposes shall be copied in standard hard copy format where agencies currently maintain records in hard copy format. Agencies are not required to convert hard copy format records to electronic formats.

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

(KRS 61.874(2))

§ 35.24 FEES FOR COPIES.

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

(KRS 61.874(3))

(B) *Commercial purposes.*

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

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

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

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

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

(KRS 61.874(4))

Cross-reference:

Fees for online access to public records, see § 35.25

§ 35.25 MISSTATEMENT OF PURPOSE PROHIBITED.

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

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 35.24(B)(2);

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

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

express permission for that commercial use.

(KRS 61.874(5)) Penalty, see § 10.99

§ 35.26 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

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

(B) Fees shall not exceed:

- (1) The cost of physical connection to the system and reasonable cost of computer time access charges; and
- (2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in §5.24(B).

(KRS 61.874(6))

§ 35.27 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

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

- (1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;
- (2) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute;
- (3) (a) Records confidentially disclosed to an agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;
- (b) Records confidentially disclosed to an agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:
 1. In conjunction with an application for or the administration of a loan or grant;
 2. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154;
 3. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or
 4. For the grant or review of a license to do business.
- (c) The exemptions provided for in divisions (A)(3)(a) and (A)(3)(b) of this section shall not apply to records the disclosure or publication of which is directed by another statute.
- (4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A)(3) of this section;
- (5) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including, but not limited to, banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods;
- (6) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision;
- (7) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;

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

and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action. The exemptions provided by this division (A)(8) shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this subchapter;

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

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

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

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

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

1. Criticality lists resulting from consequence assessments;

2. Vulnerability assessments;

3. Antiterrorism protective measures and plans;

4. Counterterrorism measures and plans;

5. Security and response needs assessments;

6. Infrastructure records that expose a vulnerability referred to in this division (A)(13) through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include, but not be limited to, information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems;

7. The following records when their disclosure will expose a vulnerability referred to in this division (A)(13): detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility or security systems of any building or facility owned, occupied, leased or maintained by a public agency; and

8. Records when their disclosure will expose a vulnerability referred to in this division (A)(13) and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(b) As used in this division (A)(13), **TERRORIST ACT** means a criminal act intended to:

1. Intimidate or coerce a public agency or all or part of the civilian population;

2. Disrupt a system identified in division (A)(13)(a)6. of this section; or

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

(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this division (A)(13), that public agency shall forward a copy of the written denial of the request, referred to in § 35.19 of this chapter, to the executive director of the Kentucky Office of Homeland Security and the Attorney General.

(d) Nothing in this division (A)(13) shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs.

(e) The exemption established in this division (A)(13) shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this division (A)(13) under the Open Records Law.

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

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

(a) A contract is awarded; or

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

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

(17) Except as provided in KRS 61.168, photographs or videos that depict the death, killing, rape, or sexual assault of a

person. However, such photographs or videos shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, or a mutually agreed upon location, at the request of:

- (a) 1. Any victim depicted in the photographs or videos, his or her immediate family, or legal representative;
2. Any involved insurance company or its representative; or
3. The legal representative of any involved party.

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

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

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

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

(KRS 61.878(1))

(B) (1) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(KRS 61.878(2))

(2) In addition, if any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 35.19.

(KRS 61.878(4))

(C) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

(KRS 61.878(5))

(D) (1) No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including university employees, an applicant for employment, or an eligible on a register to inspect and to copy any record, including preliminary and other supporting documentation, that relates to him or her. These records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation.

(2) A public agency employee, including university employees, applicant, or eligible shall not have the right to inspect or to copy any examination or any documents relating to ongoing criminal or administrative investigations by an agency.

(KRS 61.878(3))

(E) When material is made available pursuant to a request under division (A)(17) of this section, the city shall not be required to make a copy of the recording except as provided in KRS 61.169, and the requesting parties shall not be limited in the number of times they may view the material.

(KRS 61.878(6))

§ 35.28 NOTIFICATION OF THE ATTORNEY GENERAL.

The official custodian shall notify the Attorney General of any actions filed against the city in Circuit Court regarding the enforcement of the Open Records Law, KRS 61.870 to 61.884.

TITLE V: PUBLIC WORKS

Chapter

50. UTILITIES GENERALLY

51. WATER

52. SEWER

CHAPTER 50: UTILITIES GENERALLY

Section

50.01 Water and sewer service required in habitable dwellings

50.02 Water and sewer service charges and rates

50.99 Penalty

§ 50.01 WATER AND SEWER SERVICE REQUIRED IN HABITABLE DWELLINGS.

No person or persons, firms or firms, partnerships or corporations shall permit, whether rented or otherwise, any dwelling, apartment, room or rooms to be occupied, rented or leased unless said dwelling, apartment, room or rooms is serviced by water and sewerage at all times during said occupancy.

(Prior Code, § 820.1) Penalty, see § 50.99

§ 50.02 WATER AND SEWER SERVICE CHARGES AND RATES.

There is hereby established a revised schedule of rates and charges for the use of any services rendered by the combined and consolidated municipal waterworks and sewer system of said city as follows.

(A) *Monthly water rates.*

(1) *Within corporate limits of city.*

<i>Gallons per Month</i>	<i>Water Rates</i>
First 500	\$12.84 minimum bill
Next 9,500	\$4.82 per 1,000 gallons
Next 990,000	\$3.98 per 1,000 gallons
Next 1,000,000	\$4.38 per 1,000 gallons
Over 2,000,000	\$4.82 per 1,000 gallons

(2) *Outside corporate limits of city.*

<i>Gallons per Month</i>	<i>Water Rates</i>
First 500	\$15.22 minimum bill
Next 4,500	\$11.24 per 1,000 gallons
Next 5,000	\$6.96 per 1,000 gallons
Over 10,000	\$5.17 per 1,000 gallons

(B) *Sewer service charges.*

(1) Sewer service charges shall be charges levied on all users who discharge, cause or permit the discharge of sewage into the public sewage system.

(2) Sewer service charges shall be comprised of a system of user charges, excessive strength surcharges and a system of charges for debt service.

(3) For the purpose of this division (B), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARGES FOR DEBT SERVICE. Charges levied on users of the sewage treatment system to support the annual debt service obligations of the system.

EXCESSIVE STRENGTH SURCHARGES. Charges levied on users of the sewage treatment system whose contribution has either a monthly average biochemical oxygen demand (BOD) content in excess of 250 mg/l, a monthly average suspended solids (SS) content in excess of 250 mg/l or a monthly average ammonia (NH₃) content in excess of 25 mg/l.

USER CHARGES. Charges levied on users of the sewage system to offset the cost of operations and maintenance of the system.

(C) *Sewer rates.*

(1) (a) The following schedule of rates shall apply to each user of the sewage treatment system. This schedule

includes the rate for user charges as established herein, based on the volume of metered water consumption except where an annually calibrated sewer meter has been installed.

<i>Gallons per Month</i>	<i>Sewer Rate</i>
<i>Gallons per Month</i>	<i>Sewer Rate</i>
First 1,500	\$25.97 per 1,000 gallons
Next 8,500	\$10.81 per 1,000 gallons
Next 15,000	\$9.88 per 1,000 gallons
Next 75,000	\$8.89 per 1,000 gallons
Next 900,000	\$6.94 per 1,000 gallons
Next 1,000,000	\$7.89 per 1,000 gallons
Over 2,000,000	\$8.85 per 1,000 gallons

(b) The above rates and charges shall be increased annually by an amount not to exceed a maximum of 6% at the Commission's discretion for the next five years, ending in 2029. At that time, the maximum annual increase will be 3% at the Commission's discretion.

(2) The following surcharge rates shall apply to each user of the sewage treatment system that contributes excessive strength sewage.

<i>Surcharge Rates</i>	
BOD (in excess of 250 mg/l)	\$0.17 per pound
NH3-N (in excess of 25 mg/l)	\$0.75 per pound
O&G (in excess of 100 mg/l)	\$0.25 per pound
TSS (in excess of 250 mg/l)	\$0.17 per pound

(D) *Method of billing.*

(1) Sewer service charges shall be billed monthly on the basis of each user's monthly water consumption and strength of discharge.

(2) Excessive strength surcharges shall be billed according to the following formula, with the total applied to the monthly bill for sewer charges.

$[A(D-250)+B(E-250)+C(F-25)] \times 8.34/1,000 \times G = \text{surcharge } (\$/\text{month})$
--

(3) The components for the formula in division (D)(2) above are:

- (a) Surcharge rate for BOD, in \$/pound;
- (b) Surcharge rate for SS, in \$/pound;
- (c) Surcharge rate for NH3-N, in \$/pound;
- (d) User's monthly average BOD concentration, in mg/l;
- (e) User's monthly average SS concentration, in mg/l;
- (f) User's monthly average NH3 concentration, in mg/l; and
- (g) User's monthly wastewater discharge to sewage treatment system, in 1,000 gallons.

(4) No reduction in sewer charges, fees or taxes shall be permitted in the event that certain wastes discharged to the sewage treatment system contain less than: 250 mg/l, BOD; 250 mg/l, SS; or 25 mg/l, NH3.

(5) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the total charge which is attributable to operations and maintenance of the sewage system.

(6) Sewer charges to any customer who is initially rendered service for less than one month shall be prorated on the basis of the foregoing charges for the fractional part of the month for which service was rendered.

(E) *Rate review.*

(1) The city shall review not less often than every two years the sewage contributions of users, the total cost of operation and maintenance of the sewage works and user charges. User charges shall be revised as necessary, to

accomplish the following:

- (a) Maintain the proportionate distribution of operations and maintenance costs among users of the treatment system; and
 - (b) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the sewage system.
- (2) Excessive strength surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment costs.
- (F) *Amendments.* This section shall be amended as necessary to comply with federal regulations.

(Prior Code, § 610.5) (Ord. 90-008, passed 7-9-1990; Ord. 94-002, passed 3-14-1994; Ord. 99-001, passed 2-9-1999; Ord. 00-008, passed 12-12-2000; Ord. 2004-004, passed 8-18-2004; Ord. 2014-004, passed 6-10-2014; Ord. 2016-004, passed 7-12-2016; Ord. 2018-005, passed 7-10-2018; Ord. 2019-007, passed 11-12-2019; Ord. 2024-017, passed 10-8-2024)

§ 50.99 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) Any persons or persons, firm or firms, partnerships or corporations who permits any dwelling, apartment, room or rooms to be occupied when same is not serviced by water and sewerage, as provided in § 50.01, for a period of ten days, shall be fined not less than \$10 nor more than \$25, and each day shall be considered a separate offense.
- (Prior Code, § 820.1)

CHAPTER 51: WATER

Section

Water Shortage

- 51.01 Purpose
- 51.02 Definitions
- 51.03 Water use classes
- 51.04 Water shortage advisory
- 51.05 Water shortage alert
- 51.06 Water shortage emergency
- 51.07 Water shortage rates
- 51.08 Regulations

- 51.99 Penalty

WATER SHORTAGE

§ 51.01 PURPOSE.

The purpose of this subchapter is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the service area of the City Water and Sewer Commission in the event a shortage is declared. Nothing in this subchapter shall be construed to interfere with common law riparian or statutory water rights.

(Ord. 2012-004, passed 8-14-2012)

§ 51.02 DEFINITIONS.

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

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

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

RAW WATER SUPPLIES. All water potentially available to persons in the service area of the City Water and Sewer

Commission.

TREATED WATER. Water that has been introduced by the city into its water distribution system, including water offered for sale. Uses of **TREATED WATER** are classified in § 51.03.

WASTE OF WATER. Includes, but is not limited to:

- (1) Permitting water to escape down a gutter, ditch or other surface drain; and
- (2) Failure to repair a controllable leak of water due to defective plumbing.

WATER SHORTAGE RESPONSE PHASES.

- (1) **ADVISORY.** Conditions exist which indicate the potential for serious water supply shortages.
- (2) **ALERT.** Raw water supplies are consistently below seasonal averages and, if they continue to decline, may not be adequate to meet normal needs.
- (3) **EMERGENCY.** Water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

(Ord. 2012-004, passed 8-14-2012)

§ 51.03 WATER USE CLASSES.

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

- (1) Domestic: Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation;
- (2) Health care facilities: Patient care and rehabilitation;
- (3) Water hauling: Sales for domestic use where not reasonably available elsewhere; and
- (4) Public use:
 - (a) Firefighting; and
 - (b) Health and public protection purposes, as specifically approved by health officials and the municipal governing body.

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

- (1) Domestic: personal, in-house water use including kitchen, bathroom and laundry;
- (2) Water hauling: non-domestic, when other sources are not reasonably available elsewhere;
- (3) Commercial and civic use:
 - (a) Commercial car and truck washes;
 - (b) Laundromats;
 - (c) Restaurants, clubs and eating places; and
 - (d) Schools, churches, motels/hotels and similar commercial establishments.
- (4) Outdoor noncommercial watering:
 - (a) Minimal watering of vegetable gardens; and
 - (b) Minimal watering of trees where necessary for their survival.
- (5) Outdoor commercial or public watering (using conservation methods and when other sources of water are not available or feasible to use):
 - (a) Agricultural irrigation for the production of food and fiber or the maintenance of livestock;
 - (b) Watering by arboretums and public gardens of national, state, regional or community significance where necessary to preserve specimens;
 - (c) Watering by commercial nurseries where necessary to maintain stock;
 - (d) Watering where necessary to establish or maintain vegetation or landscape plantings required pursuant to law or regulation; and
 - (e) Watering of woody plants where necessary to preserve them, minimal watering of golf course greens.
- (6) Recreational: operation of municipal swimming pools and residential pools that serve more than 25 dwelling units; and

(7) Air conditioning:

- (a) Refilling for startup at the beginning of the cooling season;
- (b) Makeup of water during the cooling season; and

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

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

(1) Public use:

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

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

(2) Commercial and civic use:

(a) Serving water in restaurants, clubs or eating places, except by customer request;

(b) Failure to repair a controllable leak; and

(c) Increasing water levels in scenic and recreational ponds and lakes, except as necessary to support fish and wildlife.

(3) Ornamental purposes: fountains, reflecting pools and artificial waterfalls;

(4) Outdoor noncommercial watering:

(a) Use of water for dirt control or compaction;

(b) Watering of annual or non-woody plants other than vegetable gardens;

(c) Watering of lawns, parks, golf course fairways, playing fields and other recreational areas;

(d) Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas;

(e) Washing down buildings or structures for purposes other than immediate fire protection; and

(f) Flushing gutters or permitting water to run or accumulate in any gutter or street.

(5) Outdoor commercial or public watering:

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

(b) Use of water for dirt control compaction;

(c) Watering of lawns, parks, golf course fairways, playing fields and other recreational areas;

(d) Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas;

(e) Washing down buildings or structures for purposes other than immediate fire protection; and

(f) Flushing gutters or permitting water to run or accumulate in any gutter or street.

(6) Recreational uses other than those specified as Class II;

(7) Non-commercial washing of motor and other vehicles; and

(8) Air-conditioning (see also Class II purposes): refilling cooling towers after draining.

(Ord. 2012-004, passed 8-14-2012)

§ 51.04 WATER SHORTAGE ADVISORY.

(A) Whenever the governing body of the City Water and Sewer Commission finds that a potential shortage of raw water supplies is indicated, it shall be empowered to declare by resolution that a water shortage advisory exists, and that the Water System Manager shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Mayor is authorized to call upon all water customers to employ voluntary water conservation measures to limit non-essential (Class 3) water use and eliminate the waste of water.

(B) Said resolution shall be published in the official city newspaper and may be publicized through the general news media or any other appropriate method for making such resolution public.

(Ord. 2012-004, passed 8-14-2012)

§ 51.05 WATER SHORTAGE ALERT.

(A) Whenever the governing body of the City Water and Sewer Commission finds raw water supplies to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by resolution that a water shortage alert exists.

(B) The Commission shall continue to encourage voluntary water conservation measures defined under the advisory declaration and, further, shall impose a ban on all non-essential (Class 3) water uses for the duration of the shortage until it is declared to have ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines in § 51.04(B).

(Ord. 2012-004, passed 8-14-2012)

§ 51.06 WATER SHORTAGE EMERGENCY.

Whenever the governing body of the City Water and Sewer Commission finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by resolution that a water shortage emergency exists. Essential uses (Class 1) shall be identified specifically as targets for voluntary conservation initiatives. Also, all socially or economically important uses (Class 2) shall be restricted, and nonessential uses (Class 3) shall be banned. These restrictions shall be considered ongoing until the emergency is ended by resolution of the governing body. Declaration of these resolutions shall follow the guidelines in § 51.04(B).

(Ord. 2012-004, passed 8-14-2012)

§ 51.07 WATER SHORTAGE RATES.

(A) Upon the declaration of a water shortage as provided in §§51.04 through 51.06, the City Council shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies.

(B) Such rates may provide for, but not be limited to:

- (1) Higher charges per unit for increasing usage (increasing block rates);
- (2) Uniform charges for water usage per unit of use (uniform unit rate);
- (3) Extra charges for use in excess of a specified level (excess demand surcharge); or
- (4) Discounts for conserving water beyond specified levels.

(Ord. 2012-004, passed 8-14-2012)

§ 51.08 REGULATIONS.

(A) During the effective period of any water supply shortage, as provided for in §§51.04 through 51.06, the Water System Manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this subchapter, any water supply shortage resolution or water shortage rate ordinance.

(B) Such regulations shall be subject to the approval of the governing body of the City Water and Sewer Commission at its next regular or emergency meeting.

(Ord. 2012-004, passed 8-14-2012)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates the provisions of §§51.01 through 51.08, who fails to carry out the duties and responsibilities imposed therein, or who impedes or interferes with any action undertaken or ordered pursuant to §§ 51.01 through 51.08 shall be subject to the following penalties.

(1) If the Water System Manager or other officials charged with implementation and enforcement of §§51.01 through 51.08, or any other water supply shortage resolution, learns of any violation of any water use restriction imposed pursuant to §§ 51.01 through 51.08, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the City Water and Sewer Commission who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City Water and Sewer Commission determines is reasonable under the circumstances. If the order is not complied with, the City Water and Sewer Commission may terminate water service to the customer subject to the following procedures.

(a) The City Water and Sewer Commission shall give the customer notice by mail that, due to the violations, water services will be disconnected within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Council or a city official designated as a hearing officer by the City Council.

(b) If such hearing is requested by the customer charged with the violation, he or she shall be given an opportunity to

be heard before termination is ordered; and

(c) The City Council or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(2) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to division (B)(1) above. In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for each additional violation.

(3) Any customer may also be charged with violation of §§51.01 through 51.08 and prosecuted in district court. Any person so charged and found guilty in district court of violating the provisions of §§ 51.01 through 51.08 shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100, which may not be adjusted by the district court. In addition, such customer may be required by the court to serve a definite term of confinement in the County Jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$300, which may not be adjusted by the district court. In addition, such customer shall serve a definite term of confinement in the County Jail, which shall be fixed by the court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation.

(Ord. 2012-004, passed 8-14-2012)

CHAPTER 52: SEWER

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GENERAL PROVISIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, 29 U.S.C. §§ 701 et seq. and the general pretreatment regulations (40 C.F.R. part 403).

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;

(3) To promote the reuse, recycling and reclamation of wastewaters and sludges from the treatment system;

(4) To provide for equitable distribution of the cost of operations, maintenance and replacement of the municipal wastewater system;

(5) To protect municipal personnel who may be affected by sewage, sludge and/or effluent in the course of their employment as well as protecting the general public; and

(6) To ensure that the municipality complies with its KPDES permit conditions, sludge permit conditions, including use and disposal requirements, and any other federal or state environmental laws to which the municipal wastewater system is subject.

(C) This chapter provides for the regulation of direct and indirect contribution to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) (1) This chapter shall apply to all users of the city's municipal wastewater system.

(2) Except as provided herein, the Pretreatment Coordinator, or his or her designee, shall administer, implement and enforce the provisions of this chapter.

(3) Any powers granted to or imposed upon the Pretreatment Coordinator may be delegated by the Pretreatment Coordinator to other city personnel. By discharging wastewater into the municipal wastewater system, all users located outside the city limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions or orders issued hereunder.

(Ord. 2022-011, passed 12-19-2022)

§ 52.002 DEFINITIONS.

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

ACT or **THE ACT**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

AGENCY. Any governmental or quasi-governmental entity.

APPROVAL AUTHORITY. The Secretary of the State Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

AUTHORIZED REPRESENTATIVE.

(1) An **AUTHORIZED REPRESENTATIVE** of a user may be:

(a) A principal executive officer of at least the level of vice president, if the user is a corporation;

(b) A general partner or proprietor if the user is a partnership or proprietorship, respectively; or

(c) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(2) An **AUTHORIZED REPRESENTATIVE** of the city may be any person designated by the city to act on its behalf.

BASELINE MONITORING REPORT (BMR). A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 C.F.R. § 403.12(b)).

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C expressed in terms of weight and concentration in milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from inside the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called **HOUSE CONNECTION**.

BUILDING SEWER PERMIT. As set forth in §§52.045 through 52.049.

BYPASS. The intentional diversion of wastestreams from any portion of a user's treatment facility.

CATEGORICAL INDUSTRIAL USER. An industrial user subject to categorical pretreatment standards which have been

promulgated by EPA.

CATEGORICAL PRETREATMENT STANDARDS or **NATIONAL CATEGORICAL PRETREATMENT STANDARDS** or **PRETREATMENT STANDARD**. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

CITY. The City of Springfield, its City Council or Water and Sewer Commission and all areas included in the 201 Planning Area and/or their designee.

CLEAN WATER ACT (CWA). Also known as the Federal Water Pollution Control Act, enacted by Pub. Law No. 92-500, October 18, 1972, 33 U.S.C. §§ 1251 et seq., as amended by Pub. Law No. 95-217, December 28, 1977; Pub. Law No. 97-117, December 29, 1981; Pub. Law No. 97-440, January 8, 1983; and Pub. Law No. 100-04, February 4, 1987.

COMBINED SEWER. Any conduit designed to carry both sanitary sewage and stormwater or surface water.

COMBINED WASTESTREAM FORMULA (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 C.F.R. § 403.7).

COMMISSION. The City Water and Sewer Commission.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit where the POTW is designed to treat the pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

CONCENTRATION-BASED LIMIT. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

CONTROL AUTHORITY. The city, acting through the Pretreatment Coordinator and/or designee.

COOLING WATER. The water discharge from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

DAILY MAXIMUM. The maximum allowable value for any single sampling observation in a given day.

DILUTE WASTESTREAM. Boiler blowdown, sanitary wastewater, non-contact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state.

DISCHARGER. Any person that discharges or causes a discharge to a public sewer.

DOMESTIC WASTEWATER. The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

EFFLUENT. The liquid overflow of any facility designed to treat convey or retain wastewater.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of the agency.

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

FLOW PROPORTIONAL COMPOSITE SAMPLE. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

FLOW WEIGHTED AVERAGING FORMULA (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and non-regulated wastestreams combine after treatment, but prior to the monitoring point, as defined in 40 C.F.R. part 403.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

GRAB SAMPLE. A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT. All pollutants other than compatible pollutants, as defined herein.

INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from any source regulated under § 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER (IU). A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402 of the Clean Water Act, 33 U.S.C. § 1342.

INDUSTRIAL WASTES. The wastewater from industrial or commercial processes as distinct from domestic or sanitary

wastes.

INTERCEPTOR. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. **INTERCEPTOR**, as defined herein, is commonly referred to as a **GREASE, OIL OR SAND TRAP**.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge, processes, use or disposal; and/or

(2) Is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): § 405 of the Clean Water Act, 33 U.S.C. § 1345; the Solid Waste Disposal Act (SWDA), 42 U.S.C. §§ 6901 et seq. (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act, 42 U.S.C. §§ 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. §§ 2601 through 2692; and the Marine Protection, Research and Sanctuaries Act, 16 U.S.C. § 1431.

MAY. The act referred to is permissive.

MEDICAL WASTE. Isolation waste, infectious agents, human blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MONTHLY AVERAGE. The maximum allowable value for the average of all observations obtained during one month.

MULTI-UNIT SEWER CUSTOMER. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Clean Water Act, 33 U.S.C. § 1317(b) and (c), which applies to a specific category of industrial users. This term includes the prohibitive discharge limits established pursuant to 40 C.F.R. § 403.5.

NATIONAL (OR KENTUCKY) POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES/KPDES PERMIT. A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1332) or a permit issued by the state under this authority and referred to as KPDES.

NATURAL OUTLET. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NEW SOURCE.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(b) or (1)(c) of this definition but otherwise alters, replaces or adds to existing process or production equipment.

90-DAY COMPLIANCE REPORT. A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 C.F.R. § 403.12(d)).

PASSTHROUGH. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 C.F.R. § 403.3).

PERIODIC COMPLIANCE REPORT. A report on compliance status submitted by significant industrial users to the control authority at least semi-annually (40 C.F.R. § 403.12(e)).

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust,

estates, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units and calculated as the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

pH VIOLATION. For users that utilize a continuous pH monitoring system to determine compliance with the pH limitations established under this chapter, a violation of the pH limitations will be deemed to have occurred when a continuous individual excursion from the range of pH limitations exceeds 15 minutes, provided that the total time during which the pH value was outside the required range of pH limitations does not exceed seven hours and 26 minutes in any calendar month. For users that do not utilize a continuous pH monitoring system to determine compliance with the pH limitations established under this chapter, a violation of the pH limitations will be deemed to have occurred where a grab sample of the final effluent stream indicates that the pH of the wastewater sample was outside the pH limitation range established under this chapter.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, medical waste, munitions, chemical, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION. The human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT. The portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or **TREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 C.F.R. § 403.6(d).

PRETREATMENT COORDINATOR. City personnel designated by the city to implement and enforce the city's approved pretreatment program or his or her designee.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards and local limits.

PROCESS WASTEWATER. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct or waste product.

PRODUCTION-BASED STANDARD. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of § 307(b) of the Act and 40 C.F.R. § 403.5.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLICLY-OWNED TREATMENT WORKS (POTW). A treatment works, as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this chapter, **POTW** shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility. In general, the **PUBLIC SEWER** shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority. Nothing in this definition shall expand the city's current policy of maintenance of service branches.

REGULATED WASTESTREAM. An industrial process wastestream regulated by a National Categorical Pretreatment Standard.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings industrial plants and institutions.

SEWAGE. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings and institutions as distinct from industrial sewage. The terms **SEWAGE** and **WASTEWATER** are used interchangeably.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SEWERAGE. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

SEWER SYSTEM OR WORKS. All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

SEWER USER CHARGES. A system of charges levied on users of a POTW for the cost of operation and maintenance,

including replacement, of the works.

SHALL. The act referred to is mandatory.

SIGNIFICANT INDUSTRIAL USER (SIU).

(1) All industrial users subject to categorical pretreatment standards under 40 C.F.R. § 403.6 and 40 C.F.R. Chapter I, Subchapter N; and

(2) Any non-categorical user that:

(a) Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary non-contact cooling and boiler blowdown wastewaters);

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic (BOD, TSS and the like) capacity of the treatment plant; or

(c) Has a reasonable potential, in the opinion of the control or approval authority, to adversely affect the POTW treatment plant (inhibition, passthrough of pollutants, sludge contamination or endangerment of POTW workers).

SLUG DISCHARGE. Any discharge of a non-routine episodic nature, including, but not limited to an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times, the average 24-hour concentration or flow rate during normal operation which adversely affects the POTW.

SLUG LOAD. Any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry's discharge permit and which include accidental spills.

SPILL PREVENTION AND CONTROL PLAN. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

SPLIT SAMPLE. A portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). As set forth in *Standard Industrial Classification Manual*, published by the Executive Office of the President and the Office of Management and Budget.

STANDARD METHODS. The examination and analytical procedures set forth in the recent editions of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation, and as set forth in 40 C.F.R. part 136.

STATE. The Commonwealth of Kentucky.

STORM DRAIN or STORM SEWER. A drain or sewer for conveying water, groundwater, surface water or unpolluted water from any source.

STORMWATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT. The Superintendent of the Water and Sewer Commission of the city or his or her duly authorized deputy, agent or representative.

SURCHARGE. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain biochemical oxygen demand (BOD₅), chemical oxygen demand (COD), total suspended solids (TSS), oil and grease or ammonia-nitrogen (NH₃-N) in concentrations which exceed limits specified herein for the pollutants. Where authorized by the control authority, payment of a **SURCHARGE** will authorize the discharge of the referenced pollutants so long as the discharge does not cause passthrough or interference.

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

TIME PROPORTIONAL COMPOSITE SAMPLE. Combination of individual samples with fixed volumes taken at specific time intervals.

TOXIC ORGANIC MANAGEMENT PLAN. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act, § 307(a), or any amendments thereto.

UNPOLLUTED WATER. Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

UNREGULATED WASTESTREAM. A wastestream that is not regulated by National Categorical Pretreatment Standards.

USER. Any person who contributes, causes or permits the contribution of wastewater into the POTW.

WASTEWATER. The liquid and water-carried wastes from residences, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, whether treated or untreated, which are contributed into the POTW.

WASTEWATER CONTRIBUTION PERMIT. A permit issued to industrial users which authorizes discharges to the public sewer as set forth in §§ 52.140 through 52.142.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away, treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT**, **WASTEWATER TREATMENT PLANT**, **WATER POLLUTION CONTROL PLANT** or **SEWAGE TREATMENT PLANT**.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(Ord. 2022-011, passed 12-19-2022)

§ 52.003 ABBREVIATIONS.

The following abbreviations shall have the designated meaning.

ADMI	American Dye Manufacturers Institute
ASTM	American Society for Testing and Materials
BMP	Best management practices
BOD	Biochemical oxygen demand
BPJ	Best professional judgment
C.F.R.	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand
CWA	Clean Water Act (33 U.S.C. §§ 1251 et seq.)
CWF	Combined wastestream formula
EPA	Environmental Protection Agency
FR	Federal Register
FWA	Flow weighted average
GC	Gas chromatography
GC/MS	Gas chromatography/mass spectroscopy
gpd	Gallons per day
IU	Industrial user
KPDES	Kentucky Pollutant Discharge Elimination System
L	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and maintenance
POTW	Publicly owned treatment works
QA	Quality assurance
QC	Quality control
RCRA	Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq.
S.U.	Standard units
SIC	Standard Industrial Classification
SIU	Significant industrial user
SWDA	Solid Waste Disposal Act, 42 U.S.C. §§ 6901 et seq.
TSS	Total suspended solids
TTO	Total toxic organics

U.S.C.	United States Code
WCP	Wastewater contribution permit

(Ord. 2022-011, passed 12-19-2022)

USE OF PUBLIC SEWERS

§ 52.015 MANDATORY SEWER CONNECTIONS.

(A) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is (are) hereby required at the owner's expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 400 feet of the property line.

(B) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in division (A) above, except as provided for in §§ 52.030 and 52.031.

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system within 60 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.016 PREVIOUSLY DEVELOPED AREAS AND UNDEVELOPED AREAS WITHIN 201 PLANNING AREA.

(A) Properties located inside the 201 Planning Area are not required to be annexed into the city in order to receive sewer service.

(B) Moreover, the Chairperson of the City Water and Sewer Commission and the Commission's Engineer shall review plans submitted by the applicant to determine potential impacts to the city's existing collection system as well as the most appropriate appurtenances needed to convey the discharge to the city's system before granting approval to accept the discharge. In addition, plans for sewer lines and other appurtenances necessary to convey the discharge to the point of connection to city service shall be made in accordance with §§ 52.045 through 52.049 and other appropriate written specifications, and approved by the Chairperson and Commission Engineer prior to construction. Installations shall be inspected in accordance with §§ 52.045 through 52.049.

(C) All construction and maintenance costs associated with conveying the discharge to the point of connection with city service shall be borne by the property owner.

(D) Properties located outside the city limits which receive sewer service shall enter into an inter-jurisdictional agreement with the city before the service is connected. All properties considered for annexation shall have approved sewer lines in place or an enforceable commitment from the property owner to install such sewer lines on a schedule acceptable to the chairperson.

(Ord. 2022-011, passed 12-19-2022)

§ 52.017 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited any pollutant in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, except in compliance with the provisions of this chapter.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter.

(C) No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing the discharge.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.018 COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS.

The discharge of any wastewater into the public sewer system by any person is unlawful, except in compliance with the provisions of this chapter and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, being 33 U.S.C. §§ 1251 et seq. and subsequent amendments and 40 C.F.R. part 403.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.019 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) (1) No person(s) shall discharge or cause to be discharged, through any leak, defect or connection, any unpolluted waters, such as stormwater, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing.

(2) The Pretreatment Coordinator or his or her representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks or defects to building sewers and require disconnection or repair of any such pipes carrying such water to the building sewer.

(3) No sanitary drain sump or sump pump discharge by manual switchover of discharge connection shall have a dual use for removal of such water.

(B) The owners of any building sewers having the connections, leaks or defects shall bear all costs incidental to removal of the sources.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

PRIVATE WASTEWATER DISPOSAL

§ 52.030 PUBLIC SEWERS NOT AVAILABLE.

(A) Where a public sanitary sewer is not available under the provisions of §52.015 through 52.019, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the County Health Department and all applicable local and state regulations.

(B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(C) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

(D) Holders of NPDES/KPDES permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.

(Ord. 2022-011, passed 12-19-2022)

§ 52.031 REQUIREMENTS FOR INSTALLATION.

(A) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations.

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of local and state authorities.

(Ord. 2022-011, passed 12-19-2022)

BUILDING SEWERS AND CONNECTIONS

§ 52.045 PERMITS.

(A) There shall be two classes of building sewer permits required for residential and for service to commercial and industrial establishments. In either case, the owner(s) or his, her or their agent shall make application on a special form furnished by the City Water and Sewer Commission. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste-producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Pretreatment Coordinator. Details regarding commercial and industrial permits include, but are not limited to, those required by this chapter. Permit and inspection fees shall be paid to the Commission at the time the application is filed.

(B) Users shall promptly notify the Pretreatment Coordinator in advance of any introduction of wastewater constituents, a slug and/or accidental discharge or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Pretreatment Coordinator may deny or place conditions on the new introduction, change in discharge or slug/accidental discharge based on the information submitted in the notification or additional information as may be requested.

(C) No person(s) shall uncover, plug or make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining permission from the Pretreatment Coordinator.

(D) A permit and inspection fee for residential, commercial and industrial buildings shall be assessed by the Commission at the time the application is filed.

(Ord. 2022-011, passed 12-19-2022) Penalty, see §52.999

§ 52.046 PROHIBITED CONNECTIONS.

(A) No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public, sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within 60 days of the effective date of this chapter. The owner(s) of any building sewers having the connections, leaks or defects shall bear all costs incidental to removal of the sources. Pipes, sumps and pumps for the sources of groundwater and surface water shall be separate from wastewater facilities. Removal of the sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer. Connections shall be subject to inspection by the Pretreatment Coordinator to verify compliance. Inspections may be performed periodically at the discretion of the Pretreatment Coordinator or at the time of connection/reconnection.

(B) Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

(C) Building sanitary sewer connections in structures not meeting the criteria of this section will be permitted only if the property owner has:

(1) Installed an individual pumping facility at the structure to receive the building sewage (the pumping facility shall include a discharge pipe with a high point which meets the criteria above); or

(2) Installed a minimum of two sewer backflow stops or flaps at least 12 inches apart of such nature and design to provide gravity flow to the sanitary sewer system and to prevent sewage backflow into the property improvement.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.047 DESIGN AND INSTALLATION.

(A) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the city system.

(C) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinylchloride) sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet all requirements of the State Plumbing Code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or, in areas where the sewer is subject to vehicular or other external loads.

(E) The size, slope, alignment materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the local and State Building and Plumbing Codes and other applicable rules and regulations of the city. Manholes may be required at all commercial and industrial connections to the city's municipal sewer system. The owner of the facility shall be responsible for all costs associated with installation of the manhole(s). Specifications for manholes may be obtained by contacting the Pretreatment Coordinator.

(F) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the Commission.

(G) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commission.

(H) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of the sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel and must be inspected and approved by the Pretreatment Coordinator prior to connection to the system.

(I) The building sewer shall be connected into the public sewer at the easement or property line, and the owner must install at a point prior to the tap a six-inch clean-out tee with a cleanout at ground level and an approved backwater valve in order to prevent a sewer backup into property owner's dwelling. Where no property located service branch is available, an

authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at the point of connection with a saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of groundwater or surface water.

(J) All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.

(K) All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers.

(L) All sewer main extensions must conform to the following manhole lid and ring specifications.

(1) Heavy traffic weight rings and lids shall be used at all manholes installed.

(2) Manhole lids shall have a maximum of two pickholes, preferably one, and no other holes in the lid.

(3) The maximum size of the pickhole is one inch by one-half inch.

(4) Pickholes shall not extend all the way through the lid.

(5) Total clearance between the lid and manhole ring shall be one-quarter inch, i.e., if the inside diameter of the ring is 23 inches, the outside diameter of the lid should be 22 and three-quarters inches.

(6) The bottom of the lid must not extend below the ring lip; that is, the lid must be of uniform thickness throughout. Otherwise, there must be a one-inch clearance between the extension and ring; extension depth shall not exceed two inches.

(7) Compatible riser rings must be available to bring manhole to final grade required.

(8) Each manhole ring and lid must be installed complete with a "dish" type seal to prevent inflow of surface water.

(M) This section shall not affect sewers installed or approved in accordance with the provisions of the prior version of the city's sewer use ordinance, which was originally adopted on January 1, 1993.

(Ord. 2022-011, passed 12-19-2022)

§ 52.048 INSPECTION.

(A) The applicant for the building sewer permit shall notify the Pretreatment Coordinator when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Pretreatment Coordinator or his or her representative. The connections shall be made gastight and watertight and verified by proper testing.

(B) All building sewers shall be smoke-tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. Tests shall be performed at the expense of the property owner in the presence of the Pretreatment Coordinator or his or her designee. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent water tight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch.

(C) All new sewer line extensions shall be air tested and all manholes vacuum tested. The entire system will be flooded and video inspected. Any lines found holding water will have to be removed and re-installed. All tests will be at the expense of the developer and must be done under the supervision of the Pretreatment Coordinator or his or her representative. In addition to these tests, the developer will, upon completion of the extension, submit a copy of the as-built plans signed by the engineer. The developer will provide a one-year warranty on the extension effective from the date of acceptance of the extension into the City Water and Sewer Commission's system. Extensions will not be accepted into the SWSC system until 80% of the development has been put into service and the extension has passed an inspection conducted by the Pretreatment Coordinator or his or her representative.

(Ord. 2022-011, passed 12-19-2022)

§ 52.049 GREASE TRAPS.

(A) All new or extensively remodeled public facilities in the manufacture, processing, preparation or service of food and food products shall install a grease trap approved by the Public Works Director.

(B) All wastewater drain piping from food processing equipment, sinks, dishwashers and floor drains located in food

preparation and processing areas shall be separated from other wastewater piping and shall discharge to the grease trap prior to entering the sanitary sewer system.

(C) (1) The minimum liquid capacity of the grease trap shall be based on the total design daily waste flow for the facility served. The minimum capacity shall be as follows.

<i>Grease Trap Capacity</i>	<i>Design Daily Waste Flow</i>
150 gallons	1 to 4,000 GPD
300 gallons	4,001-8,000 GPD
500 gallons	> 8,000 GPD

(2) The design daily waste flow shall be determined based on the guidelines provided in the state regulations for on-site disposal systems (902 KAR 10:081 and 10:085).

(D) Grease traps shall be installed as close as practicable to the source of the wastewater and located outside of the facility unless approval is granted by the Public Works Director.

(Ord. 2022-011, passed 12-19-2022)

POLLUTANT DISCHARGE LIMITS

§ 52.060 GENERAL CONDITIONS.

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream and will not otherwise endanger life, limb, public property or constitute a nuisance. The Pretreatment Coordinator may set additional limitations or limitations more stringent than those established in the provisions of this subchapter if, in his or her opinion, more severe limitations are necessary to meet the above objectives: In forming his or her opinion as to the acceptability of a discharge, the Pretreatment Coordinator shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant and other pertinent factors.

(Ord. 2022-011, passed 12-19-2022)

§ 52.061 PROHIBITED DISCHARGES.

(A) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

(B) A user shall not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 C.F.R. § 261.21;

(2) Any waters or wastes having a pH lower, than 6.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW;

(3) Any slug load of pollutants, including oxygen-demanding pollutants (BOD and the like), released at a flow rate and/or concentration, either individually or by interaction with other pollutants, that will cause interference with the normal operation of the POTW;

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, unshredded garbage, cinders, paper products such as cups, dishes, napkins and milk containers and the like);

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F);

(6) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria,

guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 U.S.C. §§ 6901 et seq.), the Clean Air Act (42 U.S.C. §§ 7401 et seq.), the Toxic Substances Control Act (15 U.S.C. §§ 2601 through 2692) or state criteria applicable to the sludge management method being used;

(8) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal system permit;

(9) Any trucked or hauled pollutants, except at discharge points designated by the Pretreatment Coordinator; or

(10) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Pretreatment Coordinator in compliance with applicable state and federal regulations.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.062 RESTRICTED DISCHARGES.

(A) The following are restricted discharges:

(1) Wastewater containing more than 25 milligrams per liter (25 mg/l) of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin;

(2) Wastewater containing floatable oils, fat or grease, whether emulsified or not, in excess of 100 milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32°F through 150°F (0°C through 65°C);

(3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

(4) Any wastewater containing toxic pollutants in sufficient quantity which, either singly or, by interaction with other pollutants, injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods or exceed a limitation set forth in a Categorical Pretreatment Standard;

(5) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, de-ionized water, non-contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Pretreatment Coordinator;

(6) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes;

(7) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the wastewater contribution permit (WCP);

(8) Any medical wastes, except as specifically authorized by the Pretreatment Coordinator in a wastewater contribution permit;

(9) Any wastes containing detergents, surface active agents or other substances which will cause excessive foaming in the municipal wastewater system;

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit;

(11) (a) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA), being 42 U.S.C. §§ 6901 et seq. without a 60-day prior notification of the discharge to the Pretreatment Coordinator. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s); and

(b) The Pretreatment Coordinator may prohibit or place conditions on the discharge(s) at any time.

(12) (a) Any water or wastes which have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations.

<i>Parameter</i>	<i>Maximum Allowable Concentration Without Surcharges</i>
BOD	250 mg/l
COD	900 mg/l
NH3-N	25 mg/l
Oil and grease (total)	100 mg/l
Phosphorus, total	36 mg/l
TSS	250 mg/l

(b) Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the additional of specific chemicals for proper treatment will also be subject to surcharge as noted on the wastewater contribution permit.

(c) The city reserves the right, through the Water and Sewer Commission, to establish discharge limitations and requirements which are more stringent than those required above for compatible pollutants if deemed necessary to comply with the objectives presented in this section and § 52.001 or the general and specific prohibitions in this section and in § 52.062. The Pretreatment Coordinator may, at any time, include allocated mass loading and/or concentration discharge limits for the compatible pollutants listed in this section in a user's wastewater contribution permit. Such limits shall be deemed to be pretreatment standards. Exceedance of such a limit or limits shall be considered a violation of this chapter and the wastewater contribution permit and shall be subject to enforcement actions in accordance with §§ 52.140 through 52.142 and 52.999, and the city's enforcement response plan.

(B) The following discharge limitations are established for characteristics of any wastewaters to be discharged into the city's WWTP subject to any alternative limitations and/or compliance schedule as established in the industrial user permit. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations.

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Arsenic	0.59
Cadmium	0.03
Chromium, Hexavalent	0.44
Chromium, total	1.71
Copper	0.60
Cyanide, amenable	0.11
Lead	0.16
Mercury	0.0013
Nickel	1.14
Selenium	0.11
Silver	0.36
Zinc	1.50

(C) The city reserves the right, through the City Water and Sewer Commission, to establish limitations and requirements which are more stringent than those required above or by state or federal regulations if deemed necessary to comply with the objectives presented in § 151.001 or the general and specific prohibitions in §§52.061 and 52.052.

(D) (1) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 C.F.R. Chapter I, Subchapter N and 40 C.F.R. part 403.

(2) All users shall comply with the requirements of those regulations.

(Ord. 2022-011, passed 12-19-2022; Ord. 2025-003, passed 3-11-2025) Penalty, see § 52.999

§ 52.063 DILUTION OF WASTEWATER DISCHARGE.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the city or state.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.064 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Pretreatment Coordinator, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that the interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the Pretreatment Coordinator and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The city may require reporting of the information for its review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm. Interceptors shall also comply with applicable regulations of the County Health Department.

(Ord. 2022-011, passed 12-19-2022)

§ 52.065 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972, being 33 U.S.C. §§ 1251 et seq. and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this chapter.

(B) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of the facilities and at their expense.

(C) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid special waste hauler's permit. Applications for permits shall be obtained from the Pretreatment Coordinator. All applicants for a special waste hauler's permit shall complete the application form, pay the appropriate fee and receive a copy of the Commission's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving the permits shall agree, by acceptance of the permit, to abide by all applicable provisions of this chapter and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the operator a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis. The Pretreatment Coordinator may require proof of origin of the hauled waste and analysis of the sample prior to discharge.

(D) (1) It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the Commission for such purpose.

(2) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in § 52.999, including fines and imprisonment.

(E) Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for the discharge in accordance with a fee schedule established by the Pretreatment Coordinator and approved by the Commission.

(F) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with County Health Department, state or federal regulations.

(Ord. 2022-011, passed 12-19-2022)

§ 52.066 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES.

(A) (1) Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two years, the Pretreatment Coordinator will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (a) Description of discharge practices;
- (b) Description of stored chemicals;
- (c) Procedures for notifying POTW; and
- (d) Prevention procedures for spills.

(2) In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

(B) Within five days following an accidental discharge, the user shall submit to the Pretreatment Coordinator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter, the enforcement response plan or other applicable law.

(C) (1) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge.

(2) Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are

advised of the emergency notification procedure.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.067 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. 2022-011, passed 12-19-2022)

§ 52.068 CITY'S RIGHT TO REVISION.

The city reserves the right, at the recommendation of the Pretreatment Coordinator to establish by majority vote of its Council, more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter.

(Ord. 2022-011, passed 12-19-2022)

§ 52.069 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(Ord. 2022-011, passed 12-19-2022)

PRETREATMENT PROGRAM ADMINISTRATION

§ 52.080 WASTEWATER DISCHARGES.

(A) It shall be unlawful to discharge to the POTW any wastewater, except as authorized by the Commission in accordance with the provisions of this chapter.

(B) (1) Any agency, non-domestic user and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an inter-jurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this chapter and state and federal regulations.

(2) A wastewater contribution permit may then be issued by the Pretreatment Coordinator in accordance with §52.081.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.081 WASTEWATER CONTRIBUTION PERMITS.

(A) All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW.

(B) Users required to obtain a wastewater contribution permit shall complete and file with the Commission, an application in the form prescribed by the Commission, and accompanied by a permit fee. New users shall apply at least 90 days prior to connecting to or contributing to the POTW. Existing permit holders shall apply no later than 60 days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address and location if different from the address;

(2) Applicable SIC number(s) according to the *Standard Industrial Classification Manual*, United States Bureau of the Budget 1987, as amended;

(3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the Commission. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards; and

(9) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:

(a) The schedule must be acceptable to the city; and

(b) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on the date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay and the steps being taken by the user to return the construction to the schedule established.

(1) Each product produced by type, amount, process or processes and the rate of production;

(2) Type and amount of raw materials processed (average and maximum per day);

(3) Number of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(4) Any other information as may be deemed by the Commission to be necessary to evaluate the permit application; and

(5) A copy of the industry's written environmental control program, comparable document or policy.

(D) (1) The Commission shall evaluate the data furnished by the user and may require additional information.

(2) After evaluation and acceptance of the data furnished, the Pretreatment Coordinator or his or her designee may issue a wastewater contribution permit subject to terms and conditions provided herein.

(Ord. 2022-011, passed 12-19-2022)

§ 52.082 PERMIT MODIFICATIONS.

(A) Within nine months of the promulgation of a National Categorical Pretreatment Standards, the wastewater contribution permit of users subject to such standards shall be revised to required compliance with the standards within the time frame prescribed by the standards.

(B) Where a user, subject to National Categorical Pretreatment Standards, has not previously submitted an application for a wastewater contribution permit as required, the user shall apply for a wastewater contribution permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Pretreatment Coordinator within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by this chapter.

(Ord. 2022-011, passed 12-19-2022)

§ 52.083 PERMIT CONDITIONS.

(A) Wastewater contribution permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Commission.

(B) Permits may contain the following:

(1) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on the average and/or maximum wastewater constituents and characteristics;

(3) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports;

(8) Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the Commission, and affording Commission access thereto as required by 40 C.F.R. § 403.12(o)(2);

(9) Requirements for notification of the Commission or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Requirements for notification of slug discharges;

(11) The permit may require the user to reimburse the Commission for all expenses related to monitoring, sampling and testing performed at the direction of the Pretreatment Coordinator and deemed necessary by the Commission to verify that the user is in compliance with the permit; and

(12) Other conditions as deemed appropriate by the Commission to ensure compliance with this chapter.

(Ord. 2022-011, passed 12-19-2022)

§ 52.084 ALTERNATIVE DISCHARGE LIMITS.

(A) Where an effluent from a categorical industrial process is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Pretreatment Coordinator. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula and/or flow-weighted average formula, as defined in § 52.002.

(B) (1) Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Pretreatment Coordinator may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee.

(2) The permittee shall be subject to all permit limits calculated in this manner under 40 C.F.R. § 403.6(c) and must fully comply with these alternative limits.

(C) All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the Pretreatment Coordinator 30 days in advance of any major change in production levels that will affect the limits for the discharge permit.

(D) (1) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards.

(2) The city may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R. § 403.7 are fulfilled and prior approval from the approval authority is obtained.

(Ord. 2022-011, passed 12-19-2022)

§ 52.085 PERMIT DURATION.

(A) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Commission during the term of the permit as limitations or requirements, as identified in §§ 52.060 through 52.069, are modified or other just cause exists.

(B) The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 2022-011, passed 12-19-2022)

§ 52.086 PERMIT TRANSFER.

(A) Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without a 30-day prior notification to the Pretreatment Coordinator and provision of a copy of the existing permit to the new owner.

(B) The Pretreatment Coordinator may deny the transfer of the permit if it is deemed necessary.

(Ord. 2022-011, passed 12-19-2022)

§ 52.087 COMPLIANCE DATA REPORTING.

(A) Within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to National Categorical Pretreatment Standards and requirements shall submit, to the Pretreatment Coordinator, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by pretreatment standards or requirements.

(B) The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user.

(Ord. 2022-011, passed 12-19-2022)

§ 52.088 PERIODIC COMPLIANCE REPORTS.

(A) (1) All significant industrial users shall submit to the Pretreatment Coordinator, every six months, unless required more frequently by the permit (or on dates specified in the wastewater contribution permit), a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards or the discharge permit and information and compliance status with regard to best management practices. In addition, the Pretreatment Coordinator may require the submittal on the report of a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Pretreatment Coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles and the like, the Pretreatment Coordinator may agree to alter the months during which the above reports are to be submitted.

(2) In lieu of the significant industrial user, the Commission may perform the sampling required by the user's wastewater contribution permit. In such cases, the significant industrial user shall not be required to sample or report to the Commission the analytical results from the sampling conducted by the Commission.

(B) (1) All analyses shall be performed by a laboratory acceptable to the Commission. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136 and amendments thereto and 40 C.F.R. part 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

(2) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(C) Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutants in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(D) A baseline monitoring report (BMR) must be submitted to the Pretreatment Coordinator by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. Submittal of the permit application required by the Commission shall also satisfy this requirement. The BMR or permit application must contain, at a minimum, the following:

(1) Production data, including a process description, SIC code number, raw materials used, chemicals, used, final product, pretreatment industrial category (if applicable) and a schematic which indicates points of discharge to the sewer system;

(2) Identifying information, to include name, address of facility, owner(s), contact person and any other permits held by the facility;

(3) Wastewater characteristics, including total plant flow, types of discharges, average and maximum flows from each process;

(4) Nature/concentration of pollutants, including analytical results for all pollutants regulated by this chapter and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 C.F.R. part 136, and amendments thereto; and

(5) Information concerning any pretreatment equipment used to treat the facility's discharge.

(E) New sources shall give estimates of the information requested in divisions (C) and (D) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this chapter. All new sources must be in compliance with all provisions of this chapter and state and federal pretreatment regulations, prior to commencement of discharge to the public sewer.

(Ord. 2022-011, passed 12-19-2022)

§ 52.089 PERMIT VIOLATIONS.

(A) All significant industrial users must notify the Pretreatment Coordinator within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(B) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Pretreatment Coordinator within 30 days after becoming aware of the violation. Exception to this regulation is only if the Commission performs the sampling within the same time period for the same parameter(s) in question.

(C) Compliance with the terms of a wastewater contribution permit shall be deemed in compliance with the terms of this chapter.

(Ord. 2022-011, passed 12-19-2022)

§ 52.090 MONITORING.

(A) (1) The Commission shall require significant industrial users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the Commission may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Pretreatment Coordinator shall, review and approve the location, plans and specifications for the monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(2) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of Commission and industrial personnel shall be foremost. The facility, sampling and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Commissions requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following approval of the location, plans and specifications.

(B) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period, as required by the user's wastewater contribution permit or by the Commission, shall be submitted to the Pretreatment Coordinator.

(C) The industrial user must receive the approval of the Pretreatment Coordinator before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(Ord. 2022-011, passed 12-19-2022)

§ 52.091 INSPECTION AND SAMPLING.

(A) The Pretreatment Coordinator shall inspect the facilities of any user to ascertain whether the purposes of this chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Pretreatment Coordinator or his or her representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

(B) (1) The Commission, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(2) Where a user has security measures in force which would require proper identification and clearance before entry into his, her or their premises, the user shall make necessary arrangements with his, her or their security guards so that upon presentation of suitable identification, personnel from the Commission, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 2022-011, passed 12-19-2022)

§ 52.092 PRETREATMENT.

(A) All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and achieve compliance with any applicable National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. The Commission may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this chapter. Any facilities required to pretreat wastewater to a level required by this chapter shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review and shall be acceptable to the Commission before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this chapter.

(B) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Commission prior to the user's initiation of the changes.

(Ord. 2022-011, passed 12-19-2022)

§ 52.093 ANNUAL PUBLICATION.

(A) (1) The Commission shall annually publish in a newspaper of local circulation a list of significant users which were in significant noncompliance with any pretreatment requirements or standards.

(2) The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(B) (1) All records relating to the city's pretreatment program shall be made available to officials of the EPA or approval authority upon request.

(2) All records shall be maintained for a minimum of three years in accordance with 40 C.F.R. § 403.12(o)(2).

(Ord. 2022-011, passed 12-19-2022)

§ 52.094 SIGNIFICANT NONCOMPLIANCE.

A user is defined as being in significant noncompliance when it commits one or more of the following conditions:

- (A) Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;
- (B) Involves failure to report noncompliance accurately;
- (C) Results in a chronic violation defined here as 66% or more of all measurements taken during a six-month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (D) Results in a technical review criteria (TRC) violation defined here as 33% or more of all measurements for each pollutant parameter taken during a six-month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats and O&G and 1.2 for all other pollutants except pH). For pH violations, see the definition in § 52.002;
- (E) Any violation of a pretreatment standard or requirement (including daily maximum limits, long-term average limits and/or narrative standards) that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or passthrough or has-endangered the health of the POTW personnel or the public;
- (F) Any discharge, causing imminent endangerment to human health/welfare or to the environment or resulting in the Pretreatment Coordinator's use of his or her emergency authority to halt or prevent such a discharge;
- (G) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;
- (H) Failure to provide required reports within 30 days of the due date; or
- (I) Any violation or group of violations, including violations of best management practices, which the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 2022-011, passed 12-19-2022)

§ 52.095 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the Commission that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs, upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. 2022-011, passed 12-19-2022)

§ 52.096 SIGNATORY REQUIREMENTS.

(A) All applications, reports or information submitted to the city shall be signed and certified in accordance with the following requirements.

(B) Written designation of the signatory official must be received by the Commission prior to acceptance of any application or other required document.

(1) All permit applications shall be signed:

- (a) For a corporation: by a principal executive officer of at least the level of vice-president; and
- (b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

(2) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described above; and
- (b) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.

(3) Any person signing a document under this section shall make the following written certification.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. 2022-011, passed 12-19-2022)

FEES AND CHARGES

§ 52.110 PURPOSE.

This subchapter provides for the recovery of costs from users of the POTW for the implementation of the program established herein.

(Ord. 2022-011, passed 12-19-2022)

§ 52.111 FEES AND CHARGES.

(A) The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (7) A tap-on fee for sewer taps to include the cost of permits and inspections; and
- (8) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(Ord. 2022-011, passed 12-19-2022)

INSPECTORS; POWERS AND AUTHORITY

§ 52.125 RIGHT TO ENTER PREMISES.

The Pretreatment Coordinator and other duly authorized employees and representatives of the Commission and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharges to the public sewer system in accordance with the provisions of this chapter.

(Ord. 2022-011, passed 12-19-2022)

§ 52.126 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

Duly authorized employees of the Commission and representatives of the state and EPA are authorized to obtain information including, but not limited to, copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. 2022-011, passed 12-19-2022)

§ 52.127 ACCESS TO EASEMENTS.

Duly authorized employees and representatives of the Commission bearing proper credentials and identification shall be permitted to enter all private properties through which the Commission holds an easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair and maintenance of any portions of the wastewater facilities lying within the easement. All entry and subsequent work, if any on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Ord. 2022-011, passed 12-19-2022)

§ 52.128 SAFETY.

While performing the necessary work on private properties referred to in §52.127, all duly authorized employees of the Commission shall observe all safety rules applicable to the premises established by the property owner. The Commission

shall secure the property owner against loss or damage to its property by Commission employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions as required by this chapter.

(Ord. 2022-011, passed 12-19-2022)

ENFORCEMENT

§ 52.140 GENERAL.

(A) The Commission, through the Pretreatment Coordinator or his or her designee, to ensure compliance with this chapter, and as permitted through 40 C.F.R. Chapter I, Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with this chapter. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Pretreatment Coordinator or his or her designee.

(B) (1) The Pretreatment Coordinator may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Pretreatment Coordinator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the POTW to violate any condition of its NPDES/KPDES permit. Any user notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution.

(2) In the event of a failure of the person to comply voluntarily with the suspension order, the Commission shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or water service to prevent or minimize damage to the POTW system or endangerment to any individuals. The Commission shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Commission within 15 days of the date of occurrence.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.141 NOTICE OF VIOLATION.

(A) Any user found to be violating any provisions of this chapter, wastewater permit or any order issued hereunder shall be served by the Commission with written notice stating the nature of the violation(s). Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Pretreatment Coordinator. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of violation.

(B) If the violations persist or the explanations and/or plans are not adequate, the Commission's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. Identification of significant noncompliance, as defined in §§ 52.080 through 52.096, will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the enforcement response plan.

(Ord. 2022-011, passed 12-19-2022) Penalty, see § 52.999

§ 52.142 ADMINISTRATIVE ORDERS.

(A) (1) Any user who, after receiving a notice of violation, shall continue to discharge in violation of this chapter or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the Commission.

(2) At the appearance, a compliance schedule will be given to the nonconforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from violation, history of violations, good faith of the user and shall be a non-arbitrary but appropriate amount.

(B) The administrative order may take any of the following three forms.

(1) *Consent orders.*

(a) The Pretreatment Coordinator or his or her designee is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance.

(b) The orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.

(c) Consent orders shall have the same force and effect as orders issued pursuant to §52.999.

(2) *Compliance orders.*

(a) When the Pretreatment Coordinator or his or her designee finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued hereunder, he or she may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated.

(b) Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and best management practices.

(3) *Cease and desist orders.* When the Pretreatment Coordinator finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the Pretreatment Coordinator may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith; or

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(C) (1) The Pretreatment Coordinator or his or her designee may issue to any user who causes or contributes to violations of this chapter, a wastewater permit or an order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Pretreatment Coordinator regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause, before the Pretreatment Coordinator, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(2) The Commission may itself conduct the hearing and take the evidence or designate a representative to:

(a) Issue, in the name of the Commission, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(b) Take the evidence; and/or

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commission for action thereon.

(3) At any hearing held pursuant to this chapter, testimony may be taken under oath and recorded by a stenographer. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(C) The Pretreatment Coordinator may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(Ord. 2022-011, passed 12-19-2022)

§ 52.999 PENALTY.

(A) Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter or permits or orders issued hereunder shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. The assessments may be added to the user's next scheduled sewer service charge, and the Pretreatment Coordinator shall have such other collection remedies as needed to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the user's property. Users desiring to dispute such penalties must file a written request for the Chairperson of the Commission to reconsider the penalty within ten business days of being notified of the penalty. Where the Chairperson believes an appeal has merit, he or she shall convene a hearing on the matter within 15 days of receiving the appeal from the user. The Chairperson's final decision shall be binding.

(B) The Pretreatment Coordinator may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless the user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Pretreatment Coordinator to be necessary to achieve consistent compliance.

(C) (1) *Written notice.*

(a) Any user found to be violating any provision of this chapter or a wastewater permit or order issued hereunder shall be served by the Pretreatment Coordinator or his or her designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

(b) As contained in §§52.140 through 52.142, the notice may be of several forms. Also as contained in divisions (A) and (B) above, penalties of various forms may be levied against users for violations of this chapter. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative penalties of up to \$1,000 per day per violation or criminal prosecution as outlined herein.

(2) *Revocation of permit.*

(a) Any user violating any of the provisions of this chapter or a wastewater permit order issued hereunder may be subject to termination of its authority to discharge sewage into the municipal sewer system. The termination may be immediate if necessary for the protection of the POTW. The user may also have water service terminated.

(b) Any user who violates the following conditions of this chapter or applicable state and federal regulations is subject to having his or her permit revoked in accordance with the procedures of this chapter:

1. Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;
2. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit destruction of POTW.

(c) No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to criminal prosecution for "disorderly conduct." It shall be noted that the Clean Water Act, being 33 U.S.C. §§ 1251 et seq. does not require proof of specific intent to obtain conviction.

(3) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the Commission's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the Commission, the Commission may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction in addition to pursuing any criminal remedies that may be available.

(4) *Injunctive relief.* Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder the Pretreatment Coordinator, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user.

(5) *Liability.* Any user violating any of the provisions of this chapter, discharge permit or other order issued hereunder shall become liable to the City Water and Sewer Commission for any expense, loss or damage occasioned by the Commission by reason of the violation. This civil liability is as provided by state and federal regulations.

(6) *Civil penalties.*

(a) Any user who has significantly violated or continues to violate this chapter or any order or permit issued hereunder shall be liable to the Commission for a civil penalty of not more than \$5,000 per violation per day plus actual damages incurred by the POTW per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Pretreatment Coordinator may recover reasonable attorneys' fees, court costs, court reporter fees and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The Pretreatment Coordinator may petition the court to impose, assess and recover the sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.

(7) *Criminal prosecution.*

(a) Any user, who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine not to exceed \$500 per violation per day or imprisonment for not more than 12 months. Each day in which such violation shall continue shall be deemed a separate offense.

(b) Any user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a Class A misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500 or by imprisonment for not more than 12 months, or by both. Each day in which the violation shall continue shall be deemed as a separate offense.

(c) In the event of a second conviction, the user shall be guilty of a Class D felony and shall be punished by a fine in an amount not less than \$1,000 and not greater than \$10,000, or double his or her gain from commission of the offense,

whichever, is greater or imprisonment not less than one year nor more than five years or both. Each day in which the violation shall continue shall be deemed a separate offense.

(d) The Pretreatment Coordinator or his or her designee shall have the authority to pursue criminal charges on behalf of the City Water and Sewer Commission in any court of competent jurisdiction in the state.

(Ord. 2022-011, passed 12-19-2022)

TITLE VII: TRAFFIC CODE

Chapter

- 70. TRAFFIC REGULATIONS
- 71. PARKING REGULATIONS
- 72. RECREATIONAL VEHICLES
- 73. TRAFFIC SCHEDULES
- 74. PARKING SCHEDULES

CHAPTER 70: TRAFFIC REGULATIONS

Section

- 70.01 One-way streets
- 70.02 Speed limits
- 70.03 Authority of Police Chief to impose special traffic regulations

- 70.99 Penalty

§ 70.01 ONE-WAY STREETS.

(A) The City Council may designate one-way streets or alleys and authorize the installation of signs giving notice thereof, and no such designation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(B) Upon streets and parts of streets and in alleys designated as one-way, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Prior Code, § 620.9)

§ 70.02 SPEED LIMITS.

(A) It shall be unlawful to operate any motor vehicle on any street not under the jurisdiction of the State Department of Highways, within the city, at a speed in excess of 25 mph; provided, that if the Mayor and City Council, by ordinance, sets other limits as provided by statute, then such limits shall govern the rate of speed on the streets indicated in such ordinance. The Director of Public Works shall post appropriate signs showing such speed limit.

(B) The fact that the speed of a vehicle does not exceed the applicable maximum speed limits does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(C) It shall be unlawful to operate any vehicle on any street or highway within the city under the jurisdiction of the State Department of Highways or of the county, at a speed exceeding that lawfully set for such street or highway.

(Ord. 94-007, passed 9-12-1994) Penalty, see § 70.99

§ 70.03 AUTHORITY OF POLICE CHIEF TO IMPOSE SPECIAL TRAFFIC REGULATIONS.

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations, including imposition of regulations of traffic movement, implementation of traffic control signals and limitations on parking or standing of vehicles in emergency situations or during special events where the Chief of Police shall deem the general public's safety and welfare to be served thereby. Such temporary regulations shall remain in effect only during the period of emergency or special

events, and the Chief of Police shall submit a written report to the Mayor for his or her consideration at the next regular meeting or special meeting of the Mayor and City Council following such emergency or special event for their consideration. In no event shall emergency or special event regulations remain in effect for more than 90 days without the adoption of the appropriate ordinance.

(Ord. 94-009, passed 10-10-1994)

§ 70.99 PENALTY.

(A) Any person violating any provision of this title for which no specific penalty is prescribed shall be subject to §10.99.

(B) All persons violating § 70.01 shall be fined \$10 per violation.

(C) Fines for speeding in violation of §70.02 shall be in accordance with KRS 189.394.

(Prior Code, § 620.9) (Ord. 94-007, passed 9-12-1994)

CHAPTER 71: PARKING REGULATIONS

Section

- 71.01 Definitions
- 71.02 Trucks on public streets and highways
- 71.03 Double parking
- 71.04 No parking zones
- 71.05 Stopping, standing or parking vehicles
- 71.06 Parking at curb
- 71.07 Alleys
- 71.08 Time limit
- 71.09 Parking on private property
- 71.10 Handicapped parking
- 71.11 Abandoned vehicles
- 71.12 Towing of motor vehicles
- 71.13 Violations; notice; exceptions

71.99 Penalty

§ 71.01 DEFINITIONS.

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

OPERATOR. Includes every individual who shall operate a motor vehicle as the owner thereof or as the agent, employee or permittee of the owner.

PARK or PARKING. The standing of a vehicle upon any street, whether occupied or not, upon a street, road or passway, otherwise, than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise, or in obedience to traffic regulations or traffic signals.

PERSON. Includes an individual, firm, partnership, corporation, association or other organization.

VEHICLE. Any device in or upon a highway or street.

(Prior Code, § 540.4)

§ 71.02 TRUCKS ON PUBLIC STREETS AND HIGHWAYS.

It shall be unlawful to park any truck, semi-trailer truck or semi-trailer exceeding 78 inches in width on any public street, road or passway, except state or federal roads where such parking is specifically permitted by any other state law or ordinance, serving any residential (R-1 Zoning District) area within the city at any time, except while such truck, semi-trailer truck or semi-trailer is being loaded or unloaded and such loading or unloading operation is actually taking place or while such cab of such truck, semi-trailer truck or semi-trailer is occupied by the driver thereof.

(Prior Code, § 520.5) Penalty, see § 71.99

§ 71.03 DOUBLE PARKING.

It shall be a violation of the traffic regulations of the city to double park on any of the streets within the city.

(Prior Code, § 540.10) Penalty, see § 71.99

§ 71.04 NO PARKING ZONES.

No person shall park at any time any motor vehicle in any area which has been marked off by yellow lines or yellow paint, said area being a restricted area.

(Prior Code, § 540.8) Penalty, see § 71.99

§ 71.05 STOPPING, STANDING OR PARKING VEHICLES.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand or park a vehicle whether occupied or not, except momentarily to pick up or discharge passengers:

- (A) On the roadway side of any vehicle stopped or parked at the edge or bur of a street;
- (B) On a sidewalk or parkway;
- (C) In front of a public or private driveway;
- (D) Within 15 feet of a fire hydrant;
- (E) Within 20 feet of a crosswalk or an intersection;
- (F) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
- (G) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly sign posted);
- (H) At any place where official signs prohibit parking; or
- (I) At any place where the curb has been painted in yellow.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.06 PARKING AT CURB.

No vehicle shall be parked with the left side of such vehicle next to the curb or the edge of the roadway except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.07 ALLEYS.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.08 TIME LIMIT.

It shall be unlawful to park any vehicle for a longer consecutive period of time than that designated as a limited parking area and so marked by proper signs.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.09 PARKING ON PRIVATE PROPERTY.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.10 HANDICAPPED PARKING.

(A) It shall be unlawful for the driver of a vehicle to park a vehicle or leave a vehicle unattended in a designated handicapped parking area, unless either the driver or a passenger in the vehicle is a handicapped person.

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

HANDICAPPED PERSON. Any person whose vehicle possesses handicapped license plates or a valid handicapped parking placard issued by an institution or agency of competent authority.

(C) A handicapped parking placard must be visibly displayed in the front windshield portion of the vehicle while the vehicle is parked in a handicapped parking area.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.11 ABANDONED VEHICLES.

Any automobile or other vehicle parked in any one place on any public street or way in the city for a consecutive period of seven days or more shall be considered abandoned and may be disposed of as provided by state statutes.

(Ord. 2005-007, passed 10-11-2005)

§ 71.12 TOWING OF MOTOR VEHICLES.

The Police Department and all members thereof are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a public or private drive, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle. Cars so towed away for illegal parking shall be restored to the owner or operator of such car upon payment of the cost of the removal and storage of such vehicle.

(Ord. 2005-007, passed 10-11-2005)

§ 71.13 VIOLATIONS; NOTICE; EXCEPTIONS.

(A) *Prima facie proof.* The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of parking.

(B) *Removing of parking violation notice.* No person other than the owner or driver of the vehicle to which a parking violation notice has been attached may remove the same from said vehicle.

(C) *Exceptions.* On the occasion of special public events creating unusual traffic conditions, the Chief of Police, after investigation and upon his or her determination that the public, safety and convenience would be served, may temporarily authorize the parking of vehicles in places and at times otherwise prohibited under the provisions of this chapter. The Chief of Police shall, by posting signs or otherwise, appropriately give notice of the times and locations at which the parking of vehicles is so temporarily permitted.

(Ord. 2005-007, passed 10-11-2005) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99.

(B) Any person who violates § 71.02 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$10 nor more than \$25 plus costs for each offense.

(Prior Code, § 520.5)

(C) Anyone found guilty of violating § 71.03 shall be fined \$5 per violation.

(Prior Code, § 540.10)

(D) Any person who violates the provisions of § 71.04 shall be fined not less than \$1 nor more than \$10 for each offense.

(Prior Code, § 540.8)

(E) Any person accused of a violation of any provision prohibiting parking of a vehicle as set forth in §§ 71.05 through 71.13 may settle and compromise the claim against him or her for such alleged parking violation by paying to the city a sum as provided by ordinance.

(Ord. 2005-007, passed 10-11-2005)

CHAPTER 72: RECREATIONAL VEHICLES

Section

Bicycles

72.01 Operating bicycles on sidewalks prohibited

Skateboards

72.15 Skate-free district

Golf Carts

72.30 Definitions

72.31 Use of public roads

72.32 Operation

72.33 Insurance

72.34 Compliance with state statutes

72.35 State-maintained highways

72.36 Exceptions

72.37 Forms

72.99 Penalty

BICYCLES

§ 72.01 OPERATING BICYCLES ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to operate upon the sidewalks of the city any bicycle or motor driven bike of any kind or to park same upon the sidewalks of the city, at any time.

(Prior Code, § 520.1) Penalty, see § 72.99

SKATEBOARDS

§ 72.15 SKATE-FREE DISTRICT.

(A) There is hereby established the following boundaries to create a skate-free district in the city: beginning at the intersection of West Main Street and Armory Hill/Doctor Streets to the intersection of East Main Street and Walnut Street, from the intersection of Armory Hill and Depot Street North to the intersection of Doctor Street and West High Street, from the intersection of Doctor Street and West High Street to the intersection of Walnut Street and East High Street; from the intersection of Walnut Street and East High Street to the intersection of Ballard Street and Depot Street and from the intersection of Depot Street and Ballard Street to the intersection of Depot Street and Armory Hill. All streets included in this square area are to be skate-free.

(B) These boundaries be delineated with signage signifying that the district is skate-free, including the city ordinance number and fine amount indicated.

(C) Any person who fails to comply with this schedule shall have the skateboard seized from possession by a peace officer. That person's guardian, if a minor, shall be required to come to the police department to retain possession thereof.

(Ord. 2007-007, passed 9-11-2007) Penalty, see § 72.99

GOLF CARTS

§ 72.30 DEFINITIONS.

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

GOLF CART. Any self-propelled vehicle that:

(1) Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf or maintaining the condition of the grounds on a golf course;

(2) Has a minimum of four wheels;

(3) Is designed to operate at a speed of not more than 25 mph;

(4) Is designed to carry not more than six persons, including the driver;

(5) Has a maximum gross vehicle weight of 2,500 pounds;

(6) Has a maximum rated payload capacity of 1,200 pounds; and

(7) Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. § 571.500.

LOCAL GOVERNMENT. A city, county, charter county government, urban county government, consolidated local

government, unified local government or a special district.

(Ord. 2008-008, passed 9-23-2008)

§ 72.31 USE OF PUBLIC ROADS.

The City Council may authorize and regulate the operation of a golf cart on any public roadway under its jurisdiction by specifying each roadway that is open for golf cart use.

(Ord. 2008-008, passed 9-23-2008)

§ 72.32 OPERATION.

(A) This subchapter shall require that a golf cart operated on a designated public roadway:

(1) Be inspected by a certified inspector designated by the County Sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this division (A)(1) shall not exceed \$5 with an additional fee not to exceed \$10 per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the Sheriff's inspection area.

(2) Golf carts which bear an official permit issued by the city shall be numbered and affixed to the lower left side (driver's side) of the windshield of the vehicle. The city shall provide an application form for the special permit and charge a yearly fee of \$25 for each permit issued annually beginning October 1, 2008. Subsequent renewals of the permit shall be due on or before January 15 of each year. There shall be no proration of the fee for any permit issued after January 15 and all permits issued after January 15 shall expire on January 15 of the following year. Insurance and proof of inspection by a certified inspector shall be presented prior to issuance of an official permit.

(B) A person may operate a golf cart on a designated public roadway if:

(1) The posted speed limit of the roadway is 35 mph or less;

(2) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than 35 mph;

(3) The operator has a valid operator's license in his or her possession;

(4) The golf cart is being operated between sunrise and sunset; and

(5) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.

(C) The number of occupants in the golf cart may not exceed the design occupant load as specified by the manufacturer.

(Ord. 2008-008, passed 9-23-2008) Penalty, see § 72.99

§ 72.33 INSURANCE.

A golf cart operating on a public roadway shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(Ord. 2008-008, passed 9-23-2008)

§ 72.34 COMPLIANCE WITH STATE STATUTES.

(A) Any person operating a golf cart on a public roadway shall be subject to the traffic regulations of KRS Chapter 189.

(B) A golf cart operating on a designated public roadway is not considered to be a motor vehicle and is exempt from:

(1) Title requirement of KRS 186.020;

(2) Vehicle registration requirements of KRS 186.050; and

(3) Emissions compliance certificates pursuant to KRS 224.20-720.

(Ord. 2008-008, passed 9-23-2008)

§ 72.35 STATE-MAINTAINED HIGHWAYS.

The Transportation Cabinet may prohibit the operation of a golf cart on a public roadway that crosses a state-maintained highway under its jurisdiction if it determines that such prohibition is necessary in the interest of public safety.

(Ord. 2008-008, passed 9-23-2008)

§ 72.36 EXCEPTIONS.

The provisions of this subchapter shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

(Ord. 2008-008, passed 9-23-2008)

Golf Cart Inspection Report

For Operation in the City of Springfield, KY

Golf Cart Owner _____ Phone _____

Address _____

Inspection must be completed by an official of the County Sheriff's Office or his or her designee per state statute and the city code of ordinances, and certified through the Dept. of Vehicle Regulations.

Cart is designed per manufacturer for the following number of passengers: _____

Cart has four wheels? **Yes/no**

Is the cart designed to operate at a speed of not more than 25 mph? **Yes/no**

Does the cart have maximum gross vehicle weight of 2,500 lbs and a maximum rated payload capacity of 1,200 pounds?
Yes/no

Does the cart meet the federal motor vehicle safety standards for low-speed vehicle as set forth in 49 C.F.R. § 571.500 as listed below, including, but not limited to:

Headlamps? **Yes/no**

Front and rear turn signals lamps? **Yes/no**

Tail lamps? **Yes/no**

Stop lamps? **Yes/no**

Reflex reflectors: One red on each side as far to the rear as practicable and one red on the rear? **Yes/no**

Exterior mirror mounted on driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror? **Yes/no**

Parking brake? **Yes/no**

Windshield? **Yes/no**

VIN? **Yes/no**

A type 1 or 2 seat belt assembly? **Yes/no**

Golf cart has a slow moving vehicle sign posted per KRS 189.820? **Yes/no**

*Is cart insured per KRS 304.39-080? **Yes/no**

_____ Inspecting official _____ date

Inspection fee of \$5 paid on _____ and received by _____

Inspection fee of \$10 paid on _____ and received by _____

Note that the \$5 fee is for carts inspected at the Sheriff/Police Department. Those inspected at another location shall pay a fee of up to an additional \$10.

Golf cart owner must take a copy of this inspection to City Hall, 127 W. Main Street, Springfield, Kentucky 40069 to apply for a permit, which must be renewed on an annual basis on or before January 15 for each calendar year. Cost of permit is \$25 annually.

Each person receiving a permit must certify: I have received a copy of the city's regulations on golf carts and agree to abide by all regulations as stated. I further understand that these regulations apply to the city limits only and not beyond the corporate city limits.

Signature Date

*Proof of insurance must be inside the golf cart at all times.

City of Springfield
127 West Main Street
Springfield, KY 40069
Phone: 859-336-5440
Fax: 859-336-5455
www.springfieldky.org

GOLF CART- RESIDENTIAL REGISTRATION

CART INFORMATION

Vin/Serial # _____ Cart year: _____
(include all letters and numbers) Color: _____
Make* _____ Design Occupant Load: _____
Type: GAS/ELECTRIC (circle one)

OWNER INFORMATION

Name: _____ Are you 16 years of age or older? YES/NO (circle one)
Do you have a valid Driver's License? If so

PHYSICAL ADDRESS OF OWNER & CART License # _____ . State _____

Street Address: _____ Liability Insurance: _____
*Proof of insurance must be provided at the time of registration

City: _____ Mailing address (if different)
State: _____ Address: _____
Zip: _____ City: _____
Phone#: _____ State: _____
Alt. Phone #: _____ Zip Code _____
Email: _____

The number of occupants in the golf cart may not exceed the design occupant load per manufacturer's specifications.
Please read carefully:

I have received a copy of the city governing the operation of golf carts. I understand and will abide by said ordinance and the state laws pertaining to golf carts. I have been advised to obtain liability insurance for the cart. I understand that, as the registered cart owner, I accept both legal and civil responsibility for any actions committed during the operation and use of the cart and understand that I will be charged for any violation of said ordinance and be held personally responsible for any accidents or injuries. I certify that the information contained herein is correct to the best of my knowledge.

Owner's signature (required) Date

For office use only:
Amount paid: _____
Receipt #: _____
Authorization: _____
Walk in/mail in

(Ord. 2008-008, passed 9-23-2008)

§ 72.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99.

(B) Any person who violated § 72.01 shall be punished by a fine of not less than \$1 nor more than \$10.

(C) Any person who is found guilty of a violation of § 72.15 is subject to a fine of up to \$250 for each violation.

(D) Any person violating the provisions of §§ 72.30 through 72.37 shall, upon conviction of a first offense, be fined not less than \$25 nor more than \$100. Any person convicted of a subsequent violation of §§ 72.30 through 72.37 within two years of a prior conviction shall be fined not less than \$100 nor more than \$250.

(Prior Code, § 520.1) (Ord. 2007-007, passed 9-11-2007; Ord. 2008-008, passed 9-23-2008)

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

<i>Street</i>	<i>Speed Limit</i>	<i>Penalty</i>
Alley perpendicular to both U.S. 150 (Main Street) and West High Street	5 mph	In accordance with KRS 189.394
Corporate Drive	35 mph	In accordance with KRS 189.394
Domus Court	15 mph	In accordance with KRS 189.394
Melavin Circle	15 mph	In accordance with KRS 189.394

(Ord. 94-007, passed 9-12-1994; Ord. 2003-004, passed 7-8-2003; Ord. 2003-012, passed 11-11-2003)

CHAPTER 74: PARKING SCHEDULES

Schedule

I. Parking restrictions and prohibitions

SCHEDULE I. PARKING RESTRICTIONS AND PROHIBITIONS.

(A) Parking is restricted or prohibited on the following streets.

<i>Street</i>	<i>Location</i>	<i>Restriction</i>	<i>Penalty</i>
Main Street	From the west city limits to the intersection of Main Street with the Danville Highway, near the grade schools and high schools	Must be parked parallel with said streets, and sidewalks, and not diagonally	A fine of not less than \$1 nor more than \$10 for each offense
Main Cross Street	From its intersection with Main Street and the south city limits	Must be parallel with the streets and sidewalks and not diagonally	A fine of not less than \$1 nor more than \$10 for each offense
Main Cross Street	East side of said street from its intersection with Main Street to the south side of the Louisville and Nashville Railroad Company	No parking	A fine of not less than \$1 nor more than \$10 for each offense

(Prior Code, § 540.1)

(B) It shall be unlawful for any person to park any vehicle at any time upon the following streets or alleys.

<i>Location</i>	<i>Penalty</i>
The street or alley beginning at the residence of O.L. McClure on Walnut Street and ending at the Public Library on Main Cross Street	A fine of not less than \$1 nor more than \$10 for each offense.
Beginning at the law office of C.M. McChord on Main Cross Street and ending at the residence of Miss Nora Smith on Doctor Street	A fine of not less than \$1 nor more than \$10 for each offense.

(Prior Code, § 540.3)

(C) (1) It shall be unlawful for any person to park any vehicle on the following streets.

<i>Location</i>	<i>Penalty</i>
Part of North Doctor Street from Main Street to the alley immediately north of Main Street and running parallel therewith	A fine of not less than \$1 nor more than \$10 for each offense
Part of North Walnut street from Main Street to the alley immediately north of Main Street and running parallel therewith	A fine of not less than \$1 nor more than \$10 for each offense

(2) (a) On any special occasion or during religious service, when in his or her judgment the Mayor deems it advisable to do so, upon a cause deemed by him or her sufficient, he or she may issue his or her proclamation suspending the provisions of this division (C) upon any day or portion of a day.

(b) Whenever a religious service or any special occasion, the Chief of Police or any member of the Police Department may suspend the provisions of this division (C) upon any day or portion of a day.

(3) It shall be the duty of the police officers of the city to report:

(a) The state registration license number of every vehicle parked in violation of this division (C);

(b) The place and time and any other knowledge which may be necessary for a thorough understanding of the circumstances attending such violation; and

(c) The police officer shall place upon each vehicle violating this division (C) a notice to the owner or operator thereof that such vehicle has been or is parked in violation, instructing such owner or operator to report to any police officer in regard to such violation, and each owner or operator may, within 24 hours (Sundays and holidays excepted) of the time when such notice was placed upon such vehicle, pay to any police officer as a penalty for and in full satisfaction of such violation, the sum of \$1. Failure of such owner or operator to make such payment within 24 hours (Sundays and holidays excepted) shall render such owner or operator subject to the penalties herein provided.

(Prior Code, § 540.4)

(D) It shall be unlawful for any person to park any vehicle at any time upon the following streets.

<i>Location</i>	<i>Penalty</i>
On Doctor Street beginning at Main Street and extending North to High Street	A fine of not less than \$1 nor more than \$10 for each offense

(Prior Code, § 540.6)

(E) No person, firm, partnership or corporation shall park or cause to be parked at any time, any motor driven vehicle on the following streets.

<i>Location</i>	<i>Penalty</i>
Main Cross Street and/or Lincoln Park Road beginning at Virginia Avenue and extending Northward to the north city limits	A fine of not less than \$5 nor more than \$25

(Prior Code, § 540.7)

(F) There shall be no on-street parking of any vehicle, nor on-street loading or unloading of commercial vehicles on the following streets.

<i>Location</i>	<i>Penalty</i>
The east side of South Doctor Street in the city from Main Street to the railroad crossing	A \$25 fine for each occurrence, and any vehicle parked in violation shall be removed by towing and stored at the owner's expense

(Prior Code, § 540.11)

(G) (1) It shall be unlawful to park on Main Street or on Cross Main Street in any zone designated "No Parking."

(2) It shall be unlawful to park in excess of two hours on Main Street from Haydon Alley, east to MaClane Street or on Cross Main Street from High Street to Depot Street.

(Prior Code, § 540.12)

(H) The following parking prohibitions apply in the city.

<i>Location</i>	<i>Restriction</i>	<i>Penalty</i>
The south side of Melavin Circle	No on-street parking of any vehicle	A fine of \$25 for each occurrence, and any vehicle parked in violation shall be removed by towing and storing at the owners expense
The southeast side of East High Street beginning at the intersection of Melavin Circle and continuing to the intersection of Mackville Road	No stopping, standing or parking except to pick up or discharge passengers	A fine of \$10 to \$20
U.S. 150, either side, from the intersection of KY 555 and extending to the western city limits of U.S. 150	No stopping, standing or parking except to pick up or discharge passengers	A fine of \$10 to \$20

(Prior Code, § 540.13)

(Ord. 2005-007, passed 10-11-2005)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS
- 91. NUISANCES
- 92. PUBLIC HOUSING
- 93. FAIR HOUSING
- 94. PARADES

CHAPTER 90: ANIMALS

Section

- 90.01 Hogs
- 90.02 Fowl
- 90.03 Control of pets
- 90.99 Penalty

§ 90.01 HOGS.

It shall be unlawful for any person to keep, raise or feed a hog or hogs within the city at any time or yearly season.

(Prior Code, § 840.1) Penalty, see § 90.99

§ 90.02 FOWL.

No person, partnership, firm or corporation shall raise, house or feed within the city limits any ducks, geese, turkeys or guinea fowls for broiler or fryers, or for laying purposes, or for any other purpose.

(Prior Code, § 840.2) Penalty, see § 90.99

§ 90.03 CONTROL OF PETS.

(A) It shall be unlawful for any dog owner within the city to permit a dog to create a nuisance which harms or threatens the general public or neighboring property owners.

(B) A dog shall be considered to be creating a nuisance if it causes any of the following:

- (1) Unpleasant odor from waste droppings;
 - (2) Disturbance of the property of others by disturbing garbage containers, digging in yards or destroying property in any manner and so forth;
 - (3) Creating disturbances by noise;
 - (4) Chasing, threatening or barking at neighboring property owners or passersby; and
 - (5) Roaming off the owner's premises without being under the immediate control of its owner. For the purpose of this section, **IMMEDIATE CONTROL** shall be defined as the animal being physically held by the owner's hands on a leash that has a minimum tensile strength sufficient to restrain said animal, said leash not exceeding three feet in length.
- (C) Any dog found within the city which is not under the immediate control or supervision of its owner and is not properly licensed in accordance with the requirements of state law shall be picked up and destroyed after one week unless its owner reclaims the dog by paying all cost of licensing and confining the animal.

(Ord. 90-009, passed 8-13-1990) Penalty, see § 90.99

§ 90.99 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) Any person who violates any of the provisions of §90.01 shall be fined not less than \$1 nor more than \$10, and each day that this chapter is violated shall constitute a separate offense.
- (Prior Code, § 840.1)
- (C) Any person, partnership, firm or corporation who violates §90.02 shall be fined not less than \$1 nor more than \$25, and each day shall be considered a separate offense.
- (Prior Code, § 840.2)
- (D) A dog owner that fails to maintain control of a dog thereby permitting it to create a nuisance in violation of §90.03 shall be subject to a fine of \$25. In addition, the dog creating the nuisance shall be picked up by the city and destroyed after one week unless the owner reclaims the dog by paying the above fine and a \$10 fee for the cost of confining the animal.
- (Ord. 90-009, passed 8-13-1990)

CHAPTER 91: NUISANCES

Section

- 91.01 Statutory authority
- 91.02 Definitions
- 91.03 Nuisances described and prohibited
- 91.04 Enforcement

- 91.99 Penalty

§ 91.01 STATUTORY AUTHORITY.

This chapter is a nuisance code within the meaning of the Local Government Nuisance Code Enforcement Act (KRS 82.700 through 82.725).

(Ord. 2014-003, passed 6-10-2014)

§ 91.02 DEFINITIONS.

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

ANYBODY. Any human being, or any organization or combination thereof, in the form of a corporation, partnership, limited liability company, joint venture, unincorporated association or otherwise.

BANNER SIGN. Any commercial sign composed of any pliable plastic or cloth, without a rigid supporting frame.

BUILDING. Any relatively permanent enclosure consisting of no less than three connected walls covered by a roof.

CITY. The City of Springfield, Kentucky.

COMMERCIAL SIGN. Any sign which includes any information, message or identification which is, in any way, related to the promotion of any business or commerce.

CONTROL. To exercise restraint or direction over.

DELIVER. Any manner of delivery that conforms to the federal and state constitutional requirements for procedural due process.

EVERYBODY. Every human being, and every organization or combination thereof, in the form of a corporation, partnership, limited liability company, joint venture, unincorporated association or otherwise.

EXOTIC ANIMAL. Non-domesticated animals, including, but not limited to: snakes and spiders (whose bite or venom is poisonous or deadly to humans); apes, chimpanzees, gibbons, gorillas, orangutans and baboons; bears; cheetahs; crocodilians and alligators; constrictor snakes; coyotes, elephants; gamecocks and other fighting birds; hyenas; jaguars; leopards; lions; lynxes; ostriches; pumas, also known as mountain lions; panthers; wolves; raccoons; skunks; tigers; and other animals which are similar in nature.

FINANCIALLY RESPONSIBLE OWNER. An owner of a registered vicious dog who has filed with the City Police Department a certificate of insurance from an insurance company authorized to conduct business in the state, that the owner of the registered dog is insured thereby against liability for all injuries and damages caused by the registered dog, with single occurrence limits of no less than \$100,000, which will continue until the city is notified of the termination or expiration thereof.

FOWL. Any hen, rooster, duck, turkey, pheasant or other bird of same or similar nature.

GRAFFITI. Any display of words, letters, numbers, design or symbols scrawled, by hand or otherwise, in any ink, paint, chalk, dye or any other medium on any building or structure, with or without the consent or authority of the owner thereof, and which is within view from any public property or right-of-way.

INOPERABLE MOTOR VEHICLE. A motor vehicle that is:

- (1) Wrecked or otherwise in a state of disrepair or disassembly;
- (2) Mechanically inoperable; or
- (3) Legally inoperable on public streets and highways.

LEASHED ANIMAL. An animal that is secured and controlled by the owner or custodian thereof by means of a leash.

LIVESTOCK. Includes, but is not limited to, horses, cattle, sheep, hogs and other useful animals kept or raised on a farm or ranch. An exception to this is pot belly, micro or miniature pigs that are kept as pets.

MUNICIPAL SOLID WASTE. As defined in KRS 224.1-010.

MUNICIPAL SOLID WASTE CONTAINER. A clean, covered, rigid metal or plastic container with a capacity of no less than 30 gallons and no more than 96 gallons. All uses which generate more than a volume of two cubic yards (i.e., approximately equivalent to 500 pounds or one-fourth ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by County Solid Waste. The containers shall be waterproof and leakproof, and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements of this chapter.

NOBODY. No human being or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

OPEN BURNING. The burning of any material in an area which is not enclosed within a building.

OUTSIDE. An area of a lot or parcel of real estate that is not enclosed within a building.

RECREATIONAL VEHICLE. As defined in KRS 227.550(12).

REGISTERED VICIOUS DOG. A vicious dog for which registration certificate has been issued by the City Police Department after there has been delivered to the City Police Department a registration application for that dog, on a form designed by the city, which shall be signed by the owner(s) of the dog which is the subject thereof, under the penalties of perjury, and which shall include:

- (1) The name, address, age and Social Security number and telephone number of each possessor and owner of the vicious dog that is the subject thereof;
- (2) The address of the property where the vicious dog that is the subject thereof is harbored;
- (3) A complete identification of the vicious dog that is the subject of the registration, including, without limitation, genus and species, name, gender, color, breed and any distinguishing physical characteristics thereof, along with two color photographs of the vicious dog; and
- (4) Documentary evidence of:
 - (a) All vaccinations required by law; and

(b) The removal of reproductive organs by spaying, neutering or otherwise.

(5) A certificate of insurance from an insurance company authorized to conduct business in the state, that the owner of the registered vicious dog is insured thereby against liability for all injuries and damages caused by the registered vicious dog, with single occurrence limits of no less than \$100,000, which will continue until the city is notified of the termination or expiration thereof.

RESTRAINED VICIOUS DOG. A vicious dog which is always either:

(1) Securely confined and restricted to private property in which either the owner or custodian thereof has some legal ownership or occupancy interest, by either:

(a) A building inhabited by either the owner or custodian of the vicious dog;

(b) A visible fence which conforms to all of the other requirements of any other city ordinances, and which is constructed of materials of sufficient height and strength to prevent the vicious dog from penetrating or going over or under the fence, and in which each entrance and exit is controlled by a gate that automatically closes, latches and locks; or

(c) A vicious dog cage.

(2) Muzzled to prevent biting and leashed to an adult with a chain of no more than five feet in length and a minimum tensile strength of 300 pounds.

UNLEASHED ANIMAL. Any animal that is not secured and controlled by the owner or custodian thereof by means of a leash not exceeding three feet in length.

VICIOUS DOG.

(1) Any dog that:

(a) Without provocation, bites or attacks any human being or a domestic animal on either public or private property;

(b) Has a known propensity, tendency or disposition to unprovoked attacks on human beings or domestic animals; or cause injury to or otherwise endanger the safety of human beings or domestic animals; and/or

(c) Has been trained to or has engaged in any dog fighting exhibition.

(2) A dog is not a **VICIOUS DOG** within this meaning of this definition by merely barking at a human being or a domestic animal, without some other behavior indicative of an impending attack by the barking dog on the human being or domestic animal.

(3) Also excluded from this definition of a **VICIOUS DOG** are those dogs that are actively involved in the course and scope of service to any military or police department of any city, county, state or federal government.

VICIOUS DOG CAGE. An openwork enclosure, from which a vicious dog cannot escape, with the following minimum requirements:

(1) A minimum floor area of 50 square feet;

(2) Continuous secure walls on every side of the floor area, which are at least seven feet in height above the ground, and secured to other walls at both ends;

(3) A top which is securely connected to each wall on every side;

(4) A floor securely attached to each wall on every side, unless the walls are continuously imbedded no less than two feet into the ground;

(5) Each means of ingress and egress is controlled by a door or gate that automatically closes, latches and locks; and

(6) Signage on the outside of each wall identifying by words and other graphics at least three inches in height that the dog enclosed therein is a vicious dog that is dangerous.

WILD ANIMAL. Any animal that is not a domesticated companion animal, or any crossbreeds of these animals with domestic animals or any descendant of any crossbreed. Such animals include, but are not limited to, any venomous snake, python or constrictor snakes, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolverines, squirrels, bears, deer, chipmunks, moose, elk, opossum, beavers, ground hogs, moles, gophers, prairie dogs, bats, sugar gliders (*Petaurus breviceps*), kangaroos, wallabies and feral cats. An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including dogs, domesticated cats, rabbits, mice, hamsters, gerbils, domesticated rats, guinea pigs, ferrets, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish, will not be considered **WILD ANIMALS** for purposes of this chapter.

(Ord. 2014-003, passed 6-10-2014; Ord. 2017-002, passed 2-27-2017; Ord. 2019-005, passed 9-24-2019; Ord. 2020-002, passed 8-11-2020)

§ 91.03 NUISANCES DESCRIBED AND PROHIBITED.

The following actions, omissions, behavior, conditions and occurrences are hereby declared to be public nuisances within

the city and established as violations of this chapter; and nobody shall, by either act or omission, conspire, cause, permit, encourage, aid, assist, allow or engage in any of them:

(A) The development of a public nuisance, health hazard or source of filth on any land in the city through:

(1) The accumulation of either:

- (a) Junked or wrecked automobiles, vehicles, machines, other similar scrap or salvage materials;
- (b) One or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked or non-operative and which are not inhabited; or
- (c) Rubbish.

(2) The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight feet over sidewalks, or the growing and maintenance of shrubbery in excess of three feet in height within the radius of 20 feet from the point where the curb line of any street intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street. The excessive growth of weeds or grass, which shall be no more than 12 inches above the surface of the ground on any lot or parcel of real estate in the city.

(B) Any structure becoming unfit and unsafe for human habitation, occupancy or use;

(C) The existence of conditions with respect to a building, house, wall or structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures or anybody in the city;

(D) The outside location of any inoperable motor vehicle or any disassembled motor vehicle parts on any lot or parcel of real estate in any residential area in the city;

(E) (1) Except as provided in Chapter 156, the parking of more than one tractor or farm implement, recreational vehicle, boat or trailer, designated for hauling equipment:

- (a) In the front yard of any lot or parcel of real estate; or
- (b) On a public street.

(2) No part of any such vehicle, tractor, farm implement, recreational vehicle, boat or trailer, designated hauling equipment, is allowed within three feet of any point in the nearest boundary line.

(F) Any municipal solid waste anywhere in the city outside of a building unless it is enclosed within a covered municipal solid waste container;

(G) (1) The location of any municipal solid waste container anywhere on any lot or parcel of real estate in the city other than:

- (a) Inside a building; or
- (b) On the outside of and behind a building during any period of time other than that period that begins at 6:00 p.m. on the day before the day that municipal solid waste is scheduled for collection from that real estate by the city and ends at 6:00 a.m. on the day after that scheduled day.

(2) The only exception to division (G)(1)(b) above pertains to any and all garbage cans used for municipal solid waste by residents of R-3 Zones as defined in the city zoning laws, or apartment complexes or multi-family living establishments (where more than six families dwell) under one roof. In this event, cans must be brought back to the front door or to the side of the dwelling unit or to an area as designated appropriate by both the property owner and the city, within the time frame as specified in division (G)(1)(b) above.

(H) The collection and removal of any municipal solid waste by mechanical means during the period of time after 12:00 a.m. and before 6:00 a.m., from any real estate that is not used for residential purposes but which abuts, is adjacent to or across a street from any real estate that is used for residential purposes;

(I) (1) The occurrence of any unleashed animal anywhere in the city other than on a lot or parcel of real estate:

- (a) In which the owner or custodian of the unleashed animal has an ownership or possessory interest; or
- (b) Upon which the unleashed animal has been authorized by someone who has an ownership or possessory interest in that lot or parcel of real estate.

(2) It shall be unlawful for dogs, both leashed and unleashed, to be on city property of Idle Hour Park during ball playing season from April through October. This pertains to the ballfield areas where patrons are gathered for ball games and does not prohibit dogs on leashes from other areas of the park, including the walking trail.

(J) The occurrence of any sound, odors or anything else from any animal or animals on any lot or parcel of real estate in the city that unreasonably interferes in any way with the occupation, use or enjoyment of any other lot or parcel of real estate in the city by any owner, tenant, occupant, resident or user thereof, including, but not limited to:

- (1) Unpleasant odor from waste droppings;

(2) Disturbance of the property of others by disturbing garbage containers, digging in yards or destroying property in any manner and the like;

(3) Creating disturbances by noise; and

(4) Chasing, threatening or barking at neighboring property owners or passersby.

(K) Any ownership, possession or control in the city by anybody of:

(1) Any vicious dog that isn't always both a registered vicious dog and a restrained vicious dog with a financially responsible owner;

(2) Any exotic animal;

(3) Any wild animal (feeding of wild animals will infer possession or control); or

(4) Any fowl, excluding chickens, which will be allowed under these conditions:

(a) A maximum of four chickens per household may be kept outdoors only, as long as they are housed in a humane manner in a coup with a covering that will not allow for chickens to fly away and so long as conditions are sanitary and not causing odors for adjoining property owners. Said chickens must remain at all times on the owner's property;

(b) Chickens may not be kept on any parcel that is a duplex, multi-family or apartment residences and may not be kept on property where there are commercial or industrial uses; and

(c) Roosters are not allowed.

(5) Any livestock (except a pot-bellied, micro or miniature pig that is kept as a pet); and

(6) Nothing herein shall prohibit the keeping of fowl or livestock for a legitimate agricultural purpose on a tract of land containing at least five acres.

(L) Any open burning of leaves, brush, construction materials or other debris without specific authorization from the Chief of the City-County Volunteer Fire Department or his or her designee;

(M) The storage of combustible or explosive material which creates a safety hazard to other property or persons in the vicinity;

(N) The maintenance of any open, uncovered or insecurely covered cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place;

(O) Any accumulation of any rubbish or rock on any public sidewalk and the failure of those with any ownership or possessory interest in any lot or parcel of real estate abutting thereon to remove it within a reasonable period of time after such accumulation;

(P) Any more than one banner sign on the premises of each business with a valid occupational license;

(Q) Any commercial sign that isn't in a condition of good repair and in a clean, neat and safe and functional condition in compliance with all applicable laws, including, without limitation, all building and property maintenance codes;

(R) The occurrence, existence or continuation of any graffiti;

(S) The outside storage or other location of any equipment in any front or side yard where it may be seen from a public street while that equipment is in a position or condition in which that equipment may not be used for its intended purpose;

(T) Any outdoor swimming pool in which:

(1) The water in the pool is contaminated with dangerous disease-causing pathogens, including bacteria; or

(2) It is capable of holding over 24 inches of water in depth at any one point, and the pool area isn't always completely surrounded by a fence that is at least four feet in height, which precludes access to the water in the pool without opening a gate or climbing over the fence.

(U) Anybody except an officer of the law to fire or discharge any gun, pistol or firearms, including .22 rifles and BB guns, within the city limits;

(V) Anybody littering, tossing or throwing debris of any nature or description onto the streets, alleys, branches, drainage ditches or other public places of the city or sweeping or moving excessive dirt and debris from the sidewalks onto any roadway or other city property;

(W) (1) The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. Failure to comply with this division (W) shall constitute a nuisance;

(2) All exterior surfaces, including, but not limited to, windows, doors, door and window frames, cornices, porches, trim, balconies, decks, sheds and fences shall be maintained in good condition; and

(3) Broken glass visible to the exterior must be replaced and repaired.

(X) The occurrence of any unreasonably loud sound or sounds emanating from any person, vehicle or parcel of real

estate in the city which unreasonably interferes in any way with the enjoyment of any other person, and/or another's occupation, use or enjoyment of any business, lot or parcel of real estate. This includes the creating of disturbances by noise of any kind.

(Ord. 2014-003, passed 6-10-2014; Ord. 2016-001, passed 5-10-2016; Ord. 2016-007, passed 10-11-2016; Ord. 2017-002, passed 2-27-2017; Ord. 2019-002, passed 9-10-2019; Ord. 2019-005, passed 9-24-2019; Ord. 2020-002, passed 8-11-2020) Penalty, see § 91.99

§ 91.04 ENFORCEMENT.

(A) The responsibility for the enforcement of the nuisance code hereby established is hereby delegated to the City Police Department.

(B) The city is not obligated to address or abate nuisances or damages caused by wild animals, such as feral cats or any/all wild animal

(Ord. 2014-003, passed 6-10-2014; Ord. 2019-005, passed 9-24-2019)

§ 91.99 PENALTY.

(A) *Violations.* A violation of this chapter occurs whenever anybody, by either act or omission, conspires, causes, permits, encourages, aids, assists, allows or engages in any of the acts, actions, behaviors, conditions and occurrences prohibited by this chapter, and each and every separate non-continuing occurrence thereof, and each and every day of each continuing occurrence thereof is a separate violation of this chapter. A violation of this chapter may be a criminal offense and/or a civil violation.

(B) *Criminal offense.* Each violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$250 as set forth in KRS 534.040(2)(b) or a term of imprisonment not to exceed the maximum period of 90 days as set forth in KRS 532.090(2), or both. For a corporation, the fine shall be fixed by KRS 534.050(c) and not exceed \$5,000 per offense.

(C) *Civil violation.*

(1) It shall be the duty of the Housing Inspector of the city or other officer designated by the Mayor to serve or cause to be served a notice upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provision of this chapter and to demand the abatement of the nuisance within five days, or a reasonable time period as determined by the Mayor, unless the nuisance constitutes an immediate danger to the health and well-being of the community. If such danger is present, the nuisance shall be abated within 24 hours of notice. Notice shall be served upon persons by certified mail, or hand delivered by an officer designated by the Mayor, but if the whereabouts of the person is unknown and cannot be ascertained by the Housing Inspector, or officer designated by the Mayor, in the exercise of reasonable diligence, an affidavit to that effect and the serving of notice may be made by publication in a newspaper of general circulation for two consecutive issue days. A copy of the notice shall be posted in a conspicuous place on the premises affected by the notice, and it shall be recorded in the office of the County Clerk.

(2) If the person so served does not abate the nuisance within prescribed amount of time, the city may proceed to abate the nuisance keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner occupant.

(3) Charges for nuisance abatement shall be a lien upon the premises. Whenever a bill for charges remains unpaid for 60 days after it has been rendered, the City Clerk may file with the County Clerk a statement of lien claims. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated and a notice that the city claims a lien for this amount. Notice of the lien claim shall be mailed to the owner of the premises if his or her address is known. However, failure to record the lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for charges as provided in division (C)(4) below.

(4) Property subject to a lien for unpaid nuisance abatement charges may be sold for nonpayment, and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. This foreclosure shall be in equity in the name of the city. This remedy is in addition to any other remedies available in law or equity to the city.

(5) The City Attorney is authorized and may institute such proceedings, in the name of the city, in any court having jurisdiction over the matter against any property for which the bill has remained unpaid for 60 days after the abatement has been completed and a bill for the abatement cost has been presented to the property owner for payment.

(Ord. 2014-003, passed 6-10-2014)

CHAPTER 92: PUBLIC HOUSING

Section

92.01 Definitions

- 92.02 Housing projects
- 92.03 Housing Authority
- 92.04 Acquisition of property for public housing
- 92.05 Condemnation of public housing property
- 92.06 Impeding with progress of housing project
- 92.07 Operation, management and control of housing projects
- 92.08 Rent or lease of dwellings in housing projects
- 92.09 Funding housing projects; bonds
- 92.10 Federal housing projects
- 92.11 Repairs, closings or demolition of unfit dwellings

§ 92.01 DEFINITIONS.

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

BONDS. Any bonds, notes, interim certificates, debentures or other obligations.

FEDERAL GOVERNMENT. Includes the United States of America, the United States Housing Authority and its successor agencies, and any other agency or instrumentality of the United States of America.

HOUSING AUTHORITY or AUTHORITY. Any housing authority created pursuant to this chapter.

HOUSING PROJECT. A building or buildings containing rooms to be provided as living quarters, together with shops, stores, garages, laundries, doctors' and dentists' offices and other facilities and appurtenances deemed reasonably necessary by the City Housing Authority to the successful and economical operation of the project. It also means any work or undertaking of a Housing Authority or of the federal government to:

(1) Demolish, clear or remove a building or buildings from any slum area, including the adaptation of such area to recreational, community or other public purposes;

(2) Provide decent, safe and sanitary living accommodations for persons who lack the amount of income that is necessary, as determined by the authority undertaking the project, to enable them, without financial assistance, to obtain such accommodations; such work or undertaking may include buildings, land equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; and

(3) Accomplish a combination of the foregoing.

PUBLIC BODY. Any public body or political subdivision of the city.

(Prior Code, § 940.1)

§ 92.02 HOUSING PROJECTS.

(A) The city hereby establishes the intent to operate, within its limits, low-cost housing projects for the purpose of providing adequate and sanitary living quarters for individuals or families who qualify.

(B) All low-cost housing projects in the city shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations of the city.

(C) No contract or agreement with any contractor for the construction of a low-cost housing project exceeding \$2,500 shall be made without advertising for bids. The bids shall be opened publicly, and an award made to the best bidder, with power in the Authority to reject any or all bids.

(Prior Code, § 940.1)

§ 92.03 HOUSING AUTHORITY.

(A) The city hereby creates a Housing Authority consisting of the Mayor, ex officio and four persons appointed by him or her with the approval of the City Council.

(B) (1) Each person appointed to the City Housing Authority shall be at least 25 years of age and a bona fide resident of the city for at least one year preceding the appointment.

(2) No officer or employee of the city, whether holding a paid or unpaid office, is eligible to hold an appointment on the Housing Authority.

(3) No more than two appointees on the City Housing Authority shall be affiliated with the same political party.

(4) Appointees to the City Housing Authority shall be originally appointed for terms of four years. Upon the expiration of the term of the first appointment, their successors shall be appointed for terms of one, two, three and four years, respectively, and upon the expiration of the terms of each of the second group of appointees, his or her successor shall be appointed for a term of four years.

(5) Vacancies shall be filled for unexpired terms in the same manner as the original appointment.

(C) (1) The persons appointed as provided in division (B) above shall constitute a body corporate in the name of the City Housing Authority with power to contract and be contracted with, to sue or to be sued and may establish bylaws, rules and regulations for its own government.

(2) The Authority shall elect a Chairperson and a Vice Chairperson from its members and a Secretary and Treasurer who need not be a member of the Authority.

(3) The duties of the offices of Secretary and Treasurer may be performed by the same person.

(D) (1) Each member of the Housing Authority, except an ex officio member, shall receive \$100 per year for serving on the Authority.

(2) The compensation of the Chairperson of the Housing Authority shall be \$150 per year.

(3) The Housing Authority shall fix the compensation of the Secretary and Treasurer.

(E) (1) The Authority may employ technical experts and attorneys and any other employees that it deems necessary.

(2) The Authority shall fix the compensation of employees subject to City Council approval.

(F) (1) No member or employee of the Housing Authority shall acquire any interest, direct or indirect in any project in any property including or planned to be included in any project, nor shall he or she have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project.

(2) If any member or employee of the Authority owns or controls an interest, direct or indirect, in any property included in any project, which interest was acquired prior to his or her appointment or employment, he or she shall disclose the same in writing to the Authority at the time of his or her appointment, and the disclosure shall be entered on the minutes of the Authority.

(G) (1) Whenever it appears to the City Council that a member of the Housing Authority appointed by it is incompetent or guilty of neglect of duty or malfeasance, the City Council shall require the member to appear before it to show cause why he or she should not be removed from office.

(2) At least 15 days' written notice of the hearing shall be given to the member whose conduct is in question and to all other members of the Authority. At the hearing, the member may be represented by counsel and may appear personally and present such pertinent evidence as he or she wishes or as the Mayor requests. If after the hearing the City Council determines that a member has been incompetent or has been guilty of neglect of duty or malfeasance, the Mayor shall remove the member from the Authority within seven days, and there shall be a vacancy of the office.

(H) (1) The Authority shall:

(a) Prepare the proper plans and specifications for the construction of low-cost housing projects;

(b) Select the location and determine the size, type and method of construction;

(c) Make the necessary estimates of the probably cost of construction and of the acquisition of the land and rights for the sites;

(d) Enter into the necessary contracts to build the necessary buildings; and

(e) Cause a survey and map to be made of all lands, structures, rights-of-way, franchises, easements or other interests in land, owned by any person, the acquisition of which may be deemed necessary for the construction of the low-cost housing project, and cause the map and survey to be filed in its office.

(2) The members of the Authority, or its agents and employees, after reasonable notice to the occupants, owners or owners' agent in charge thereof, may enter upon such lands and structures for the purpose of making surveys and maps.

(3) The Authority shall not proceed to exercise or carry out any authority or power herein given it to bind the Authority beyond the extent to which money has been provided under the authority of this division (H).

(Prior Code, § 940.1)

§ 92.04 ACQUISITION OF PROPERTY FOR PUBLIC HOUSING.

(A) The Authority may acquire by gift, devise, bequest, lease, grant or purchase, solely from the funds provided under authority of this chapter, lands, structures or interests in land necessary for the building of low-cost housing projects, upon terms, prices or considerations considered reasonable by the Authority and agreed upon between the Authority and the owner.

(B) Title to all property acquired by the Authority shall be taken in the corporate name of the Authority.

(Prior Code, § 940.1)

§ 92.05 CONDEMNATION OF PUBLIC HOUSING PROPERTY.

(A) If it becomes necessary to condemn property for the purpose of constructing any low-cost housing project, or securing rights-of-way leading thereto, the Authority may, by resolution reciting the need, order the condemnation of any land or improvement or interest in land, that it deems necessary.

(B) Proceedings for the condemnation shall be in the circuit court of the county and shall be conducted in the name of the Authority. The City Attorney shall conduct the proceedings for the Authority.

(C) The judgment of the court shall vest title in fee simple to the property condemned in the Authority.

(D) In all other respects, the form and manner of the proceedings shall be the same as that provided in the State Eminent Domain Act, being KRS 416.540 through 416.680.

(E) No payment or award in any condemnation proceedings, or for the cost or expense of the proceedings, shall be made except from funds provided under authority of this chapter or state statute.

(Prior Code, § 940.1)

§ 92.06 IMPEDING WITH PROGRESS OF HOUSING PROJECT.

All persons having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, under, over or upon the public ways, that interfere with or impede the progress of a low-cost housing project when in process of construction and establishment shall, upon reasonable notice from the Authority, promptly shift or remove the obstruction, to the extent necessary, at their own cost and expense, except as otherwise provided or required by law.

(Prior Code, § 940.1)

§ 92.07 OPERATION, MANAGEMENT AND CONTROL OF HOUSING PROJECTS.

The Authority shall operate, manage and control low-cost housing projects in their entirety, fix the rate of rentals and establish bylaws, rules and regulations for the use and operation of the projects not inconsistent with the provisions of this chapter.

(Prior Code, § 940.1)

§ 92.08 RENT OR LEASE OF DWELLINGS IN HOUSING PROJECTS.

(A) The Authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and the Authority shall not construct or operate any project for profit, or as a source of revenue of the city; provided, however, that nothing contained in the State Housing Authority Law shall be construed to prohibit an authority from making payments in lieu of taxes to the city, or other public body, within the area in which any project is located in such amounts as the Authority may determine to be consistent with maintaining the low-rent character of the dwelling accommodations.

(B) (1) The Authority may rent or lease the dwelling accommodations in a housing project only to persons or families who lack the amount of income deemed necessary by the Authority to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(2) The Authority may rent or lease to a tenant dwelling accommodations consisting only of the number of rooms that it deems necessary to provide safe and sanitary accommodations to the proposed occupants without overcrowding.

(3) The dwellings in any housing project shall be available solely for families of low income. Income limits for occupancy and rents shall be fixed by the Authority after taking into consideration:

(a) The family size, composition, age, physical handicaps and other factors which might affect the rent-paying ability of the family; and

(b) The economic factors which affect the financial and solvency of the housing project.

(4) The Authority shall issue regulations establishing eligibility requirements, consistent with the purposes and objectives of this division (B), for admission to and continued occupancy in its projects.

(5) Nothing contained in divisions (B)(1) through (B)(4) above shall limit the power of the Authority to vest in an obligee of the Authority the right, in the event of a default by the Authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this division (B).

(Prior Code, § 940.1)

§ 92.09 FUNDING HOUSING PROJECTS; BONDS.

(A) (1) The city may provide funds for carrying out the purposes of this chapter by the issuance of revenue bonds pursuant to a resolution of the Housing Authority. The bonds or other obligations of the Housing Authority shall not

constitute an obligation of the city. The bonds shall be payable only out of the properties, revenues and assets of the Housing Authority. Nothing contained in this section shall authorize or permit the city to incur any indebtedness of any kind or nature prohibited by the Constitution. Subject to the restrictions set forth in this section, the City Housing Authority may incur any indebtedness and issue any obligations and give any security therefor which it deems necessary or advisable in connection with any project undertaken by it. The City Housing Authority may issue its bonds to provide for the payment of its indebtedness from time to time in such amounts, with such maturities, upon such terms and conditions and upon such security as the Authority deems necessary or advisable in connection with any project undertaken or to be undertaken by it. The bonds shall be signed by the Chairperson of the Authority or other agent designated by the Authority and by the Mayor.

(2) The City Housing Authority may, in connection with the borrowing of funds or otherwise, enter into agreements with the federal government providing for the supervision and control of the Housing Authority or any project and containing such other covenants, terms and conditions as the Housing Authority deems advisable. In connection with any loan by a government, the City Housing Authority is authorized to agree to limitations upon the exercise of any of its powers.

(3) Bonds issued pursuant to this section shall have, in the hands of a bona fide holder, all of the qualities of negotiable instruments. They shall be exempt from taxation by the state and its political subdivisions. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this chapter and that it does not constitute an indebtedness of the city within the meaning of any constitutional provisions or limitations. In case any provisions are made for the redemption or prepayment of any bonds before maturity, such provisions shall be selected by lot from the whole number of the issues then outstanding. The bonds may be issued without a vote of the voters and without any other proceedings or conditions than those proceedings and conditions specified and required by this chapter or by the Constitution.

(B) The rents and other revenues of the City Housing Authority shall be applied; first to pay the interest and principal of the bonds issued under KRS 80.230 as payments fall due; next, to pay the costs of maintaining, repairing, improving and operating its projects; next, to create such reserve for depreciation as the Housing Authority deems necessary and proper. The excess, if any, of the rents received during any annual period may be applied to the prepayment of the obligations of the Housing Authority or may be placed in a special fund for the purpose of paying the principal and interest of the obligations as they become due.

(Prior Code, § 940.1)

§ 92.10 FEDERAL HOUSING PROJECTS.

The City Housing Authority may contract with the federal government to manage, supervise or operate any low-cost housing project erected or owned by the federal government or by corporations or individuals approved by the federal government.

(Prior Code, § 940.1)

§ 92.11 REPAIRS, CLOSINGS OR DEMOLITION OF UNFIT DWELLINGS.

The procedure listed herein shall be followed in handling repairs, closings or demolition of unfit dwellings by the Housing Authority.

(A) A petition must be filed by the Housing Authority or by at least five residents of the city charging that a dwelling is unfit for human habitation.

(B) A designated investigator of the Housing Authority shall conduct a preliminary investigation to affirm the charges set forth in the petition mentioned in division (A) above.

(C) Upon affirmation of the petition by preliminary investigation, the Housing Authority shall issue and cause to be served upon the owner of said property and upon parties in interest on such dwelling a complaint stating the charges arising from the petition and investigation. Complaints or orders issued by the Housing Authority shall be served upon persons either personally or by registered mail, but if the whereabouts of such person is unknown, and the same cannot be ascertained in the exercise of reasonable diligence, and the Housing Authority shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publication pursuant to KRS Chapter 494. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order and shall be recorded in the office of the County Clerk.

(D) The complaint shall state that:

(1) A hearing will be held before the Housing Authority at a stated place not less than ten nor more than 30 days after the serving of the complaint;

(2) The owners and parties in interest may file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(3) The rules or evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Authority.

(E) A hearing shall be held in accordance with division (D) above to determine the validity of each complaint.

(F) The Housing Authority or designated inspector may determine that a dwelling is unfit for human habitation if he or she finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants

of such dwelling, the occupants of neighboring dwellings or other residents of the city. Such conditions may include, but are not limited to, the following:

- (1) Defects increasing the hazards of fire or other calamities;
- (2) Lack of adequate ventilation, light or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair or structural defects; and
- (5) Uncleanliness.

(G) If, after the notice and hearing, the Housing Authority determines that the dwelling under consideration is unfit for human habitation, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the owner:

(1) To repair, alter or improve the dwelling, to the intent and within the time specified in the order, to render it fit for human habitation or, at the option of the owner, to vacate and close the dwelling as a human habitation if the repair, alteration or improvement of the dwelling can be made at a cost that is not more than 50% of the value of the dwelling; and

(2) Within the time specified in the order, to remove or demolish the dwelling if the repair, alteration or improvement of the dwelling cannot be made at a cost that is not more than 50% of the value of the dwelling.

(H) (1) If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the Housing Authority may cause the dwelling to be repaired, altered or improved or to be vacated and closed. The Housing Authority may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of the building for human habitation is prohibited and unlawful."

(2) If the owner fails to comply with an order to remove or demolish the dwelling, the Authority may cause such dwelling to be removed or demolished.

(3) The amount of the cost of repairs, alterations or improvements or vacating and closing, or removal or demolition, shall be a lien upon the real property upon which such cost was incurred. If the dwelling is removed or demolished by the Housing Authority, it shall sell the materials of the dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the circuit court by the Housing Authority, and shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

(I) Any person affected by an order issued by the Housing Authority may, within 30 days after the posting and service of the order, petition the circuit court for an injunction restraining the Housing Authority from carrying out the provisions of the order, and the court may issue a temporary injunction restraining the order pending final disposition of the case. Hearings shall be had by the court on such petition within 20 days, or as soon thereafter as possible. Payment of court costs shall be in the observation of the court.

(J) The Housing Authority or its designated inspector is hereby authorized to exercise such powers as are necessary or convenient to carry out and effectuate the purposes and provisions of divisions (A) through (I) above, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, but such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as it deems necessary to carry out the purposes of the ordinances; and

(5) To delegate any of the functions and powers under the ordinance to such officers and agents as it designates.

(Prior Code, § 940.1) Penalty, see § 10.99

CHAPTER 93: FAIR HOUSING

Section

93.01 Policy

93.02 Definitions

93.03 Unlawful practice

- 93.04 Discrimination in the sale or rental of housing
- 93.05 Discrimination in the financing of housing
- 93.06 Discrimination in the provision of brokerage services
- 93.07 Exemption
- 93.08 Administration
- 93.09 Education and conciliation
- 93.10 Enforcement
- 93.11 Investigations; subpoenas; evidence
- 93.12 Enforcement by private persons
- 93.13 Interference, coercion or intimidation
- 93.14 Prevention of intimidation in fair housing cases

- 93.99 Penalty

§ 93.01 POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.

(Ord. 92-002, passed 5-11-1992)

§ 93.02 DEFINITIONS.

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 93.04 through 93.06.

DWELLING. Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY. Includes a single individual.

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(Ord. 92-002, passed 5-11-1992)

§ 93.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below and §93.07, the prohibitions against discrimination in the sale or rental of housing set forth herein shall apply to all dwelling except as exempted by division (B) below.

(B) Nothing in § 93.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, or who was not the most recent resident of such house prior to such sale, the exemption granted by this division (B) shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson or person; and

(b) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 93.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently or each other, if the owner actually maintains or occupies one of such living quarters as his or her residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 92-002, passed 5-11-1992) Penalty, see § 93.99

§ 93.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 93.03 and except as exempted by §§ 93.03(B) and 93.07, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable to deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicapped status;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status;

(C) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, national origin, familial status or handicapped status, or an intention to make any such preference, limitation or discrimination; and/or

(D) To represent to any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(Ord. 92-002, passed 5-11-1992) Penalty, see § 93.99

§ 93.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion or national origin of such person, or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 93.03(B).

(Ord. 92-002, passed 5-11-1992) Penalty, see § 93.99

§ 93.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, familial status or handicapped status.

(Ord. 92-002, passed 5-11-1992) Penalty, see § 93.99

§ 93.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. 92-002, passed 5-11-1992)

§ 93.08 ADMINISTRATION.

(A) The authority and responsibility for administering this Act shall be in the Chief Executive Officer of the city.

(B) The Chief Executive Officer may delegate any of these functions, duties and powers to employees of the city or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this chapter. The Chief Executive Officer shall by rule prescribe such rights of appeal from the decisions of his or her hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself or herself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer to further such purposes.

(Ord. 92-002, passed 5-11-1992)

§ 93.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He or she shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his or her suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

(Ord. 92-002, passed 5-11-1992)

§ 93.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he or she intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he or she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned.

(B) A complaint under division (A) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file answer to the complaint against him or her and may, with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, amend his or her answer at any time. Both complaints and answers shall be verified.

(C) If, within 30 days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

(D) If the Chief Executive Officer has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days hereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this chapter. Insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 92-002, passed 5-11-1992)

§ 93.11 INVESTIGATIONS; SUBPOENAS; EVIDENCE.

(A) In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his or her access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or

interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

(B) Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his or her request.

(C) Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him or her.

(D) Within five days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he or she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced and that compliance would be unduly onerous or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides was served or transacts business.

(F) The City Attorney shall conduct all litigation in which the Chief Executive Officer participates as a part or as amicus pursuant to this chapter.

(Ord. 92-002, passed 5-11-1992)

§ 93.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 93.03 through 93.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within 108 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 93.10(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained or in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court; provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter, shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorneys' fees in the case of a prevailing plaintiff; provided, that said plaintiff in the opinion of the court is not financially able to assume said attorneys' fees.

(Ord. 92-002, passed 5-11-1992)

§ 93.13 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 93.03 through 93.06. This section may be enforced by appropriate civil action.

(Ord. 92-002, passed 5-11-1992) Penalty, see § 93.99

§ 93.14 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

It shall be unlawful for any person, whether or not acting under color of law, by force or threat of force to willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, national origin, familial status or handicapped status, and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings;

(B) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or handicapped status in any of the activities, services, organization or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity for protection so to participate.

(C) Any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national

origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assemble opposing any denial of the opportunity to so participate.

(Ord. 92-002, passed 5-11-1992) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with any person as provided in this chapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(C) Any employee of the Chief Executive Officer who shall make public any information in violation of § 93.10 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year.

(D) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his or her power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer, as provided in § 93.11, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Chief Executive Officer pursuant to his or her subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Ord. 92-002, passed 5-11-1992)

CHAPTER 94: PARADES

Section

94.01 Definition

94.02 Regulations

94.99 Penalty

§ 94.01 DEFINITION.

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

PARADE.

(1) A public or military celebration of or on a special day or event that usually includes several or many people and groups moving down a street by marching or riding in cars or on special or specific vehicles sometimes called floats.

(2) A long series of people or things (vehicles or otherwise) that come one after the other generally down a street or avenue

(Ord. 2014-006, passed 8-12-2014)

§ 94.02 REGULATIONS.

Parades are prohibited within the city limits of the city without completing an application provided by the City Clerk and complying with all regulations as set forth in the parade rules and regulations.

(Ord. 2014-006, passed 8-12-2014) Penalty, see § 94.99

§ 94.99 PENALTY.

Each violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$250 as set forth in KRS 534.040(2)(b) or a term of imprisonment not to exceed the maximum period of 90 days as set forth in KRS 532.090(2), or both. For a corporation, the fine shall be fixed by KRS 534.050(c) and not exceed \$5,000 per offense.

(Ord. 2014-006, passed 8-12-2014)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. OCCUPATIONAL LICENSES
- 111. PEDDLERS AND SOLICITORS
- 112. AMUSEMENTS
- 113. INSURANCE COMPANIES
- 114. RESTAURANTS AND LODGING
- 115. SEXUALLY-ORIENTED BUSINESSES
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CHAPTER 110: OCCUPATIONAL LICENSES

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§ 110.01 DEFINITIONS.

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

BUSINESS. Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. **BUSINESS** shall not include the usual activities of board trade governing the business of nonprofit organizations, chambers of commerce, trade associations or unions, or other associations performing services usually performed by trade associations for nonprofit organizations or unions. **BUSINESS** shall not include funds, foundations, corporations or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group or association, inures to the benefit of any private shareholder or other person.

BUSINESS ENTITY. Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization or other legal entity through which business is conducted.

CITY. The City of Springfield, Kentucky.

COMPENSATION. Wages, salaries, commissions or any other form of remuneration paid by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including, but not limited to, salary reduction arrangements under I.R.C. §§ 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h) or 457; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including, but not limited to, I.R.C. §§ 125 and 132.

CONCLUSION OF THE FEDERAL AUDIT. The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable.

EMPLOYEE. Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee or elected official of the United States, a state or any political subdivision of a state, or any agency of instrumentality of any one or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an **EMPLOYEE**. In such case, all independent contractor is classified as a sole proprietor, corporation, partnership or LLC.

EMPLOYER. The person for whom an individual performs or-performed any service, of whatever nature, as the employee of such person, except that:

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term **EMPLOYER** means the person having control of the payment of such wages; and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership or foreign corporation, not engaged in trade or business within the United States, the term **EMPLOYER** means such person.

FINAL DETERMINATION OF THE FEDERAL AUDIT. The revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

FISCAL YEAR. An accounting period of 12 months ending on the last day of any month other than December.

INTERNAL REVENUE CODE. The Internal Revenue Code, Title 26 of the United States Code.

NET PROFIT. Gross income, as defined in I.R.C. § 61, minus all the deductions from gross income allowed by I.R.C. Chapter 1, and adjusted as follows:

(1) Includes any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the commonwealth of Puerto Rico, any territory or possession of the United States or any foreign country or political subdivision thereof;

(2) Includes any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;

(3) Includes any amount claimed as a net operating loss carry-back or carry-forward allowed under I.R.C. § 172;

(4) Includes any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a passthrough entity for federal tax purposes; and

(5) Excludes any amount of income that is exempt from state taxation by the State Constitution, or the Constitution and statutory laws of the United States.

PERSON. Every natural person, whether a resident or nonresident of the city. Whenever the word **PERSON** is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereto.

RETURN or REPORT. Any properly completed and, if required, signed form, statement, certification, declaration or any other document permitted or required to be submitted or filed with the city.

SALES REVENUE. Receipts from the sale, lease or rental of goods, services or property.

TAXABLE NET PROFIT.

(1) In the case of a business entity having payroll or sales revenue only within the city, means net profit as defined herein.

(2) In the case of a business entity having payroll or sales revenue both within and without a the city, means net profit as defined herein, and as apportioned under § 110.04.

TAXABLE YEAR. The calendar year or fiscal year ending during the calendar year, upon the basis of which net income is computed.

TAX DISTRICT. Any city of the first to fifth class, county, urban county, charter county, consolidated local government, school district, special taxing district or any other statutorily created entity with the authority to levy net profits, gross receipts or occupational license taxes.

(Ord. 2007-010, passed 11-13-2007)

§ 110.02 LICENSE APPLICATION REQUIRED.

(A) Every person and business entity engaged in any business in the city shall be required to apply for and obtain an occupational license, also referred to as a city license from the city on an annual basis or before the commencement of business or in the event of a change of business status. This form is supplied by the city. The annual scheduled fees are attached hereto as city license schedule. Licensees are required to notify the city of any changes in address, the cessation of business or any other changes which render the information supplied to the city in the license application inaccurate.

(B) A license may be denied or not renewed if the applicant is not in compliance with this chapter and all other ordinance of the city and all state and federal laws, including, but not limited to, being delinquent on taxes owed to the city.

(Ord. 2007-010, passed 11-13-2007; Ord. 2017-005, passed 5-15-2017)

§ 110.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in division (B) below, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the State Revenue Cabinet shall be required to file and pay to the city an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by 1.5% of:

(1) All wages and compensation paid in the city for work done or services performed or rendered in the city on forms supplied by the city by every resident and nonresident who is an employee; and

(2) The net profits from business conducted in the city by a resident or nonresident business entity on forms supplied by the city.

(B) The occupational license tax imposed in this section shall not apply to the following persons or business entities:

(1) Any bank, trust company, combined bank and trust company, combined trust, banking and title insurance company organized and doing business in the state, any savings and loan association whether state or federally chartered, applying only to the net profits portion but not employees withholding;

(2) Any compensation received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training;

(3) Any compensation received by precinct workers for election training or work at election booths in state, county and local primary, regular or special elections;

(4) Public service corporations that pay an ad valorem tax on property valued and assessed by the State Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their net profits derived from the non-public service activities apportioned to the city;

(5) Life insurance companies incorporated under the laws of and doing business in the state, however, individual agents are not exempt;

(6) Any profits, earnings or distributions of an investment fund which would qualify under KRS 154.20-250 through 154.20-284 to the extent any profits, earnings or distributions would not be taxable to an individual investor;

(7) Any company providing multichannel video programming services or communications services, as defined in KRS 136.602. If only a portion of an entity's business is providing multichannel video programming services or communications services, including products or services that are related to and provided in support of the multichannel video programming services or communications services, this exclusion applies only to that portion of the business that provides multi-channel video programming services or communications services, including products or services that are related to and provided in support of the multichannel video programming services or communications services;

(8) Domestic employees, specifically babysitters and in-home sitters staying with ill and elderly, performing services at privately owned homes.

(Ord. 2007-010, passed 11-13-2007; Ord. 2023-008, passed 7-11-2023)

§ 110.04 APPORTIONMENT.

(A) Except as provided in division (D) below, net profits shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue in more than one tax district, by multiplying the net profits by a fraction, the numerator of which is the payroll factor, described in division (B) below, plus the sales factor, described in division (C) below, and the denominator of which is two; and

(2) For business entities with sales revenue in more than one tax district, by multiplying the net profits by the sales

factor as set forth in division (C) below.

(B) The payroll factor is a fraction, the numerator of which is the total amount paid in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid by the business entity everywhere during the tax period. Compensation is paid in the city based on the time the individual's service is performed within the city.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period:

(1) The sales, lease or rental of tangible personal property is in the city if:

(a) The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory or other place of storage in the city and the purchaser is the United States government.

(2) Sales revenues, other than revenues from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity; and

(3) Sales revenue from the sale, lease or rental of real property is allocated to the tax district where the property is located.

(D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one or more of the factors;

(3) The inclusion of one or more additional factors which will fairly represent the business entity's business activity in the city; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of gross receipts.

(E) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the city bears to the total wages and compensation paid. In order for the city to verify the accuracy of a taxpayer's reported percentages under this division (E), the taxpayer shall maintain adequate records.

(F) All partnerships, S corporations and all other entities where income is "passed through" to the owners are subject to this chapter. The occupational license tax imposed in this chapter is assessed against income before it is "passed through" these entities to the owners.

(G) If any business entity dissolves, ceases to operate or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.

(H) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this chapter on the basis of the same calendar or fiscal year required by the federal government and shall employ the same methods of accounting required for federal income tax purposes.

(Ord. 2007-010, passed 11-13-2007)

§ 110.05 EMPLOYERS TO WITHHOLD.

(A) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under § 110.03. Amounts withheld shall be paid to the city in accordance with this section.

(B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the city and pay to the city, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city.

(C) Every employer who fails to withhold or pay to the city any sums required by this chapter to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.

(D) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.

(E) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the city a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal form W-2 and W-3, transmittal of wage and tax statements or a detailed employee listing with the required equivalent information, as determined by the city, shall be submitted.

(F) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.

(G) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.

(H) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the city; nor the cessation of holding any corporate office, shall discharge that liability; provided, that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this division (H) unless such person had authority to collect, truthfully account for or pay over the tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due.

(I) Notwithstanding divisions (G) and (H) above, every employee receiving compensation in the city subject to the tax imposed under § 110.03 shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this chapter from the employee, such employee or employees shall be responsible for filing with the city each quarter in the same manner as if they were the employer.

(Ord. 2007-010, passed 11-13-2007)

§ 110.06 RETURNS REQUIRED.

(A) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city.

(B) When deemed necessary, the city may request a business or individual federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection the entire return, a copy of any statements and schedules. The city may also require copies of reports of adjustments made by the federal government.

(C) Every business entity subject to an occupational license tax governed by the provisions of this chapter shall keep records, render under oath statements, make returns and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by notice served to the business entity, to make a return, render statements under oath or keep records, as the city deems sufficient to determine the tax liability the business entity.

(D) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.

(E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

(Ord. 2007-010, passed 11-13-2007)

§ 110.07 EXTENSIONS.

(A) The city may grant any business entity an extension, upon written request of the business entity, of not more than six months, unless an extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.

(Ord. 2007-010, passed 11-13-2007)

§ 110.08 REFUNDS.

(A) Where there has been an overpayment of tax under §110.05, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or credit is received by the city from the employer within two years from the date the overpayment was made. A refund request form will be provided by the city.

(B) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted to this city, the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within two years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund. The employer shall document that time spent outside of the city and within another taxing jurisdiction was reported to the appropriate entity and that occupational taxes were paid on that portion as earned outside of the city.

(C) Where there has been an overpayment of net profits tax upon business levied under §110.03, a refund or credit shall be made to any person or business entity to the extent of overpayment only upon a written application for refund or credit to the city within two years from the date that overpayment was made.

(Ord. 2007-010, passed 11-13-2007)

§ 110.09 FEDERAL AUDIT PROVISIONS.

(A) (1) As soon as practicable, after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within five years from the date the return was filed, except as otherwise provided in this division (A).

(a) In the case of a failure to file a return or of a fraudulent return, the additional tax may be assessed at any time.

(b) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, which understatement or omission, or both, is in excess of 25% of the amount of net profit stated in the return, the additional tax may be assessed at any time within six years after the return was filed.

(c) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this division (A), or six months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.

(2) The times provided in this division (A) may be extended by agreement between the business entity and the city. For the purposes of this division (A), a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(B) Every business entity shall submit a copy of the final determination of the federal audit within 30 days of the conclusion of the federal audit.

(C) The city may initiate a civil action for the collection of any additional tax within the times prescribed in division (A) above.

(Ord. 2007-010, passed 11-13-2007)

§ 110.10 ADMINISTRATIVE PROVISIONS.

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.

(B) (1) Any tax collected pursuant to the provisions of this chapter may be refunded or credited within two years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is the later, except that:

(a) In any case where the assessment period contained in §110.09 has been extended by an agreement between the business entity and the city, the limitation contained in this division (B) shall be extended accordingly; and

(b) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this division (B) or six months from the conclusion of the federal audit, whichever is later.

(2) For the purposes of this division (B) and division (A) above, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) The authority to refund or credit overpayments of taxes collected pursuant to this chapter is vested exclusively in the city.

(Ord. 2007-010, passed 11-13-2007)

§ 110.11 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of any tax district shall intentionally and without authorization inspect or divulge any

information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district's tax laws or in any action challenging a tax district's tax laws.

(B) The city reserves the right to disclose to the State Commissioner or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city if the State Commissioner of Revenue grants to the city the reciprocal right to obtain information from the files and records of the State Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profits or compensation of any person.

(C) In addition, the city is empowered to execute similar reciprocity agreements as described in division (B) above with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this chapter.

(Ord. 2007-010, passed 11-13-2007)

§ 110.12 USE OF OCCUPATIONAL LICENSE TAX.

All money derived from the license taxes under the provisions of this chapter shall be paid to the city and placed to the credit of the city's General Revenue Fund.

(Ord. 2007-010, passed 11-13-2007)

§ 110.13 YARD SALES.

This section addresses the conduct of yard sales or garage sales and hereby limits residential yard sales, regardless of the zone or location they are in, to three per year per residence, per person or household. Those residences, persons or households are not required to purchase a license for up to three yard sales annually. Thereafter, a license must be obtained as stipulated in the ordinance at a rate of \$15 per day, per person. In any case, the number of yard sales or garage sales allowed annually may not exceed six annually. A yard sale constitutes an event lasting not more than three consecutive days.

(Ord. 2013-007, passed 6-20-2013)

§ 110.14 SCHEDULE OF FEES.

The legislative body of the city hereby finds that the following occupations are of such a nature as to require special regulations and supervision, and therefore the following minimum license fees are imposed on every person, corporation, association, partnership, agent, LLC or other duly authorized organization operating in the city limits shall pay in advance to the city for each calendar year or fraction thereof, in accordance with the yearly basis the license fee or fees herein set forth, where minimum fees are set forth in the following table. Amounts will not be prorated in any case. In the event that a licensee engages in more than one type of business activity, the highest minimum license fee shall apply. The issuance of licenses does not guarantee that zoning laws have been abided by. License fees are due prior to the start of business in the city or annually before January 1 as follows on the schedule below. Any license remaining unpaid as of January 31 or 30 days after the business has been established will be charged double the fee listed.

Agent, representatives, solicitors taking orders or making sales not otherwise specified herein	Per day, \$15
	Per year, \$25
Carnivals for exhibition or festivals in the city*	Per week, \$100
Collection agent or agencies	Per year, \$25
Dance with less than 7,500 square feet floor space	Per day, \$10
Dance with more than 7,500 square feet of floor space (dances and events open to the public are subject to additional local ordinance regulations)	Per day, \$100
Fortune tellers, hypnotist, magnetic healer, divine healer, phrenologist, faith cure, palmistry or similar occupation for reward or compensation	Per day, \$200
Golf courses	Per year, \$25
Itinerant contractor, painters, plumbers, plasters, masonries, for each person or company	Per year, \$25
Itinerant merchants	Per year, \$50
Laundry	Per year, \$40
Loan companies	Per year, \$50

Machine, slot or coin, including all vending machines, soft chink, cigarette, phonographs, radios, pinball machines, games or any other coin or slug operated machines, each machine (machines in licensed businesses owned by business owner do not require additional license fees)	Per year, \$10
Pawnbrokers	Per year, \$150
Peddlers, or any kind of merchandise from any car, truck, lot or premises (note: tractor-trailer trucks under separate fee below)	Per day (per person), \$15**
Real estate, insurance, investment agents and auctioneers	Per day, \$5
	Per year, \$25
Shooting gallery	Per year, \$100
Skating rink	Per year, \$100
Truck load retail sales of all other merchandise	Per day, \$25
Truck load sales by farmers exclusively for the sale of products grown on his or her farm	Per day \$5
Truck, truck-trailer, semi-trailer, trailer, automobile wagon or dray used for the purpose of hauling, transporting, loading or unloading any freight livestock, furniture, machinery, junk, fruit, vegetables, groceries, fixtures, produce, appliances, equipment or any other merchandise of any kind, each truck***	Per day, \$50
	Per year, \$100
Notes to Table:	
*Carnivals are required to post a certificate of liability insurance with the city showing a minimum of \$300,000 coverage prior to performance or event.	
**Any licensee performing door-to-door work will be required to produce proper identification with photo and the city retains the right to make proper contact with the Better Business Bureau prior to any conduct of business.	
***No license will be required for a truck or vehicle exempted by state statutes from payment of city license fees or used exclusively for the transportation of the products of his or her farm or land or used exclusively by any person, firm corporation for calling on or making deliveries to and from the customers of an already locally licensed business in the city.	

(Ord. 2013-007, passed 6-20-2013)

§ 110.99 PENALTY.

(A) (1) A business entity subject to tax on net profit or occupation license fee withholding may be subject to a penalty equal to 1% of the tax due for each calendar month or fraction thereof if the business entity:

- (a) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or
- (b) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

(2) The total penalty levied pursuant to this division (A) shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(B) Every employer who fails to file a return or pay the tax on or before the time prescribed under § 10.05 may be subject to a penalty in amount equal to 1% of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this division (B) shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(C) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, all amount equal to 12% per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.

(E) The city may enforce the collection of the occupational tax due under §110.03 and any fees, penalties and interest as provided in divisions (A), (B), (C) and (D) above by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorneys' fees incurred by it in enforcing any provision of this chapter.

(F) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.

(G) Any person who willfully aids or assists in, or procures, counsels or advises the preparation or presentation under, or in connection with, any matter arising under this chapter of a return, affidavit, claim or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim or document, shall be guilty of a Class A misdemeanor.

(H) For the purpose of this section, a **RETURN** shall mean and include any return, declaration or form prescribed by the city and required to be filed with the city by the provisions of this chapter, or by the rules of the city or by written request for information to the business entity by the city.

(I) Any person violating the provisions of § 110.11 by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than \$500 or imprisoned for not longer than six months, or both.

(J) Any person violating the provisions of § 110.11 by divulging confidential taxpayer information shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(K) Any person or corporation who shall fail, neglect or refuse to make any return required by this chapter, or any employer who shall fail to withhold said license fees or to pay over to the city fees so withheld under the terms of this chapter, or any person who shall refuse to permit the Director of Finance or any agent or employee designated by him or her, in writing, to examine his or her books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings or profits in order to avoid payment of the whole or any part of the license fee shall, upon conviction, be subject to a fine of not less than \$20 nor more than \$100 per day for each day the offense exists, within the discretion of the court.

(Ord. 2007-010, passed 11-13-2007; Ord. 2017-005, passed 5-15-2017)

CHAPTER 111: PEDDLERS AND SOLICITORS

Section

111.01 Peddling and soliciting on private property a nuisance

111.02 Administration

111.99 Penalty

§ 111.01 PEDDLING AND SOLICITING ON PRIVATE PROPERTY A NUISANCE.

The practice of going in and upon private residence property in the city, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owners, occupant or occupants of said private residence property for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking same, is hereby declared to be a nuisance and punishable as much nuisance as a misdemeanor.

(Prior Code, § 440.1) Penalty, see § 111.99

§ 111.02 ADMINISTRATION.

The Chief of Police and members of the police force of the city are hereby required and directed to suppress and to abate any such nuisance as is described in § 111.01.

(Prior Code, § 440.1)

§ 111.99 PENALTY.

Any person convicted or perpetrating a nuisance as described and prohibited in §111.01, upon conviction thereof, shall be fined in a sum of not less than \$25 nor more than \$100, together with the cost of prosecution, and if not satisfied by payment in cash, the same may be enforced by execution against the person or anyone convicted of committing the misdemeanor herein prohibited.

(Prior Code, § 440.1)

CHAPTER 112: AMUSEMENTS

Section

112.01 Amusement permits generally

112.02 Permits for festivals, dances and the like

112.03 Billiard rooms

112.99 Penalty

§ 112.01 AMUSEMENT PERMITS GENERALLY.

(A) Every person, group or organization sponsoring or promoting any show, amusement, dance or other program at which admission is charged, if such show, amusement, dance or other program is to be offered on any public property within the city, shall obtain a permit issued by the City Clerk and approved upon terms and conditions specified by the Chief of Police at least 14 days before the commencement of such event, and pay a fee of \$2 to the city. Such person, group or organization shall place two responsible individuals in control of the orderly conduct and safety of those in attendance.

(B) This section shall not apply to any school activity taking place on school property.

(Prior Code, § 620.8)

§ 112.02 PERMITS FOR FESTIVALS, DANCES AND THE LIKE.

(A) Any person, group or organization sponsoring or promoting any festival or entertainment, such as dance, show or other event being open to the general public within the city, shall apply for a permit from the office of the City Administrator at least 14 days prior to the date of the event.

(B) Application for the permit shall be on a form supplied by the City Administrator and shall include the following information:

- (1) The name of the person, group or organization sponsoring the event;
- (2) The location of the event and the name of the owner of the premises;
- (3) The proposed dates and hours of the event;
- (4) The nature of the event;
- (5) The manner of advertising and promoting the event and the anticipated attendance;
- (6) The crowd capacity of the premises on which the event will be held;
- (7) Parking facilities available; and
- (8) Arrangements for security and traffic control.

(C) If the premises for which the event is to be held is indoors, no greater than 7,500 square feet in space, open to the public and has sufficient parking for the anticipated attendance, the city shall issue a permit if the sponsor agrees in writing to the following:

- (1) Close and clear the premises not later than 1:00 a.m. unless extended by City Council;
- (2) Not sell alcoholic beverages or permit alcoholic beverages unless properly licensed to do so;
- (3) Provide sufficient arrangements for security and traffic control; and
- (4) Pay a fee of \$200.

(D) Any other event shall require approval by the City Council prior to issuance of the permit. The City Council shall review said application for a permit, and it shall be granted if it is determined that the sponsors or promoters have taken the necessary steps to ensure protection of the public health, safety and welfare.

(E) The Council may attach conditions on the issuance of the permit as it deems necessary to protect the public health, safety and welfare, including the requirements of posting a cash surety bond to ensure compliance with the conditions.

(F) This section shall apply to new or existing businesses who allow, or plan to allow live entertainment performances, such as band, animal acts, and the like on said premises.

(G) This section shall apply to singular events or to events planned regularly or on an intermittent basis.

(Prior Code, § 620.11) (Ord. 91-011, passed 11-18-1991; Ord. 90-004, passed 5-14-1990)

§ 112.03 BILLIARD ROOMS.

Any establishment which has billiard tables on the premises shall close at 12:00 a.m. each night and not open until 6:00 a.m. the following morning.

(Prior Code, § 430.4)

§ 112.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of §112.01 shall be fined not less than \$5 nor more than \$100. In addition, violation of any of the terms of a permit issued as provided in § 112.01 shall cause immediate revocation and shall constitute cause for denial of a similar permit by the same applicant in the future.

(Prior Code, § 620.8)

(C) In the event an establishment which has billiard tables refuse to close at the time provided in § 12.03, it shall be prohibited from doing business within the city for a period of 30 days and, upon the second violation, shall be prohibited from doing business within the city.

(Prior Code, § 430.4)

CHAPTER 113: INSURANCE COMPANIES

Section

General Provisions

- 113.01 Insurance license and tax
- 113.02 Imposition of license fee
- 113.03 Amount of fee for companies issuing life insurance
- 113.04 Amount of fee for companies issuing policies other than life insurance
- 113.05 Due date; interest
- 113.06 Written breakdown of collections

Fire and Casualty Insurance Companies

- 113.20 Filing required
- 113.21 Definition
- 113.22 License tax
- 113.23 Use of levied money

- 113.99 Penalty

GENERAL PROVISIONS

§ 113.01 INSURANCE LICENSE AND TAX.

(A) (1) Insurance companies engaged in the business of soliciting, issuing or delivering policies or receiving premiums for insuring residents of the city or property located within the city shall not engage in business in the city until such company shall have obtained a license therefor.

(2) Insurance companies engaged in such insurance business within the city shall pay a license fee or tax equal to 4% of the gross premiums received from such insurance business during the preceding calendar year, but in no event shall the license fee or tax be less than \$5. When no insurance company makes original application for a license fee to begin business within the city, such insurance company shall pay a license fee of \$5 for the calendar year within which it commences business.

(B) (1) Computation for the license fee or tax shall be made upon business done by the insurance company for the year immediately preceding January 1 of the year in which the license is payable. Upon making application for such license, the insurance company or its duly designated officer or agent shall furnish the City Clerk a sworn statement of the amount of such business done during the preceding year.

(2) The license fee or tax shall become due and payable April 1 of each year and shall become delinquent if not paid prior to May 1, or in case of a company beginning business, 30 days after commencement of business, after which date a penalty of 20% shall be added.

(C) The City Clerk shall issue the license herein provided for and shall receive \$1 for each license issued to be paid by the insurance company.

(D) It shall be unlawful for an insurance company to do business in the city without first obtaining the license provided for in this section, and it shall be unlawful for any person to act as agent for any insurance company which has not obtained the license required by this section.

(E) The revenue derived from the license fee or tax herein levied shall be paid into and become a part of the General Fund of the city.

(Prior Code, § 220.7) Penalty, see § 113.99

§ 113.02 IMPOSITION OF LICENSE FEE.

There is hereby imposed on each insurance company a license-fee for the privilege of engaging in the business of insurance within the corporate limits of the city for the calendar year 1985, and thereafter on a calendar-year basis.

(Prior Code, § 220.8)

§ 113.03 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 6% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

(Prior Code, § 220.8)

§ 113.04 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 6% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limit of the city on those classes of business which such company is authorized to transact, less all premiums returned to policy holders; however, any license fee of tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act, being KRS Chapter 342, and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2).

(Prior Code, § 220.8)

§ 113.05 DUE DATE; INTEREST.

(A) All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate, as defined in KRS 131.010(6).

(B) All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6). Requests for refunds will be accepted with written proof of detailed overpayment and detailed written explanation. The city reserves the right to request further proof of payment and, if deemed appropriate, may request that the insurance company take credit on subsequent returns. The period for which the city will consider reimbursement is limited to three years prior to the posted date of request.

(Prior Code, § 220.8) (Ord. 2007-013, passed 12-19-2007)

§ 113.06 WRITTEN BREAKDOWN OF COLLECTIONS.

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

- (A) Casualty;
- (B) Automobile;
- (C) Inland marine;
- (D) Fire and allied perils;
- (E) Health; and
- (F) Life.

(Prior Code, § 220.8)

FIRE AND CASUALTY INSURANCE COMPANIES

§ 113.20 FILING REQUIRED.

On or before March 1 of each year, each fire and casualty insurance company doing business in the city shall file in the office of the City Clerk a statement of the total amount of direct premiums received by it or its representative during the preceding calendar year for insurance on property or risks located within the corporate limits of the city, less, however, premiums returned to policyholders and premiums on policies not taken, and less dividends paid or credited to policyholders.

(Prior Code, § 220.1)

§ 113.21 DEFINITION.

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

PREMIUM. Any assessment collected by any fire and casualty insurance company on or any payment made to it as herein provided for insurance on property or risks within the corporate limits of the city, but the word **PREMIUM** shall not be construed to include any reinsurance premiums paid to or received by any such insurance company, nor to include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby under the provisions of the Workers' Compensation Act, being KRS Chapter 342.

(Prior Code, § 220.1)

§ 113.22 LICENSE TAX.

(A) At the time of filing said statement, said company shall pay to the City Clerk a license tax of a sum equal to 1.5% of said premiums received, less the deductions hereinabove set out; provided, however, that the minimum annual license tax so paid shall be the sum of \$5.

(B) However, if any said insurance company has not issued any insurance on property, or covered any risk, within the corporate limits of the city during the preceding year, than at the time it appoints an agent to write insurance on property or cover risks within the corporate limits of the city, or if it does not write said insurance through an agent, then at the time it writes any insurance on property, or covers any risk, within said corporate limits it shall pay a license tax of \$5, which shall be credited upon the amount of license tax due and payable when said company files its report for said calendar year as hereinabove provided.

(Prior Code, § 220.1)

§ 113.23 USE OF LEVIED MONEY.

The money derived from the license tax herein levied shall be used for general purposes.

(Prior Code, § 220.1)

§ 113.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of §113.01 shall be fined not less than \$5 nor more than \$200 for each offense, each day during which a violation occurs or exists constituting a separate offense. Any person violating any provision of § 113.01 as an agent or employees of another shall be subject to the same penalty. In addition to the penalties provided herein, the license fee or tax may be collected when due from the insurance company by a civil action brought by the city.

(Prior Code, § 220.7)

(C) A penalty of 10% of the total tax payable as provided in §§113.20 through 113.23 is hereby imposed upon any company failing to make said report or pay said tax when due, and, upon failure of any said company to make said report or pay said tax, as required by §§ 113.20 through 113.23, upon the due date aforesaid, all of such tax and such penalty shall immediately become due and payable.

(Prior Code, § 220.1)

CHAPTER 114: RESTAURANTS AND LODGING

Section

- 114.01 Definitions
- 114.02 Fee levied
- 114.03 Gross sales report
- 114.04 Lien
- 114.05 City Tourism Commission
- 114.06 Records, receipts, invoices and the like
- 114.07 Refunds

- 114.99 Penalty

§ 114.01 DEFINITIONS.

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

different meaning.

LODGING FACILITY. An establishment that accommodates overnight visitors, on a daily, weekly, monthly basis, for a charge, regardless of how the charge is characterized by the establishment and includes hotels/motels, suite, bed and breakfasts and similar transient lodging establishments. A **LODGING FACILITY** is not to be construed to include apartments, apartment houses and complexes where rental arrangements are usually fixed and ongoing and customarily for the period of 30 days or longer.

RESTAURANT. Any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: restaurants; coffee shops, cafeterias; short-order cafés; luncheonettes; grilles; tea rooms; sandwich shops; soda fountains; roadside and festival stands; street vendors; catering kitchens; grocery delicatessen, convenience store delicatessen; or similar places in which food is prepared for sale for consumption on the premises or elsewhere. It does not include schools, food vending machines, establishments serving beverages only in single service or original containers.

(Ord. 2015-010, passed 10-29-2015)

§ 114.02 FEE LEVIED.

(A) Pursuant to KRS 91A.400, there is hereby levied upon the retail sales of all food, beverage and alcoholic beverages by restaurants and on lodging in the city a fee of 3% of the gross amount of such sales, which shall be passed on to the customer or ultimate consumer.

(B) Temporary food stands, booths, street concessions and similar type operations, whether operated by nonprofit corporations or not, when food is prepared and sold for immediate consumption, are not exempt from this fee.

(Ord. 2015-010, passed 10-29-2015)

§ 114.03 GROSS SALES REPORT.

(A) On or before the twentieth day of each calendar month, each restaurant and lodging owner/operator shall report to the City Treasurer, on forms provided by the city, the gross sales of that restaurant/lodging facility from food and all beverages for the preceding calendar month and on the gross revenue of motels, hotels and other overnight establishments, and calculate the fee due for that month by computing 3% of its gross sales from food and all beverages and on lodging, and the operator shall remit with the form the fee due to the City Tourism Commission. The collection agency shall be City of Springfield, 127 West Main Street, Springfield, Kentucky.

(B) For each one to 30-day period the report and the fee, or either, is past due, there shall be added as a penalty 2% of the fee due. There is a minimum of \$10 regardless of the amount of fee due, if any.

(Ord. 2015-010, passed 10-29-2015)

§ 114.04 LIEN.

A lien is hereby granted unto the city upon all property, real and personal of any restaurant/lodging facility, to secure the unpaid fee receipts due from that restaurant/lodging facility, which lien shall be perfected by filing a notice of the amount due and statement of lien in the office of the county court clerk, describing the property on which the lien is asserted.

(Ord. 2015-010, passed 10-29-2015)

§ 114.05 CITY TOURISM COMMISSION.

(A) (1) The City Tourism Commission shall expend funds within the guidelines of KRS 91A.350 through 91A.390.

(2) The City Tourism Commission shall account for all funding deposited by the city in an account entitled "Springfield Tourism Commission."

(3) The Commission shall annually submit to the City Council a proposed budget for funds for the operation of the Commission for the ensuing year.

(B) No present or former employee of the City Tourism Commission, the city or any other person shall divulge any information acquired by him or her of the affairs of any person, or information regarding fee schedules, returns or reports required to be filed with the Tourism Commission, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or any other infraction of this chapter, nor does it extend to any matter, which is in any way made a matter of public record, nor does it preclude finishing any taxpayer or his or her properly authorized agent with information respecting his or her own report. Further, this prohibition does not preclude the Tourism Commission or any employee of the Commission from testifying in any court, or from introducing as evidence returns or reports filed with the Tourism Commission, in an action for violation of state or federal tax laws.

(Ord. 2015-010, passed 10-29-2015) Penalty, see § 114.99

§ 114.06 RECORDS, RECEIPTS, INVOICES AND THE LIKE.

(A) Every restaurant/lodging facility, as defined in this chapter, shall keep such records, receipts, invoices and other

pertinent papers in such form as the Tourist Commission may require, for not less than four years from the making of such records unless the Tourism Commission in writing sooner authorizes their destruction.

(B) The Tourism Commission or the City Clerk/Treasurer may have access to all of the above records to the extent necessary to determine proper compliance with this chapter.

(Ord. 2015-010, passed 10-29-2015)

§ 114.07 REFUNDS.

In the event of an overpayment or an incorrect payment, a request for refund will be accepted with proof of detailed overpayment and explanation. The city reserves the right to request further proof of overpayment or incorrect payment and if deemed appropriate the request that the business making such a claim take credits on future returns in lieu of a reimbursement by check. The period for which the city will consider reimbursement is limited to two years prior to the posted date of request.

(Ord. 2015-010, passed 10-29-2015)

§ 114.99 PENALTY.

Any person who violates this chapter or fails to comply with any of its requirements shall, on being adjudged liable thereof, be fined not less than \$25 nor more than \$50 and, in addition, shall pay all costs and expenses involved in the collection of the past due amount. Each day a violation continues shall be considered a separate civil offense. Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2015-010, passed 10-29-2015)

CHAPTER 115: SEXUALLY-ORIENTED BUSINESSES

Section

- 115.01 Definitions
- 115.02 Adult entertainment establishments conditions
- 115.03 Adult entertainment establishment licenses
- 115.04 Clear view
- 115.05 Restrictions on advertisement

- 115.99 Penalty

§ 115.01 DEFINITIONS.

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

ADULT DANCING. Includes, but is not limited to, any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or consists of specified sexual activities, both as set forth herein.

ADULT ENTERTAINMENT ESTABLISHMENT. An adult motion picture theater, massage parlor or establishment, an adult book store, an adult escort service or any other business establishment whose principal business use or regular business use is to offer adult-oriented entertainment or matter as characterized by an emphasis on specified sexual activities and/or exposure of specified anatomical areas. **ADULT-ORIENTED ENTERTAINMENT** shall mean any exhibition, live performance, display or dance of any type which has as a significant or substantial portion of such performance any specified sexual activities as defined herein, or the exhibition of any specified anatomical area.

ENTERTAINMENT AREA. An area in an adult entertainment establishment consisting of a platform or other structure raised not less than 18 inches above the immediately surrounding main floor area and encompassing an area of at least 100 square feet.

PERSON. An individual, firm, partnership, joint venture, association, independent contractor, corporation (domestic or foreign), trust, estate, assignee, receiver or any other group or combination acting as a unit.

PREMISES. The entire property, interior and exterior, including parking lots and other outside areas.

SPECIFIED ANATOMICAL AREAS. Includes, but is not limited to, the following:

(1) Less than completely and opaquely covered human genitals or pubic region; the cleavage of the human buttock; any portion of the human female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage

of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

(2) The human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes, but is not limited to, bestiality, erotic or sexual stimulation with objects or mechanical devices, human genitalia in a state of sexual stimulation, arousal or tumescence, fondling, touching of human genitalia, pubic region, buttock, anus or female breast, acts of human anilingus, cunnilingus, fellatio, flagellation, masturbation, sadism, sadomasochism sexual intercourse or sodomy, or any excretory functions as part of or in connection with any of the activities set forth above.

(Ord. 98-009, passed 10-12-1998)

§ 115.02 ADULT ENTERTAINMENT ESTABLISHMENTS CONDITIONS.

In addition to the licensing and other general requirements contained in this chapter relating to adult entertainment establishments, each adult entertainment establishment shall comply with the following requirements.

(A) *Prohibited activities.* No person shall display or expose specified anatomical areas or simulate specified sexual activities, individually or with any patron, spectator, employee or other person, on the premises of an adult entertainment establishment.

(B) *Entertainment area.* No person in an adult entertainment establishment shall engage in any form of entertainment or dancing except while said person is positioned in or occupying an entertainment area, as defined in § 115.01 and, while the person so dancing, performing, displaying or exhibiting, is positioned not less than six feet from any patron or spectator.

(C) *Entertainment area exclusion.* No spectator, patron or person who is not employed by the adult entertainment establishment shall be present in an entertainment area, as defined above, during the course of any adult entertainment, dancing or performance.

(D) *Physical contact prohibition.* While on the premises of an adult entertainment establishment, no employee thereof shall be permitted to have any physical contact with any other employee thereof, patron, spectator or other person while that employee is entertaining, dancing or performing, and all such performances shall occur only in an entertainment area. No employee of the adult entertainment establishment shall touch the breast, buttock or genitals of any patron, spectator, person or other employee of the adult entertainment establishment, and no patron, spectator or other person, shall touch the breast, buttock or genitals of any employee of the adult entertainment establishment, patron, spectator or other person, while on the premises of the adult entertainment establishment. No person on the premises of an adult entertainment establishment shall be permitted to use or be present in areas partitioned or screened from public view and which are designed to be occupied, together or alone, by any person or persons for the display of or exhibition of specified anatomical areas.

(E) *Age restriction.* No person under 18 years of age shall be permitted in an adult entertainment establishment.

(F) *Alcoholic beverages prohibited.* The sale, use or possession of alcoholic beverages by any employee of the adult entertainment establishment, patron, spectator or other person, while on the premises of the adult entertainment establishment, is prohibited.

(G) *Business hours.* No adult entertainment establishment shall be open for business between the hours of 12:00 a.m. and 6:00 a.m. each day, or at any time during the 24 hours of a Sunday.

(Ord. 98-009, passed 10-12-1998) Penalty, see § 115.99

§ 115.03 ADULT ENTERTAINMENT ESTABLISHMENT LICENSES.

(A) *General requirements.* No person shall own an adult entertainment establishment, as defined in §115.01, without first obtaining an adult entertainment establishment license. No person shall operate an unlicensed adult entertainment establishment.

(B) *Application process.*

(1) The owner of an adult entertainment establishment shall apply for a license with the City Clerk. The applicant shall complete an application on the form prescribed by the city and shall submit the following information:

(a) The name and business address of the establishment, including any assumed or fictitious names under which the establishment is or will be operated;

(b) The name, including any assumed or fictitious name or alias, business address, Social Security or tax identification number of the owner and every officer, partner, director or person performing a similar function to an officer, partner or director and the names and addresses of all individuals who own 10% or more of the partnership, corporation, limited liability corporation or company, or limited liability partnership, which is the owner of the establishment;

(c) In the event the owner of the adult entertainment establishment is not the owner of record of the real property on which the establishment is located, or is to be located, the application shall include a notarized statement from the owner(s) of record of the real property acknowledging that an adult entertainment establishment is located or is to be located on the real property upon the issuance of the license. The applicant also shall furnish the name and address of the owner(s) of

record of the real property and a copy of the lease or rental agreement or memorandum thereof;

(d) The name, including any assumed or fictitious name or alias, business address, date of birth, Social Security number and photograph of all persons engaged in the day to day management of the adult entertainment establishment. All person who at any time shall be responsible for attending the entrance of the establishment for the purpose of compliance with this chapter shall be included in this division (B)(1)(d);

(e) The name, including any assumed or fictitious name or alias, business address, date of birth, Social Security number and photograph of the individual designed by the applicant to undertake to keep the applicant, if licensed, at all times in compliance with the restrictions, requirements and conditions set forth in this chapter, together with the written statement of such individual stating that he or she has received a copy of this chapter and that he or she willfully undertakes on behalf of the applicant to comply therewith;

(f) The name, including any assumed or fictitious name or alias, business address, date of birth, Social Security number and photograph of the individual designated by the applicant to be responsible for keeping current the information required hereunder at all times, together with a written statement from such individual stating that he or she has received a copy of this chapter and that he or she willfully undertakes on behalf of the applicant to comply with the requirements herein pertaining to the disclosure of information;

(g) The nature of the activity or activities to be engaged in at such location;

(h) A criminal record report for the applicants, owners, officers, directors, partners, employees or other persons whose names are required pursuant to this section together with a list of all criminal convictions of such persons within the last five years for the offenses listed below in this chapter. Any of such persons who is on parole shall submit with the application the terms of said parole; and

(i) The name and mailing address of the owner to whom notice will be given in case of violations or other matters affecting the license hereunder.

(2) The applicant must submit to fingerprinting by the City Police Department.

(3) The applicant must be current on all fees or taxes of any kind or nature owed to the city.

(4) The premises to be licensed must meet all established zoning, fire, building and/or plumbing codes and cannot provide direct interior access to residential living quarters.

(5) The applicant shall file a floor plan exhibiting all entrances, exits, stairways and all rooms in the building and their intended uses, for purposes of enabling the city to provide emergency services.

(C) *Supplemental information.* The information required by division (B) above shall be kept current at all times even after the granting of the adult entertainment license. It shall be the responsibility of the owner or other person designated in the license application to notify the City Clerk, in writing, no later than 48 hours after the effective date of any change, alteration or modification in any information contained in the application.

(D) *Review process.* The Building Inspector or his or her designee shall inspect the premises proposed to be licensed within 15 days after the completed application and all information required by this chapter has been submitted and the application fee has been paid. The Building Inspector shall report to the City Clerk, who shall issue a license if all restrictions, requirements, conditions and all applicable requirements of this chapter and other applicable laws have been met. The City Clerk shall grant or deny a license application within 20 days of the filing of such application.

(E) *Prohibitions.* No adult entertainment establishment license shall be issued if the applicant or any operator, officer, director, partner or shareholder:

(1) Is less than 18 years of age;

(2) Has been convicted of any of the following offenses within five years of the date of the application:

(a) Gambling, conspiracy to promote gambling or possession of gambling records or gambling devices;

(b) Prostitution, promoting prostitution, permitting prostitution or solicitation for the purpose of prostitution;

(c) The sale, transfer, possession or use of any controlled substance;

(d) Any sexual offenses, including rape, sodomy, sexual abuse, sexual misconduct or indecent exposure;

(e) Distribution of obscene material to a minor, use of a minor to produce, promote or distribute obscene material, advertising obscene materials or promoting the sale of obscenity;

(f) Unlawful transaction with a minor (as defined in KRS Chapter 530 or other similar laws), use of a minor in a sexual performance, promoting a sexual performance by a minor or possession of or advertising matter portraying a sexual performance by a minor; or

(g) Murder, manslaughter or felony assault (as defined in KRS Chapters 507 or 508 or similar laws).

(3) Has failed in the operation of an adult entertainment establishment to comply with any health, zoning, fire or building code enacted or adopted by the city and has failed to correct such violation as provided in this chapter.

(F) *Notice.* If the Building Inspector's inspection reveals a failure to comply with any provisions of this chapter or of any required code, regulation or law, the Building Inspector shall notify the applicant in writing of that fact, stating what failures have been discovered, allowing a reasonable time to correct such defects and informing the applicant of the appeal procedure if the applicant does not agree with the Building Inspector's decision or finding.

(G) *No transfer of license.* The adult entertainment establishment license issued under this chapter does not authorize the operation of an adult entertainment establishment at any place other than the address designated in the application and such license is not transferable. A transfer is deemed to occur when the business is sold, leased or subleased; when securities which constitute a controlling interest in the business are sold or otherwise exchanged; or when a trust, gift or other similar legal device is established which transfers the ownership or control of the business, except for a transfer by bequest or other operation of law upon the death of the natural person possessing the ownership or control of the business.

(H) *Access to licensed premises.* The application for or the granting of an adult entertainment establishment license is deemed to permit periodic inspections by law enforcement officers, or by other persons designated or authorized by the Building Inspector, of all areas of any establishment requiring a license under this chapter for the purpose of verifying compliance with the terms and conditions of this chapter. It shall be unlawful for an applicant, licensee, owner, operator or employee of an adult entertainment establishment to refuse to permit a law enforcement officer or authorized person to inspect the entire premises or any part thereof at any time during the normal business hours of the establishment, or at any time the establishment is open or occupied.

(I) *Application and license fee.* Concurrent with the submission of a license application, the applicant shall pay to the city a nonrefundable fee of \$100. Every adult entertainment establishment shall pay to the city an annual license fee of \$3,000, which fee is due and payable upon the issuance of a license and on or before July 1 of each year thereafter. When a license is first issued, the annual fee may be prorated at the rate of \$250 per month for the remaining months of the current fiscal year, which prorated fee is fully due and payable upon the issuance of the license; provided, however, that no license shall be issued for less than the sum of \$1,500. No licensee shall be rebated any portion of any license fee paid to the city.

(J) *Expiration.* Each license shall expire on June 30 of each calendar year unless earlier suspended or revoked. Application for a new license should be made at least 30 days prior to the expiration date.

(K) *Suspension.* The Chief of Police may suspend an adult entertainment establishment license for a period of not to exceed 30 days if the Chief of Police determines that the applicant, owner, operator or any employee thereof has violated any provision of this chapter, has been on the adult entertainment establishment premises while intoxicated or in a disorderly condition (consistent with the definition of disorderly conduct contained in KRS Chapter 525), has refused to allow an inspection of the premises, or any part thereof, or has knowingly permitted any violation of state law to occur on the premises.

(L) *Revocation.* The Chief of Police shall revoke an adult entertainment license if he or she determines that:

- (1) Cause for suspension under division (K) above occurs and the license has been suspended within the preceding 24 months;
- (2) An applicant knowingly gave false or misleading information in the initial license application or in any subsequent license application;
- (3) An applicant, owner, operator or employee has knowingly allowed possession, use or sale of alcoholic beverages or controlled substances on the premises;
- (4) An applicant, owner, operator or employee has knowingly allowed prostitution or solicitation for prostitution on the premises;
- (5) An applicant, owner, operator or employee has knowingly operated an adult entertainment establishment during a period of time when the establishment's license was suspended; or
- (6) An applicant, owner, operator or employee has knowingly allowed a violation specified in division (E) above to occur on the premises.

(M) *Hearing for denial, suspension or revocation; appeal.* If the Chief of Police determines that grounds exist to deny, suspend or revoke an adult entertainment license, the Chief of Police shall notify the applicant or licensee in writing of the intent to deny, suspend or revoke, including the grounds therefor. The notice shall be hand delivered to the applicant or licensee or sent to the applicant or licensee by certified mail at the address specified in the application, and a copy shall be sent to the City Clerk. Within five business days of receipt of such notice, the applicant or licensee may provide to the Chief of Police, in writing, a response which shall include a statement of reasons why the license should not be denied, suspended or revoked and may include a request for a hearing. A copy shall be sent to the City Clerk. If a response is not timely received by the Chief of Police, the notice shall be a final administrative act of denial, suspension or revocation. If a timely response is received by the Chief of Police, he or she shall, within three business days of his or her receipt of the response, either withdraw the written notice of intent to deny, suspend or revoke by giving notice of such withdrawal to the applicant or licensee or schedule a hearing before the City Council and shall give notice of such hearing to the applicant or licensee. A copy thereof shall be provided to the City Clerk. The hearing shall be informal in nature and shall be conducted within 20 business days of receipt of the applicant's or licensee's response by the Chief of Police. The City Council shall issue an oral decision at the conclusion of the hearing and shall render a written decision within five business days after the completion of the hearing and shall serve the applicant or licensee with a copy of the decision by certified mail. The applicant or licensee may appeal a decision of the City Council to the county circuit court after receipt of the written notice of the decision. If an

applicant or licensee pursues a judicial appeal of a final decision of the City Council, then that licensee or applicant may continue to operate the adult entertainment establishment pending the completion of judicial review.

(Ord. 98-009, passed 10-12-1998) Penalty, see § 115.99

§ 115.04 CLEAR VIEW.

(A) *General requirements.* An adult entertainment establishment shall at all times provide a clear view of the entire area open to the public, from the front entrance to the entertainment area. No partition, box, stall, screen, curtain, plant or other object shall be installed or placed so as to obstruct the view or the general observation from the front entrance of persons in any entertainment area; however, partitions, subdivision or panels that are not higher than 48 inches from the floor shall not be construed as obstructing view or the general observation of persons from the front entrance.

(B) *Prohibitions.* The darkening of any portion of the adult entertainment establishment open to the public in any manner as to prevent any person standing at the front entrance from observing the conduct of patrons therein or of the entertainment areas shall be prohibited.

(Ord. 98-009, passed 10-12-1998) Penalty, see § 115.99

§ 115.05 RESTRICTIONS ON ADVERTISEMENT.

Any adult entertainment establishment license holder shall be required to identify such business as “adult” in any advertisement. No lettering, words or representation of matter relating to sexual activities as defined in this chapter shall be contained in any advertisement. Adult entertainment activities or photographs of the same shall not be displayed about or within any adult entertainment establishment in such a manner as to be open to the general public view from outside the adult entertainment establishment. Each application for an adult entertainment establishment license shall be accompanied by a photograph or drawing of any signs to be displayed on or about the exterior of the premises with an indication as to the dimensions of the same. Signage shall be posted in conspicuous locations indicating that persons must be of appropriate age or older to enter.

(Ord. 98-009, passed 10-12-1998)

§ 115.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who shall violate any of the provisions of §115.02 shall, upon conviction thereof, be fined not more than \$500, and each day of violation shall be considered to be a separate offense.

(C) Any person who shall violate any of the provisions of §115.03 shall, upon conviction thereof, be fined not more than \$500, and each day of violation shall be considered a separate offense.

(D) Any person who violates any of the provisions of §115.04 shall, upon conviction thereof, be fined not more than \$500, and each day of violation shall be considered a separate offense.

(Ord. 98-009, passed 10-12-1998)

CHAPTER 116: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 116.001 TITLE.

This chapter shall be known as the “Alcoholic Beverage Control Ordinance” of the City of Springfield, Kentucky (hereinafter referred to as the “city”).

(Ord. 2024-019, passed 11-12-2024)

§ 116.002 PURPOSE.

The purpose of this chapter is to establish uniform regulations and requirements for the licensing and regulation of

alcoholic beverage manufacture and sales pursuant to authorization under KRS Chapters 241 through 244.

(Ord. 2024-019, passed 11-12-2024)

§ 116.003 DEFINITIONS.

For the purpose of this chapter, the definitions set out in the alcoholic beverage control laws (KRS Chapters 241 through 244) of the state, and all amendments and supplements thereto, shall apply unless the context clearly indicates or requires a different meaning.

(Ord. 2024-019, passed 11-12-2024)

§ 116.004 APPLICATION.

This chapter shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance of the city, or of any statutes of the state relating to violations pertaining to alcoholic beverages.

(Ord. 2024-019, passed 11-12-2024)

§ 116.005 STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the State Alcoholic Beverage Control Law (KRS Chapters 241 through 244), and all amendments and supplements thereto, are adopted so far as applicable to this chapter except as otherwise lawfully provided herein.

(Ord. 2024-019, passed 11-12-2024)

§ 116.006 IMPLEMENTATION OF CHAPTER.

The City Council may promulgate rules and regulations, and/or amendments thereto, as is in its discretion in order to ensure the proper implementation of this chapter. Such will be done as according to local, state and federal law.

(Ord. 2024-019, passed 11-12-2024)

LICENSES

§ 116.020 CITY LICENSES.

For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the city, and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the city licenses described in KRS 243.070. The fee for each city license shall be as set out in the schedule set forth below. In the event KRS 243.070 shall hereafter be amended to authorize additional city licenses, the city shall have authority to issue that additional city license type and the fee for such license shall be the maximum fee provided in KRS 243.070 as amended.

Authorized public consumption license, per annum (if want to allow)	\$250
Bottling house or bottling house storage license, per annum	\$1,000
Brewer's license, per annum	\$500
Caterer's license, per annum	\$600
Distiller's license, per annum	\$500
Extended hours supplement license, per annum	\$2,000
Limited golf course license, per annum	\$500
Limited restaurant license, per annum	\$600
Malt beverage distributor's license, per annum	\$400
Microbrewery license, per annum	\$500
Nonquota retail malt beverage package license, per annum	\$200
Nonquota Type 1 retail drink license, per annum	\$600
Nonquota Type 2 retail drink license, per annum	\$600
Nonquota Type 3 retail drink license, per annum	\$600
Nonquota Type 4 retail malt beverage drink license, per annum	\$600
Qualified historic site, per annum	\$1,030
Quota retail drink license, per annum	\$600
Quota retail package license, per annum	\$600
Rectifier's license	

Class A, per annum	\$3,000
Class B (craft rectifier), per annum	\$960
Special Sunday retail drink license, per annum	\$0
Special temporary alcohol auction license, per event	\$100
Special temporary license, per event	\$100
Wholesaler's license, per annum	\$3,000

(B) The fee for each of the first five supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.

(C) The holder of a nonquota retail malt beverage package license may obtain a nonquota Type 4 malt beverage drink license for a fee of \$50. The holder of a nonquota Type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of \$50.

(Ord. 2024-019, passed 11-12-2024)

§ 116.021 EXPIRATION OF LICENSE; PRORATION OF FEES.

(A) All city licenses, except temporary licenses, shall begin on July 1 of any year and shall expire on June 30 of the following year as set forth in KRS 243.090 and 804 KAR 4:390. Any licenses issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half the amount of the full fee for an annual license of that type.

(B) Special temporary licenses requires an application to be filed with the Department of Alcoholic Beverage Control no later than five working days prior to the date for which the license is requested. The Department will deny all applications that are received less than five days prior to the requested date.

(Ord. 2024-019, passed 11-12-2024)

§ 116.022 PAYMENT OF LICENSE FEES; DELINQUENCY.

No licensee shall enter into or begin operating any business for which a license is required by this chapter until the license fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten days after it becomes due shall result in a penalty equal to 10% of the license fee. Any licensee failing to pay the fees, including penalties, within ten days after such fees are due may be subject to revocation of the license and to other penalties as provided in this chapter.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.999

§ 116.023 REFUND OF FEES.

(A) Should any licensee under this chapter be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the state with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.

(B) In the event a violation of this chapter occurs that results in the suspension or revocation of the license, the city shall not be required to refund any portion of the license fee.

(C) Payment of said regulatory fee shall be remitted to the City ABC Administrator, who shall transmit all fees to the City Clerk, or his or her designee, for deposit into the appropriate designated account. The city may use said fees as permitted by law, including, but not limited to, any cost of additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other fees or licenses permitted by law, except that a credit against a regulatory license fee in the city shall be allowed in an amount equal to any license fee shall be based on paperwork required by the local and/or State ABC Administrator, which may include, but is not limited to, tax returns and financial statements. Said paperwork and payment will be due according to the schedule set forth by the Mayor, or his or her designee, which may be set at, but is not limited to, time periods consisting of a monthly or quarterly billing by the local ABC office and/or the city.

(D) Failure to pay such remittance within ten days of the due date constitutes a violation and shall subject a licensee to suspension or revocation.

(E) Penalty for failure to file a return and pay remittance by the due date is 5% of the regulatory fee for each 90 days or fraction thereof. The total late filing penalty shall not exceed 25% of the regulatory fee; provided, however, that in no case shall the penalty be less than \$10.

(F) Interest at the rate of 8% per annum will apply to any late payments.

(G) The City ABC Administrator shall transmit all fees and any other types of payment made to the city, upon collection,

to the City Clerk or his or her designee, for deposit into the appropriate designated account.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.999

§ 116.024 APPLICATION AND MAINTENANCE OF LICENSE.

(A) *Advertisement.* Before an application for a license shall be considered, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in the newspaper used by the city for legal notices under KRS 424.120. The notice shall include the following.

(1) The advertisement shall state the name and address of the applicant and the name and address of each principal owner, partner, member, officer and director if the applicant is a partnership, limited partnership, limited liability company, corporation, governmental agency or other business entity recognized by law. All advertisements shall state the location of the proposed premises for which the licenses sought, and the type of business, and type of license for which application is made.

(2) The applicant shall attach to the application a newspaper clipping of the advertisement.

(B) *Form of application.*

(1) All licenses granted under this chapter shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the State ABC Board and/or the city, both of which may be amended and supplemented from time to time by each respective agency.

(2) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought, as required by the state statutes, the State Department and the city, including as follows:

(a) Name and address;

(b) Nature of interest;

(c) Whether or not a citizen of the United States;

(d) Date of birth;

(e) Date of residence was established in the state, if a resident of the state;

(f) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this chapter;

(g) Extent of stock or company ownership; and

(h) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province.

(3) Each application shall be accompanied by a certified check, cashier check or money order for the amount of the license fee.

(4) In addition to the above specified information, the applicant shall file, with the application, responses to any additional questions as may be posed or prescribed by the City ABC Administrator. The City Council has adopted a statement of guidelines and priorities for the issuance of licenses within this chapter to determine the extent to which applications may further, or impede, the objectives of those guidelines. Therefore, in addition to the information contained in the application, the City ABC Administrator may require such other information as the Administrator may, in his or her discretion, deem desirable, reasonable or appropriate to the consideration of the application.

(Ord. 2024-019, passed 11-12-2024)

§ 116.025 GENERAL LICENSE CONDITIONS.

In addition to any other inquiries, conditions or considerations required or permitted by law:

(A) The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his or her place of business shall have been approved by a licensed building inspector and any and all other inspections required by the State Building Code or other applicable law;

(B) No license to sell alcoholic or malt beverages may be granted or renewed to any person who is delinquent in the payment of any property taxes, both real and personal, any other taxes due to the city, fees of any type, or charges due to any department of the city at the time of issuing the license, nor may any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any of the above delinquent payments due and owing to the city. Further, if a licensee becomes delinquent in the payment of any of the above at any time during the license period, the license to sell alcoholic or malt beverages may be subject to revocation or suspension; and

(C) No person, whether an applicant for license or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the City ABC Administrator, or any member of the city's staff, or any State ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This division (C) is not intended to stifle expressions of opinion, however, it is intended to make

clear that the ABC Administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license or contesting the revocation or suspension of a license who engages in attempted bribes, threats, attempted undue influence or intimidation of a city or State ABC Administrator or staff shall be disqualified from receiving or retaining a license in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this chapter. Nothing in this chapter shall be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where this chapter and applicable statutes allow for such payments in settlement.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.999

§ 116.026 DENIAL OF LICENSE.

(A) The City ABC Administrator may deny a city license for any of the following reasons:

(1) Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales or the administration thereof;

(2) If the applicant has done any act for which a revocation of license would be authorized under local, state or federal law; or

(3) If the applicant has made any false material statement in his or her application.

(B) An applicant who has been refused a license by the City ABC Administrator may appeal the refusal to the State Board pursuant to § 116.047.

(Ord. 2024-019, passed 11-12-2024)

§ 116.027 FORM OF LICENSE.

All city licenses shall be in such form as may be provided by the ABC Administrator but at the least shall contain:

(A) The name and address of the licensee;

(B) The number of the license;

(C) The type of license;

(D) A description by street and number, or otherwise, of the licensed premises;

(E) The expiration date of the license; and

(F) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(Ord. 2024-019, passed 11-12-2024)

§ 116.028 CHANGE OF INFORMATION.

(A) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the City ABC Administrator with ten days of the change.

(B) Since a number of licenses issued by the city are in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the City ABC Administrator. The City ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(C) For the purpose of this section, and as used with regard to a partnership, corporation, LLC or other business organization herein, the word **CHANGE** is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any person secures 10% of the outstanding ownership or stock. Transfer of more than 10% of the total ownership or stock shall require a new license.

(D) The following information shall be required concerning any new manager, partner or LLC member, new director, officer or person securing any interest in alcoholic beverage license:

(1) Name and address;

(2) Nature of interest;

(3) Whether or not a citizen of the United States;

(4) Date of birth;

(5) Date residence was established in the state, if a resident of the state. If a resident, indicate when residence was established;

(6) Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other

business organization holding a license under this act;

(7) Extent of stock or company ownership; and

(8) Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

(E) This information shall be filed with the City ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten days of any change of required information.

(Ord. 2024-019, passed 11-12-2024)

§ 116.029 RENEWAL OF LICENSE.

(A) Every year, except in the case of temporary licenses, each licensee shall renew his, her or its license. All renewal licenses must be on file with the City ABC Administrator no less than 30 days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, city or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; provided, that said licensee shall file a written verified statement no less than 20 days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, that such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(B) The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(Ord. 2024-019, passed 11-12-2024)

§ 116.030 LOST OR DESTROYED LICENSE.

When a license shall be lost or destroyed without fault on the part of the licensee or his or her agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator after the Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of \$10 for the duplicate license.

(Ord. 2024-019, passed 11-12-2024)

ADMINISTRATION AND ENFORCEMENT

§ 116.045 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) Pursuant to KRS 241.160 and 241.170, there is hereby created the office of the City Alcoholic Beverage Control Administrator (hereinafter "the Administrator").

(B) The Administrator shall be appointed by the Mayor based upon the qualifications of the candidates to fill the position, subject to the approval of the City Council for a term of one year. Initial budget for the office shall be \$400 per month and be reviewed annually. The duties of the Administrator are to carry out the provisions of this chapter and all other state and local ordinances pertaining to the sale of alcoholic beverages in the city.

(C) The City Alcohol Beverage Administrator may from time to time appoint such additional personnel, such as alcohol beverage control investigator(s), as is necessary to assist him or her in the administration of this chapter.

(D) The City ABC Administrator shall have the same duties and functions regarding local license applications and renewals as the State Department of Alcoholic Beverage Control ("Department") with respect to state licenses. The City ABC Administrator shall have the same duties and functions regarding local license penalization as the Alcoholic Beverage Control Board ("Board") with respect to state license penalization.

(E) To prevent potential conflicts of interests, no person shall be a City ABC Administrator, an investigator or an employee of the city, under the supervision of the City ABC Administrator, who would be disqualified to be a member of the Board under state law set forth in KRS 241.100.

(F) The City ABC Administrator shall have authority delegated by the Mayor, and as authorized under KRS Chapters 241 through 244. The City ABC Administrator and his or her investigators shall have jurisdiction co-extensive with the boundaries of the city.

(G) The City ABC Administrator and his or her investigators shall have available at all reasonable times for their inspection all books and records required to be maintained by licenses under KRS 244.150, and the City ABC Administrator shall receive copies of all reports submitted by licensee to the Department.

(H) The City ABC Administrator, before entering upon his or her duties, shall take the oath as prescribed in § 228 of the Constitution. The ABC Administrator and any employee delegated or assigned to the ABC Administration may also be asked

to execute a bond in such penal sum as the city deems necessary unless said person is already covered under the city's active bonds in regards to officials and employees of the city.

(Ord. 2024-019, passed 11-12-2024)

§ 116.046 REVOCATION OR SUSPENSION OF LICENSE.

(A) Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of other provisions of KRS Chapters 241 through 244, or any rule or regulation of the State Board, or of the State Department of Revenue, relating to the regulation of the manufacture, sale and transportation, or taxation, of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this chapter, now, heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors, or any rules or regulations of the city heretofore in existence or authorized by the terms of KRS Chapters 241 through 244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his or her instructions.

(B) A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.

(C) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

(1) Conviction of the licensee or the licensee's agent, servant or employee for selling any illegal alcoholic beverages on the licensed premises;

(2) Making any false material statements in an application or renewal application for a license or supplemental license;

(3) Conviction of the licensee or any of the licensee's agents, servants or employees of:

(a) Two violations of the terms and provisions of KRS Chapters 241 through 244, or any act regulating the manufacture, sale and transportation of alcoholic beverages within two consecutive years;

(b) Two misdemeanors directly or indirectly attributable to the use of alcoholic beverages within two consecutive years; or

(c) Any felony.

(4) Failure or default of a licensee to pay an excise tax or any part of the tax or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any related administrative regulations promulgated by the Department of Revenue;

(5) Revocation of any state license provided in KRS 243.030 or 243.040, or a permit granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages;

(6) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook or facility. This division (C)(6) shall not apply to:

(a) The sale of lottery tickets sold under the provisions of KRS Chapter 154A;

(b) The operation of a pari-mutuel system for betting, where authorized by law;

(c) The conduct of charitable gaming by a charitable organization licensed or permitted under KRS Chapter 238; or

(d) Special temporary raffles of alcoholic beverages under KRS 243.036.

(7) Conviction of the licensee, the licensee's agents, servants or employees for:

(a) The trafficking or possession upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs;

(b) Knowingly permitting the trafficking or possession by patrons upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs; or

(c) Knowingly receiving stolen property upon the licensed premises.

(8) Failure to comply with the terms of the City ABC Administrator.

(D) The proceedings for the revocation or suspension of license are as follows.

(1) Upon the verified complaint of any person, or on the initiative of any law enforcement officer, or of the City ABC Administrator, the City ABC Administrator may institute proceedings to revoke or suspend any license granted under this chapter. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the

application, whether or not the mailing is receipted for or claimed.

(2) The specific procedures to be followed in hearings on actions for revocation or suspension shall provide constitutional due process rights to the City ABC license holder.

(3) A decision of the City ABC Administrator revoking or suspending a license may be appealed to Board as provided in KRS 241.200 and 243.550.

(4) Within three days after any order of revocation or suspension of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his or her license to the City ABC Administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, the Chief of Police, at the request of the City ABC Administrator, shall immediately cause one of his or her officers to take physical possession of the license and return it to the City ABC Administrator.

(5) When a license has been revoked or suspended, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his or her stock of alcoholic beverages to an appropriate entity.

(6) An appeal from the decision of the City ABC Administrator revoking or suspending a license shall be to the State Board pursuant to § 116.047. The timely filing of an appeal shall stay further proceedings for revocation.

(7) If a license is revoked or suspended by an order of the City ABC Administrator, and the decision is not appealed, the licensee shall suspend all operations authorized under his or her license upon finality and effectiveness of the order. Upon finality of any final order of the State Board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under the suspended or revoked license.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.047 APPEALS.

(A) Appeals from the orders of the City ABC Administrator may be taken to the State ABC Board by filing a notice of appeal with the Board within 30 days after the decision or order of the County ABC Administrator is mailed or delivered by personal service. The notice of appeal shall specify the County Administrator by name and shall identify the decision or order, or part of the decision or order, being appealed. The notice shall contain a certificate that a copy of the notice has been served on the City ABC Administrator and shall be accompanied by a copy of the decision or order being appealed. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from decisions or orders of the County Administrator shall be governed by KRS Chapter 13B.

(B) As provided by law no appealed City ABC Administrator order or decision, or resulting State Board order, shall become effective or final until all Board appeals, court appeals or appeal times shall have been exhausted. When a Board order becomes final and effective, the City ABC Administrator, shall enter such orders and take such action as required by the final order of the Board.

(Ord. 2024-019, passed 11-12-2024)

§ 116.048 TRANSFER OR ASSIGNMENT.

No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of \$100 shall be made to the City ABC Administrator.

(Ord. 2024-019, passed 11-12-2024)

§ 116.049 REVIEW OF LICENSE; BOOKS, RECORDS AND REPORTS.

(A) Applicants to whom a license is issued pursuant to this chapter shall provide periodic information demonstrating compliance with the conditions of any license, such as, but not limited to, the continuing requirement that a minimum percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. The city shall provide the form schedule to the licensee. The licensee's acceptance of a license to manufacture or traffic in alcoholic beverages shall constitute consent to the filing of the quarterly report. In the case of caterer filing, the quarterly report shall identify each catered event by type of event, date and address of the event and shall provide a per event breakdown of sales and the ratio of food sales to alcohol sales during the reporting period. This requirement for filing of reports notwithstanding, the city may at any time come upon the premises of any licensee and examine the books and records to determine whether the licensee is in compliance with all parts of this chapter. In the event the conditions of any license requirement are not met during any particular quarter, the City ABC Administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least one year in determining whether or not the food sale percentage requirement has been met.

(B) Every licensee under this chapter shall keep and maintain, upon the licensed premises, adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such city employees who may assist the City ABC Administrator in his or her review.

(Ord. 2024-019, passed 11-12-2024)

§ 116.050 DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Such is the intent of this section. Realizing that a licensee, like other business, may have his or her business interrupted by situations not under his or her control, various exceptions to the dormancy rule have been included in this section.

(B) Any license under which no business is transacted during a period of 90 days shall be deemed inactive and, unless the conditions set forth in division (C) below are proved to the satisfaction of the City ABC Administrator, the license shall be surrendered to the City ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the City ABC Administrator.

(C) The provisions of division (B) above shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the expiration of 90 days of inactivity, such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business, for any of the specific reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, that no such license shall be considered valid unless business is conducted thereunder within 12 months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his or her sound discretion.

(Ord. 2024-019, passed 11-12-2024)

§ 116.051 AUTHORIZATION TO ENFORCE CHAPTER.

City police officers and the City ABC Administrator and his or her investigator(s) are hereby authorized to enforce this chapter in full.

(Ord. 2024-019, passed 11-12-2024)

CONDITIONS; LICENSED PREMISES

§ 116.065 HOURS OF SALE.

A licensee for distilled spirits, wine and/or malt beverages shall be permitted to sell distilled spirits, wine and/or malt beverages between the hours of 6:00 a.m. and 12:00 a.m., Monday through Saturday. The sale of malt beverages, distilled spirits or wine may be sold on Sundays during the hours of 10:00 a.m. until 10:00 p.m. and during the hours the polls are open for any regular, primary, school or special election.

(Ord. 2024-019, passed 11-12-2024)

§ 116.066 GAMBLING.

No gambling or game of chance unless otherwise authorized by the state shall be permitted in any form on such licensed premises. Dice, slot machines, quarter pushers, prize redemption machines with programmable payouts, or any device of chance is prohibited and shall not be kept on such premises.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.067 DISORDERLY PREMISES PROHIBITED; SECURITY.

The licensee shall be responsible for keeping the premises orderly and must maintain adequate security for the premises to ensure the safety, health and welfare of the general public utilizing the licensed premises. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.068 PRIZES, PREMIUMS, FREE SAMPLES PROHIBITED.

(A) *Prizes and premiums prohibited.* It shall be unlawful for a licensee to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of malt beverages unless permitted by KRS 244.500.

(B) *Treating prohibited.* It shall be unlawful for the licensee under this chapter to give away any alcoholic beverage to a consumer in any quantity for free or for less than paid or current wholesale cost, unless the licensee holds a sampling license or its license type permits limited free samples (i.e., small farm winery, microbrewery, brewer's), or a bona fide "close out" sale approved by the State Administrator.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.069 INTOXICATED PERSONS; DRUNKENNESS.

The licensee shall not sell, give or deliver any alcoholic beverages to any person who appears to a reasonable person to be actually or apparently under the influence of alcoholic beverages, controlled substances, other intoxicating substances or any of these substances in combination, to the degree that the person may endanger any person or property, or unreasonably annoy persons in the vicinity.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.070 UNDERAGE SALES.

The licensee shall not sell, give or deliver any alcoholic beverages to any person who is under 21 years of age, or permit same.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.071 NOTICE TO PERSONS UNDER THE AGE OF 21.

Per state law, the licensee shall display at all times in a prominent place a sign at least eight inches by 11 inches in 30-point or larger type font which states that persons under the age of 21 are subject to a fine of up to \$100 if they:

- (A) Enter licensed premises to buy, or have served to them, alcoholic beverages;
- (B) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages; and/or
- (C) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(Ord. 2024-019, passed 11-12-2024)

§ 116.072 LICENSE TO BE DISPLAYED.

(A) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(B) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eight inches by 11 inches with gender-neutral language supplied by the State Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

(Ord. 2024-019, passed 11-12-2024)

§ 116.073 LEGAL TRANSACTIONS FOR WHOLESALERS, DISTRIBUTERS AND RETAILERS.

No wholesaler or distributor shall sell any alcoholic beverages to any person in the city for any consideration except under cash terms of the wholesaler or distributor at or before the time of delivery. A wholesaler is also permitted to extend credit for 30 days to a retailer for the purchase of distilled spirits and wine.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.074 EMPLOYMENT RESTRICTIONS.

No licensee shall knowingly employ in connection with his or her business any person who:

- (A) Has been convicted of any felony within the last two years unless permitted by KRS 244.090(2);
- (B) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two years unless permitted by KRS 244.090(2);
- (C) Is under the age of 20 years, who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute, unless said person is exempt or permitted by KRS 244.090; or
- (D) Within two years prior to the date of his or her employment has had any city license under this chapter revoked for cause.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.075 LAVATORY FACILITIES REQUIRED.

All retail beer and retail drink licenses shall be required to provide indoor or outdoor lavatory facilities for their customers where such beverages are consumed on the premises.

(Ord. 2024-019, passed 11-12-2024)

§ 116.076 NUDITY AND ADULT ENTERTAINMENT ACTIVITIES PROHIBITED.

No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premises. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling, Jell-O wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including, but not limited to, wages, tips or gratuities) or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premises in the city.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.077 MINORS.

(A) Except as specifically authorized under KRS Chapters 241 through 244, no person under the age of 21 may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.

(B) Except as permitted by KRS 244.085 and 804 KAR 5:070, no person under the age of 21 may remain on any premises licensed for the package sale of alcoholic beverages unless in the company of a parent or guardian. No person under the age of 21 may enter any premises licensed for drink sales of alcoholic beverages unless permitted by KRS 244.085(5) and 804 KAR 5:070. The prohibition contained in this division (B) shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store, drugstore and other business types listed in KRS 244.085 and by the State Board in 804 KAR 5:070.

(C) No person shall knowingly permit, aid, assist, induce, cause or otherwise encourage any minor to be in possession of, use or consume alcoholic beverages. All licenses, as set out in this chapter, shall require proof of age of all persons attempting to purchase or consume alcoholic beverages on the licensee's premises.

(D) No person being the owner or occupant or otherwise in possession or control of any property located within the city shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

(E) It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.078 CONSUMPTION AT PACKAGE STORES PROHIBITED.

(A) No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises unless it also holds the appropriate drink license. The licensee shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

(B) This restriction regarding on-premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS Chapter 243, or where sampling is permitted for a retail distilled spirits and wine licensee under the provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.079 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

(A) All persons employed in the selling and/or serving of alcoholic beverages shall participate in and complete a responsible beverage serving ("RBS") program acceptable to the City ABC Administrator.

(B) All persons required to complete training under division (A) above shall complete that training within 30 days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages, all employees must be trained prior to the opening of the business.

(C) Each licensee shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the pertinent training information. Each premises licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty as described herein.

(D) All persons completing the training required by this section shall be re-certified not less than once every three years thereafter.

(Ord. 2024-019, passed 11-12-2024)

§ 116.080 SIGNS AND ADVERTISING.

(A) All signage shall be in compliance with any and all other existing rules, regulations and ordinances of the city, including, but not limited to, the Planning and Zoning Ordinance as currently enacted, and/or as may be amended in the future.

(B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(C) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130 and regulations promulgated thereunder.

(D) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or the use of terms such as "high test," "high proof" or "extra strong") or depicting activities that tend to encourage excessive consumption.

(E) No licensee shall erect or allow to be erected any banner that displays any particular brand of alcoholic beverage on the outside of the building or on the property.

(F) Signage which refers directly or indirectly to alcoholic beverages will be limited to one sign not over two square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business cards not larger than two and one-half inches in size, setting forth the price at which the licensee offers alcoholic beverages for sale.

(G) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars or cards as a medium of advertising alcoholic beverages.

(H) No licensee shall advertise alcoholic beverages on any municipally owned property or at any municipally sponsored event.

(Ord. 2024-019, passed 11-12-2024) Penalty, see § 116.99

§ 116.081 SIDEWALK CAFÉ PERMIT.

(A) (1) Licensees in the downtown business district/area may request a permit to use sidewalk as an adjunct to the primary and adjacent licensed premises to serve food and alcoholic beverages there. In the case of permitted sidewalk cafés, they shall be deemed part of the licensed premises.

(2) Any licensee/restaurant that is licensed under this chapter and the provisions of the state ABC laws, may, upon application to the local ABC Administrator, ask permission to expand the operation of the business/restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk café"). Licensees who do not serve food shall not be eligible to apply for a sidewalk café permit.

(B) The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the ABC Administrator may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café where necessary in the judgment of said Administrator to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing.

(1) No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of 36 inches must be maintained on the public sidewalk at all times. The sidewalk café shall not be permitted in any manner to obstruct the entrance/exit to the restaurant.

(2) No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk café during any period when the sidewalk café is not open and being operated. They shall be removed at the end of each business day at the hour specified in the permit. Umbrellas, tables, chairs and other portable appurtenances shall be confined to the area shown on the approved permit. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.

(3) The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including, but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.

(4) The licensee shall, in addition to all other requirements of law, take reasonable steps to ensure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passers-by or persons who are not of age or who are obviously or apparently intoxicated.

(5) No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests.

(6) No amplified sound shall be used within a sidewalk café. At no time shall any music originating from any part of the premises create a nuisance.

(7) Dancing shall not be permitted or allowed in the sidewalk café.

(8) The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises.

(9) The permit for sidewalk café may not be assigned or transferred.

(C) No sidewalk café permit shall be effective unless the licensee has filed with the City ABC Administrator evidence of insurance, insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk café, in an amount to be established by the City Attorney and the City Safety Coordinator. The city shall be named an additional insured in the policy required. Such insurance policy shall further provide expressly that it may not be canceled except upon ten days' written notice (or more) filed with the ABC Administrator and the City Attorney.

(Ord. 2024-019, passed 11-12-2024)

§ 116.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) In addition to any criminal prosecution instituted in county district court against an alleged violator, the City ABC Administrator may assess civil fines in lieu of suspension as authorized in KRS 243.480, including the per diem assessments for ongoing violations. Payment of all fines shall be remitted to the City ABC Administrator, who shall then transmit the fines to the City Clerk for deposit in the appropriate designated account.

(2) Any person, firm or corporation who violates any of the provisions of this chapter, for which no other penalty is hereby provided, shall be guilty of a misdemeanor and subject to prosecution in the county court system, as follows: for the first offense, be fined not less than \$100 nor more than \$200 nor more than \$500, or imprisoned for not more than six months, or both. The penalties provided for in this division (B) shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, joint stock company, association or other business organization or a fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

(C) Violation of §§ 116.065 through 116.076 shall subject the licensee to penalties provided in division (A) above and shall be cause for revocation or suspension of city licenses.

(Ord. 2024-019, passed 11-12-2024)

CHAPTER 117: CABLE TELEVISION SYSTEMS

Section

117.01 FCC rate regulations

117.02 Rate filing submission

117.03 Notice of filing

117.99 Penalty

§ 117.01 FCC RATE REGULATIONS.

(A) The city will follow the FCC rate regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the franchise.

(B) In connection with such regulations, the city will ensure a reasonable opportunity for consideration of the views of interested parties.

(C) The Mayor, or his or her designee, is authorized to execute on behalf of the city and file with the FCC such certification form or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the city to regulate basic service rates and charges.

(Ord. 94-001, passed 2-14-1994)

§ 117.02 RATE FILING SUBMISSION.

An operator that is notified that its basic service and equipment rates are subject to regulation must file a submission ("the rate filing") within 30 days of the notification, justifying its then-existing basic service and equipment rates. All rates for all customer classifications must be justified. Once an operator has been so notified by the city that its rates for basic service or equipment are subject to regulation, it may not thereafter increase its rates for basic service or equipment without the prior approval of the city. This requirement applies in all cases, including with respect to increases in rates announced prior to the date the operator was notified its rates were subject to regulation, where the increases were not implemented prior to the date of notice. An operator must submit a rate filing to justify any increase in basic service or equipment rates or any new basic services or equipment rates (collectively referred to herein as "rate increases"). An increase occurs when there is an increase in rates or a decrease in program or customer services. Rate filings proposing and supporting rate increases must be filed for review at least 30 days in advance of the proposed effective date of the increase. This requirement does not alter or eliminate any other notice requirement. To facilitate providing notice of filings to the public, an operator shall give the

Mayor of the city notice by facsimile machine, or hand delivery, of its intent to make a filing at least three days before the filing is made. Every rate filing must be submitted to the Mayor. A rate filing shall be considered filed for review on the date the rate filing and all required copies are received by the Mayor. Seven copies of each rate filing (including all supporting materials) must be submitted. Subject to any FCC regulations governing the burden of proof, a rate filing submitted by an operator must show that the rates the operator proposes to charge for basic service and equipment are reasonable. If the operator seeks to support a rate based upon a cost of service, the city will establish a rate that provides the operator an opportunity to recover the reasonable costs associated with providing basic cable service, including a reasonable profit. An expense or investment is not presumed reasonable merely because the operator has incurred or made it. An operator is not entitled to recover monopoly rents in any form. In addition to the information the city requires the operator to provide, and unless the city grants a waiver of this provision, an operator who seeks to justify all or any part of its rates based upon its cost of service must submit a complete cost of service analysis that shows all expenses it incurs and all revenues derived from the system, directly or indirectly, by the operator or any person that constitutes a cable operator of the system within the meeting of 47 U.S.C. § 522(5).

(Ord. 94-001, passed 2-14-1994)

§ 117.03 NOTICE OF FILING.

(A) The Mayor shall promptly publish a notice of a filing and that, except for those parts which may be withheld as confidential, it will be available for public review. The notice shall state that interested parties may comment on the filing and shall provide interested parties seven days to submit written comments on the filing to the Mayor. The Mayor shall submit the comments received and its recommendations for action to the City Council no later than 20 days after the filing and shall make those recommendations available for public inspection. The operator may submit a response to public comments or the Mayor's recommendations, but must do so no later than three business days after the Mayor notifies the operator that comments and recommendations have been submitted to the City Council. The response shall be filed with the Mayor, and, if submitted in a timely fashion, the Mayor shall forward a copy to the City Council. Within 30 days of the date of the filing, the City Council shall issue a written order ("initial rate order"), which may be in any lawful form, approving the proposed rate in whole or in part; denying the proposed rate in whole or in part; or tolling the proposed rate in whole or part. If the Council tolls the rate in whole or in part, its written order shall explain that it requires additional time to review the rate filing and state that the operator may cure any deficiency in its filing by submitting a supplementary filing within 20 days.

(B) For the purpose of this section, and with respect to existing rates, **TOLLING** means the rates may remain in effect, subject to refunds; with respect to rate changes, **TOLLING** means the portion of the rate change that is tolled may not go into effect.

(Ord. 94-001, passed 2-14-1994)

§ 117.99 PENALTY.

The failure of the operator to comply in good faith with this chapter will constitute a misdemeanor and subject the operator to a fine of \$500 and/or 12 months imprisonment and a civil penalty equal to cost or damages which may be proven by the city for violating this provision.

(Ord. 94-001, passed 2-14-1994)

CHAPTER 118: CANNABIS BUSINESS OPERATIONS

Section

118.01 Definitions

118.02 Cannabis businesses authorized

§ 118.01 DEFINITIONS.

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

CABINET. The Cabinet for Health and Family Services.

CANNABIS BUSINESS. An entity licensed under this chapter as a cultivator, dispensary, processor, producer or safety compliance facility.

CULTIVATOR. An entity licensed as such under KRS 218B.080, 218B.085 and 218B.090.

DISPENSARY. An entity licensed as such under KRS 218B.080, 218B.085 and 218B.090.

MEDICINAL CANNABIS.

(1) Marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed or used in accordance with this chapter;

- (2) Includes **MEDICINAL CANNABIS** products and raw plant material; and
- (3) Does not include industrial hemp or industrial hemp products as defined in KRS 260.850;.

PROCESSOR. An entity licensed as such under KRS 218B.080, 218B.085 and 218B.090.

PRODUCER. An entity licensed as such under KRS 218B.080, 218B.085 and 218B.090.

SAFETY COMPLIANCE FACILITY. An entity licensed as such under KRS 218B.080, 218B.085 and 218B.090.

(Ord. 2024-018, passed 10-8-2024)

§ 118.02 CANNABIS BUSINESSES AUTHORIZED.

(A) All cannabis businesses are hereby authorized to operate in the city limits.

(B) **CANNABIS BUSINESS** means any entity licensed under KRS Chapter 218B as a cultivator, dispensary, processor, producer or safety compliance facility.

(Ord. 2024-018, passed 10-8-2024)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Careless conduct in smoking and use of matches or lighters
- 130.02 Dumping trash and the like prohibited
- 130.03 Weeds and trash
- 130.04 Public streets to be kept clean
- 130.05 Weapons and firearms
- 130.06 Disturbing the peace; noise
- 130.07 Curfew for minors
- 130.08 Synthetic drugs; regulations, controls and restrictions
- 130.09 Tobacco-free zones

130.99 Penalty

§ 130.01 CARELESS CONDUCT IN SMOKING AND USE OF MATCHES OR LIGHTERS.

It shall be unlawful for any person willfully, wantonly or carelessly to use matches or smoking material or dispose of lighted matches, cigarettes or cigars or live embers of any smoking material so as to result in setting fire to any building or part of building, furnishings or fixtures, covers, mattresses or rugs where the public sleeps or boards such as hotels, rooming houses and other public sleeping accommodations.

(Prior Code, § 1010.1) Penalty, see § 130.99

§ 130.02 DUMPING TRASH AND THE LIKE PROHIBITED.

It shall be unlawful for any person, firm or corporation to dump any garbage, trash, cans, bottles or any other trash, debris or refuse on their premises or on the streets, alleys or other public places of the city. All such garbage, trash, cans, bottles or other debris or refuse shall be placed in metal or wood containers.

(Prior Code, § 1010.2) Penalty, see § 130.99

§ 130.03 WEEDS AND TRASH.

(A) No person, firm, partnership or corporation shall permit trash, tin cans, bottles, old cars and/or trucks, old tires, weeds, grass or any other debris to accumulate or remain upon his, her or their property, or upon any property which said person, firm, partnership or corporation occupies as a tenant.

(B) No person, firm, partnership or corporation shall permit any old or unused or obsolete building to remain on their premises.

(C) The city may, after due notice to the owner or occupant of any premises violating this section, cause said trash, tin cans, bottles, old cars and/or trucks, old tires, weeds, grass or other debris to be removed, or any unused or obsolete building to be removed, and the owner or occupant of said premises shall pay to the city the costs of said removal, same being a civil penalty.

(Prior Code, § 1010.3) Penalty, see § 130.99

§ 130.04 PUBLIC STREETS TO BE KEPT CLEAN.

It shall be unlawful for any person, firm or corporation to litter, toss or throw debris of any nature or description onto the streets, alleys, branches, drainage ditches or other public places of the city or to sweep or move dirt and debris from the sidewalks onto any roadway or other city property.

(Prior Code, § 1010.4) Penalty, see § 130.99

§ 130.05 WEAPONS AND FIREARMS.

It shall be unlawful for any person except an officer of the law to fire or discharge any gun, pistol or firearms, including .22 rifles and BB guns, within the city limits.

(Prior Code, § 1020.1) Penalty, see § 130.99

§ 130.06 DISTURBING THE PEACE; NOISE.

(A) It shall be unlawful for any person, business or corporation to make or permit to be made noise within the city which disturbs or tends to disturb the peace and dignity of the residents of the city.

(B) The following shall be deemed to be unreasonable and unnecessary noises in violation of division (A) above:

(1) Any sound emanating from the use or operation of any radio, phonograph, tape player, compact disc player or other electronic device in a motor vehicle or carried on foot which produces a sound that is audible 25 feet from the point of origin if traveling on a public right-of-way, or which sound is audible upon property belonging to another shall be prima facie evidence of a violation of this section; or

(2) Any sound emanating from the operation of any machine, radio, phonograph, tape player, compact disc player or other electronic equipment or device on one's own property that is plainly audible beyond the property line shall be prima facie evidence of a violation of this section.

(C) This section shall not apply to any person who is participating in a school band or in any community event such as a parade or festival which has received permission from the city to perform as part of that parade or festival. This section shall not apply to the operation of emergency vehicles or bells and music generated by churches.

(D) No person shall discharge into the open air the exhaust of any motor vehicle which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cut-off, by-pass or similar device.

(Ord. 91-002, passed 3-13-1991) Penalty, see § 130.99

§ 130.07 CURFEW FOR MINORS.

(A) *Regulation and responsibility.* It shall be unlawful for any parent or guardian having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be on or remain in or upon any business establishment, public assembly, building, place, street or highway within the city during the curfew, for minors under the age of 18 years, which shall be in effect during the following periods:

- (1) Between 1:00 a.m. and 6:00 a.m. Saturday;
- (2) Between 1:00 a.m. and 6:00 a.m. Sunday; and
- (3) Between 11:30 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(B) *Exceptions.* In the following exceptional cases, a minor in or upon any business establishment, public assembly, building, place, street or highway within the city during the hours set out in division (A) above shall not be considered in violation of the curfew established by this section:

- (1) When the minor is accompanied by his or her parent or guardian;
- (2) When the minor is accompanied by an adult pre-authorized by the minor's parent or guardian;
- (3) When a reasonable necessity or urgency would require an exception to this curfew period by the minor and only during the time of such necessity or urgency;
- (4) When the minor is returning to his or her home by a direct route from and within one hour of the termination of a school activity, or any activity of a religious or voluntary association;

(5) When engaged in a business or occupation which the laws of the state authorize a person under 18 years of age to perform;

(6) When the minor is a driver or passenger in a motor vehicle passing through the city, by direct route, from one location to another either within or out of the city; and

(7) Anyone under the age of 18 who is legally emancipated.

(C) *Detaining minor.*

(1) Each member of the Police Department while on duty is hereby authorized to detain any minor whose parent or guardian is reasonably believed to be in violation of this section, for the purpose of attaining the minor's name, age, address and the name and address of the minor's parent or guardian.

(2) If the officer has reasonable cause to believe that a curfew violation has occurred, the officer may issue a citation to the minor's parent or guardian and either take the minor home or direct the minor to proceed immediately to his or her home.

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

ALLOW. Either permit or neglect to refrain or prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the minor violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was contributing to a violation of this section.

MINOR. Any person under the age of 18 years.

PARENT. Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands "in loco parentis" or as a person to whom legal custody has been granted by order of a court.

REMAIN. To stay behind, to tarry or to stay unnecessarily upon or in any public assembly, building, place, street or highway.

(Ord. 97-006, passed 5-12-1997) Penalty, see § 130.99

§ 130.08 SYNTHETIC DRUGS; REGULATIONS, CONTROLS AND RESTRICTIONS.

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

ADMINISTER. The direct application of a synthetic drug, as defined herein, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

- (a) A practitioner or the practitioner's authorized agent in the practitioner's presence; or
- (b) The patient or research subject at the direction and in the presence of the practitioner.

AGENT. An authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. **AGENT** does not include a common or contract carrier, public warehouse worker or employee of the carrier or warehouse worker.

DELIVER or DELIVERY. The actual, constructive or attempted transfer from one person to another of a synthetic drug, as defined herein, with or without consideration, and whether or not there is an agency relationship.

DISPENSE. To deliver a synthetic drug, as defined herein, to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

DISTRIBUTE. To deliver other than by administering or dispensing a synthetic drug, as defined herein.

MANUFACTURE. The production, preparation, propagation, compounding, conversion or processing of any synthetic drug, as defined herein, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that the term shall not include the preparation, compounding, packaging or labeling of any synthetic drug, as defined herein, by:

- (a) A practitioner as an incident to administering or dispensing any synthetic drug, as defined herein, in the course of professional practice; and
- (b) A practitioner or an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

PERSON. Any individual, corporation, partnership, trust, estate, association, organization, business or any other legal entity.

POSSESS or POSSESSION. Either actual possession or constructive possession. **POSSESSION** may be sole or joint

and may be inferred from all relevant facts surrounding the circumstances.

(a) **ACTUAL POSSESSION.** The exercise of direct physical control or dominion over an object.

(b) **CONSTRUCTIVE POSSESSION.** The power and intent to exercise control over an object although not in actual physical possession of an object.

PRACTITIONER.

(a) A physician, dentist, optometrist, veterinarian, pharmacist, scientific investigator or other person who is licensed, registered or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug, as defined herein, in the course of professional practice or research in the state; or

(b) A pharmacy, hospital or other institution licensed, registered or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug, as defined herein, in the course of professional practice or research in the state.

PRODUCTION. The planting, cultivating, tending, growing or harvesting of a synthetic drug, as defined in this section.

SELL or SALE. A bargained-for or agreed upon offer and acceptance and an actual or constructive transfer or delivery of a synthetic drug as defined herein.

SYNTHETIC DRUG.

(a) Any substance, however denominated, and no matter the common street, brand or trade name of such substance, containing one or more of the following chemicals:

1. Salvia divinorum or salvinorin A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;

2. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol (some trade or other names being: HU-210);

3. 1-Pentyl-3-(1-naphthoyl) indole (some trade or other names being: JWH-018);

4. 1-Butyl-3-(1-naphthoyl) indole (some trade or other names being: JWH-073);

5. 1-[3-(Trifluoro-methyl)-phenyl] piperazine (some trade or other names being TFMPP);

6. 3, 4-Methylenedioxypropylvalerone (MDPV) (some trade or other names being MDPK);

7. 4-Methylmethcathinone (Mephedrone);

8. 3, 4-Methylenedioxyethcathinone (Methylone);

9. 3-Methoxymethcathinone;

10. 4-Methoxymethcathinone;

11. 3-Fluoromethcathinone; and

12. 4-Fluoromethcathinone.

(b) Any other substance which mimics the effects of any controlled substance (including, but not limited to, any opiates, opium derivatives, hallucinogenic substances, methamphetamine, MDMA, cocaine, PCP, marijuana, cannabis, cannabinoids, cannabicyclohexanol and tetrahydrocannabinoids), including, but not limited to, "bath salts," "plant food," "incense" or "insect repellant," but excluding legitimate bath salts containing as the main ingredient the chemicals sodium chloride (sea salt) and/or magnesium sulfate (Epsom salt) or legitimate plant foods or insect repellant not intended for human consumption, or legitimate incense used as an odor elimination product.

(c) Any similar substances to the above which when inhaled, or otherwise ingested, may produce intoxication, stupefaction, giddiness, paralysis, irrational behavior or in any manner changes, distorts or disturbs the auditory, visual or mental process, and the product or substance has no other apparent legitimate purpose for consumers.

(B) *Prohibited conduct.*

(1) It shall be unlawful for any person to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug, as defined herein, or to attempt to use, possess, sale, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, within the city limits.

(2) It shall be unlawful for any person to publicly display for sale any synthetic drug, as defined herein, within the city limits.

(C) *Exception.* An act otherwise prohibited and unlawful under this section shall not be unlawful if done by or under the direction of a practitioner, as defined herein, provided such act is otherwise permitted by general law, or to otherwise prohibit substances regulated as controlled substances by the United States Food and Drug Administration or the Drug Enforcement Administration, and is not intended to and shall not be construed to supersede any other federal or state law pertaining to

synthetic drugs now or hereafter in effect, but to supplement any such laws in so far as lawfully permitted.

(Ord. 2012-007, passed 10-9-2012) Penalty, see § 130.99

§ 130.09 TOBACCO-FREE ZONES.

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

SMOKING. Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or any other lighted or heated tobacco or plant product intended for the inhalation in or through the mouth in any manner or in any form of the smoke or other vapor produced by same. **SMOKING** also includes the use of an e-cigarette which creates a vapor in any manner or form or the use of any other device intended for the inhalation into or through the mouth of such vapor, or tobacco, or other plant product smoked.

TOBACCO PRODUCTS. Includes tobacco that is used for chewing and is typically tobacco product that is placed in the mouth, chewed and spit.

(B) *Prohibition of the use of tobacco products at Idle Hour Park.* Smoking is prohibited on the city-owned property that is known as Idle Hour Park. This includes all park property, but is not limited to all playground areas, ball park areas, including ballfields and spectator areas, restrooms, concession areas, indoors or outdoors, picnic areas, walking tract areas and all grounds owned and operated by the city at the address of 1075 Highway 555, known as Idle Hour Park.

(C) *Posting of signage.* Tobacco-Free Zone signs will be posted in conspicuous areas at Idle Hour Park to advise all visitors and spectators that tobacco products and their use is strictly prohibited on all grounds of Idle Hour Park.

(D) *Enforcement.* The city, under the direction of the City Police Department, is charged with enforcement, under the direction of the Park Director.

(Ord. 2017-006, passed 6-20-2017) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating § 130.01 shall, upon conviction, be punished by a fine of not less than \$1 nor more than \$100 or by imprisonment of not less than ten days nor more than 30 days or both so fined and imprisoned.

(Prior Code, § 1010.1)

(C) Any person who violates § 130.02 shall be fined not less than \$1 nor more than \$10, for each offense. Each day shall be considered as a separate violation.

(Prior Code, § 1010.2)

(D) As a criminal penalty, any firm, person partnership or corporation who violates § 130.03 shall be fined not less than \$5 nor more than \$20, and each day shall be considered as a separate offense.

(Prior Code, § 1010.3)

(E) Any person who violates § 130.04 shall be fined not less than \$5 nor more than \$25 for each offense.

(Prior Code, § 1010.4)

(F) Any person who violates § 130.05 shall be fined not less than \$1 nor more than \$10, and said gun, pistol or firearms, including .22 rifles or BB guns, shall be ordered confiscated by the court.

(Prior Code, § 1020.1)

(G) Any person who violates the provisions of § 130.06 shall be fined not less than \$50 nor more than \$500 for each offense.

(H) Any parent or guardian violating the provisions of § 130.07 shall be subject to a fine of not less than \$50 and not more than \$500. A violation of § 130.07 is a civil offense.

(I) Any person who shall violate the provisions of § 130.08 shall be guilty of a Class A misdemeanor and shall be subject to imprisonment and/or fines as provided in the state statutes for a Class A misdemeanor.

(J) Persons who violate § 130.09 are subject to a fine not exceeding \$50 per offense. Persons who refuse to extinguish their tobacco use when asked may be required to leave the premises and shall be subject to prosecution for trespass if they do not leave when asked. Each day on which a violation exists is considered a separate and distinct violation.

(Ord. 91-002, passed 3-13-1991; Ord. 97-006, passed 5-12-1997; Ord. 2012-007, passed 10-9-2012; Ord. 2017-006, passed 6-20-2017)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS
- 151. ADDRESSING PLAN
- 152. STREETS AND SIDEWALKS
- 153. TREES
- 154. STORMWATER MANAGEMENT
- 155. FLOOD DAMAGE PREVENTION
- 156. ZONING
- 157. SUBDIVISIONS

CHAPTER 150: BUILDING REGULATIONS

Section

- 150.01 State Building Code
- 150.02 City Building Code Enforcement Officer
- 150.03 Building inspection program
- 150.04 Permits and fees

§ 150.01 STATE BUILDING CODE.

(A) Pursuant to KRS 198B.060(1), it is required that all buildings constructed in the city shall be built in compliance with the Uniform State Building Code as adopted by the Board of Housing, Buildings and Construction.

(B) KRS 198B.060(18) authorizes each local government to establish a schedule of fees which are designed to cover the cost of the service performed but not to exceed it.

(C) (1) The State Building Code, promulgated in 815 KAR 7:120, and the State Residential Code, promulgated in 815 KAR 7:125 by the State Board of Housing, Buildings and Construction, are hereby adopted in full as an ordinance of the city as if set out at length herein.

(2) A copy of said State Building Code is on file with the city, and the city shall at all times keep a copy of said Building Code for reference.

(Ord. 2007-003, passed 3-13-2007)

§ 150.02 CITY BUILDING CODE ENFORCEMENT OFFICER.

(A) The City Building Code Enforcement Officer shall be designated as the local enforcement agent for said State Building Code. All building code inspections shall be performed by persons certified by the State Department of Housing, Buildings and Construction.

(B) All electrical inspections shall be performed by a certified electrical inspector specifically approved by this jurisdiction or by the county government.

(Ord. 2007-003, passed 3-13-2007)

§ 150.03 BUILDING INSPECTION PROGRAM.

Pursuant to KRS 198B.060(8), a building inspection program is hereby established in the city for application to all buildings, excluding single-family dwellings, fences, residential storage or utility occupancies, as provided in the adopted codes.

(Ord. 2007-003, passed 3-13-2007)

§ 150.04 PERMITS AND FEES.

The fees for permits and inspections shall be as provided for by ordinance.

(Ord. 2007-003, passed 3-13-2007)

CHAPTER 151: ADDRESSING PLAN

Section

- 151.01 New structures and mobile homes
- 151.02 Posting of designated numbers of existing buildings
- 151.03 Refusal to comply
- 151.04 Application

§ 151.01 NEW STRUCTURES AND MOBILE HOMES.

(A) All persons, firms, corporations and other legal entities constructing new structures or locating or relocating mobile homes in the city shall, from and after the date of the ordinance codified in this chapter, obtain an addressing form, duly issued by the addressing authority.

(B) Applicants shall apply for the address with the City Police Department, 911 dispatch division.

(C) Immediately upon the filing of the addressing form, the City Police Department, 911 dispatch division, shall assign a number and address to the structure.

(Ord. 2006-012, passed 12-11-2006)

§ 151.02 POSTING OF DESIGNATED NUMBERS OF EXISTING BUILDINGS.

The owner or occupant or person in charge of any house, building, mobile home or other structure to which a number has been assigned:

(A) Shall, within 30 days after the receipt of such number, affix the number in a conspicuous manner in a conspicuous place;

(B) Shall, within 30 days, remove any different number which might be mistaken for or confused with the number assigned to said structure by the issuing authority;

(C) Shall, for each principal building or structure, display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one business or family dwelling unit, each separate front entrance may display a separate number;

(D) Shall post numerals indicating the official numbers for each principal building, or each front entrance to such building, in a manner as to be legible and distinguishable from the street or road on which the property is located, with numbers applied, of not less than two inches in height;

(E) Mailboxes shall be marked with the house numbers; and

(F) If the structure is not visible from the street or road on which it is located, and no mailbox is beside the driveway leading to the structure, a sign or number post shall be erected to display the number which may be displayed either vertically from the top down or horizontally.

(Ord. 2006-012, passed 12-11-2006)

§ 151.03 REFUSAL TO COMPLY.

In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this chapter by failing to affix the number assigned within 30 days after notification, or by failing within said period of 30 days to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto, then the owner, occupant or person in charge he or she shall be punished by paying a fine of not less than \$10 for every day that the situation is not rectified.

(Ord. 2006-012, passed 12-11-2006)

§ 151.04 APPLICATION.

This chapter applies to all structures in the city.

(Ord. 2006-012, passed 12-11-2006)

CHAPTER 152: STREETS AND SIDEWALKS

Section

- 152.01 Opening permit required

152.02 Application and penalty bond

152.99 Penalty

§ 152.01 OPENING PERMIT REQUIRED.

(A) Any person, utility or business entity that intends to disturb the surface of any street, sidewalk or right-of-way within the city limits for any purpose shall, prior to said opening or disturbance, apply to the office of the City Clerk for a permit authorizing the street or sidewalk disturbance or opening.

(B) For the purpose of this section, ***DISTURBANCE*** shall mean any disruption of the sidewalk, street surface, right-of-way or curbing, including, but not limited to, any excavation, digging, paintings or markings.

(Ord. 2013-003, passed 5-14-2013)

§ 152.02 APPLICATION AND PENALTY BOND.

(A) The application for a street or sidewalk opening or disturbance permit shall be made upon a form supplied by the City Clerk's office and shall designate the location of the opening or disturbance, the purpose for the opening or disturbance and the date and manner that the opening or disturbance will be restored or completed. Orders for BUD (referred to as Before-U-Dig and KY 811) regarding markings for bona fide utilities are not required to receive such a permit for painting and markings but are required to use temporary/washable paints.

(B) Prior to issuance of the permit, the applicant shall submit a penalty bond in the amount of \$1,500. The penalty bond shall be returned upon inspection of the street, sidewalk or right-of-way and determination that it was restored to its original grade, surface quality or condition. Additionally, a penalty bond in the amount of \$5,000 may be submitted on an annual basis for a utility or business entity that has multiple disturbances to complete in a calendar year, only with the understanding that an application still must be submitted for each individual opening for recording and inspection purposes. The amount of any penalty bond may be increased or decreased at the discretion of the Public Works Director.

(C) This chapter shall establish a revised application for any person, utility or business entity that intends to disturb surfaces of the street, sidewalk or right-of-way within city limits and shall establish specifications for any person, utility or business entity that intends to disturb surface of the street, sidewalk or right-of-way within the city limits. These documents can be obtained at the office of the City Clerk.

(Ord. 2013-003, passed 5-14-2013; Ord. 2024-002, passed 2-13-2024)

§ 152.99 PENALTY.

(A) A violation of this chapter occurs whenever anybody, by either act or omission, conspires causes, permits, encourages, aids, assists, allows or engages in any of the acts, actions, behavior, condition and occurrences prohibited by this chapter; and each and every separate non-continuing occurrence thereof, and each and every day of each continuing occurrence thereof is a separate violation of this chapter.

(B) Each violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$250 as set forth in KRS 534.040(2)(b) or a term of imprisonment not to exceed the maximum period of 90 days as set forth in KRS 532.090(2), or both. For a corporation, the fine shall be fixed by KRS 534.050(c) and not exceed \$5,000 per offense.

(Ord. 2013-003, passed 5-14-2013)

CHAPTER 153: TREES

Section

- 153.01 Definitions
- 153.02 City Tree Board
- 153.03 Street tree species to be planted
- 153.04 Spacing
- 153.05 Distance from curbs, sidewalks and power lines
- 153.06 Distance from street corners and fireplugs
- 153.07 Public tree care
- 153.08 Tree topping
- 153.09 Pruning, corner clearance

153.10 Dead or diseased tree removal on private property

153.11 Interference with Tree Board

153.12 Arborists license and bond

153.13 Review by City Council

153.99 Penalty

§ 153.01 DEFINITIONS.

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

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access, such as a park.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(Ord. 92-011, passed - -)

§ 153.02 CITY TREE BOARD.

(A) *Creation and establishment of a City Tree Board.* There is hereby created and established a city Tree Board for the city, which shall consist of five members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.

(B) *Term of office.* The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year, and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the expired portion of the term.

(C) *Compensation.* Members of the Board shall serve without compensation.

(D) *Duties and responsibilities.*

(1) It shall be the responsibility of the Board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the city.

(2) The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(E) *Operation.* The Board shall choose its own officers, make its own rules and regulations and keep a journal of its findings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 92-011, passed - -)

§ 153.03 STREET TREE SPECIES TO BE PLANTED.

The Tree Board will formulate an official street tree species list for the city. The list of allowable species other than those included in this list may be planted as street trees without written permission of the City Tree Board.

(Ord. 92-011, passed - -)

§ 153.04 SPACING.

The spacing of street trees will be in accordance with the three species classes referred to in §153.03, and no trees may be planted closer together than the following except in special plantings designed or approved by a landscape architect:

(A) Small trees, 30 feet;

(B) Medium trees, 40 feet; and

(C) Large trees, 50 feet.

(Ord. 92-011, passed - -) Penalty, see § 153.99

§ 153.05 DISTANCE FROM CURBS, SIDEWALKS AND POWER LINES.

(A) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 153.03, and no trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees, two feet;
- (2) Medium trees, three feet; and
- (3) Large trees, four feet.

(B) Only small trees can be planted within 15 feet of power lines.

(Ord. 92-011, passed - -) Penalty, see § 153.99

§ 153.06 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street trees shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.

(Ord. 92-011, passed - -) Penalty, see § 153.99

§ 153.07 PUBLIC TREE CARE.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or causes or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners; provided, that the selection and location of said trees is in accordance with §§ 153.03 through 153.06 and this section.

(Ord. 92-011, passed - -)

§ 153.08 TREE TOPPING.

(A) It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree or public property.

(B) For the purpose of this section, **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(C) Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this chapter at the determination of the City Tree Board.

(Ord. 92-011, passed - -) Penalty, see § 153.99

§ 153.09 PRUNING, CORNER CLEARANCE.

(A) Every owner of any tree overhanging any street or right-of-way within the city shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

(B) The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Ord. 92-011, passed - -)

§ 153.10 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

(A) The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city.

(B) The City Tree Board will notify in writing the owners at their own expense within 60 days after the date of service of notice.

(C) In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and to recover such amount from the owner(s).

(Ord. 92-011, passed - -)

§ 153.11 INTERFERENCE WITH TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents or servants while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park trees or trees on private grounds, as authorized in this chapter.

(Ord. 92-011, passed - -) Penalty, see § 153.99

§ 153.12 ARBORISTS LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 property damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 92-011, passed - -) Penalty, see § 153.99

§ 153.13 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision.

(Ord. 92-011, passed - -)

§ 153.99 PENALTY.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilt, subject to a fine not to exceed \$500.

(Ord. 92-011, passed - -)

CHAPTER 154: STORMWATER MANAGEMENT

Section

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GENERAL PROVISIONS

§ 154.01 PURPOSE.

The purpose of this chapter is to reduce or eliminate the hazards to public health and safety caused by excessive stormwater runoff, reduce economic losses to individuals and the community at large and to protect, conserve and promote the orderly development of land and water resources. The provisions of this section further supplement sections regulating:

- (A) The subdivision, layout and improvement of lands located within the corporate limits of the city;
- (B) The excavation, filling and grading of lots and other parcels or areas;
- (C) The construction of buildings and the drainage of the sites on which these structures are located, to include parking and other paved areas; and
- (D) The design, construction and maintenance of stormwater drainage facilities and systems.

(Ord. 2023-018, passed 1-9-2024)

§ 154.02 INTERPRETATION.

In the interpretation and application of this section, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes or exercised by home rule units.

(Ord. 2023-018, passed 1-9-2024)

§ 154.03 DEFINITIONS.

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

BANKFULL ELEVATION. The water level or stage at which the stream, river or lake is at the top of its banks and any further rise would result in water moving into the floodplain.

BEST MANAGEMENT PRACTICES (BMP). A schedule of activities, prohibitions of practices, maintenance procedures and other management practices which are proven to be effective in preventing or reducing runoff, erosion and sedimentation.

BUFFER ZONE. The area defined from the bankfull elevation extending toward a construction activity that shall be protected from disturbance.

DETENTION FACILITY. Any structure which is designed to collect and store surface water for subsequent gradual discharge.

DRAINAGE FACILITY. Any component of the drainage system.

EXCESS STORMWATER RUNOFF. The portion of stormwater which exceeds the safe storm drainage capacity of storm sewers or natural drainage channels serving a specific watershed.

IMPERVIOUS AREAS. The horizontal-projected plain area of roof and paved areas of all permanently constructed roofs of houses, garages, mobile homes, businesses, industries, paved driveways, patios and parking lots, but does not include non-permanent structures, such as temporary buildings and tents. Also excluded are impervious areas of stored materials and equipment, swimming pools, ponds and lakes and stormwater retention and detention basins. Gravel or rock roads and gravel or rock parking areas are not considered as **IMPERVIOUS AREAS**.

LAND DISTURBANCE ACTIVITY. Any change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands or rights-of-way within the city, including, but not limited to, building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. It can also include unintentional acts, such as natural weathering and intentional acts, such as vandalism. It does not include minor land disturbances activities, such as underground utility repairs, replacement of services, gardens and maintenance work. Nor does it include installation of fence, signs, utility poles or posts. Emergency work to protect life, limb or property and emergency repairs are not included in **LAND DISTURBANCE ACTIVITIES**.

LAND DISTURBANCE PERMIT. A permit is required by this chapter for land disturbance activities.

PROTECTED CHANNEL. A channel which receives stormwater discharge and which is paved, rip-rapped or otherwise improved by addition of human-made materials so as to reduce the potential for erosion.

SAFE STORM DRAINAGE CAPACITY. The quantity of stormwater runoff that can be transported by a channel or conduit without having the water surface rise above the top of the channel or conduit.

STORMWATER CHANNEL. A natural or human-made open watercourse with definite bed and banks which periodically or continuously contains moving water or which forms a connecting link between two bodies of water.

STORMWATER RUNOFF. Water that results from precipitation which is not absorbed by the soil or vegetation or evaporated and which flows over the ground surface or is collected in channels or conduits.

STORMWATER RUNOFF RELEASE RATE. The rate at which stormwater runoff is released from dominant to servient land.

TWENTY-FIVE-YEAR, 24-HOUR FREQUENCY RAINFALL. A precipitation event of 24-hours' duration, having a 4% chance of occurring in any one year.

(Ord. 2023-018, passed 1-9-2024)

§ 154.04 INTENT, COMPATIBILITY WITH OTHER REGULATIONS.

(A) *Purpose and intent.* The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by federal law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are to:

- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
- (2) Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter.

(B) *Applicability.* The provisions of this chapter shall apply throughout the incorporated area of the city.

(C) *Compatibility with other regulations.*

- (1) This chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law.
- (2) The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(D) *Responsibility for administration.* The city shall administer, implement and enforce the provisions of this chapter through its officers and agents.

(Ord. 2023-018, passed 1-9-2024)

DESIGN CRITERIA; PERFORMANCE STANDARDS

§ 154.15 STORMWATER MANAGEMENT PLAN.

(A) (1) A stormwater management plan shall be required for any new single-family residential developments having a gross aggregate area, including roads, utility rights-of-way and any other dedicated lands of five or more acres, and having a density of greater than one dwelling unit per acre or for any new commercial, multi-family residential, industrial, institutional, large expansion of impervious area (roof or asphalt/concrete) of 10,000 square feet or more, or utility development having a gross aggregate area of one-half of an acre or more. No final subdivision plat shall be approved and no building permits shall be issued until and unless the stormwater management plan has been reviewed and approved by the city. Owners of residential property within subdivisions for which final subdivision plats have been approved prior to the date of the approval of this chapter shall not be required to comply with this chapter.

(2) The city or his or her duly authorized designees may also require stormwater management plans for any drainage area if adverse impacts are anticipated. A stormwater management plan may also be required prior to any grading or excavation which would fill, obstruct or otherwise alter any creek, stormwater channel or drainage facility.

(B) The required stormwater management plan shall identify means for controlling the stormwater runoff release rate from the development and providing storage potential for the excess stormwater runoff (where required). All computations, plans and specifications related to the implementation of this chapter must be prepared and sealed by a professional engineer registered in the state.

(1) Requirements for controls of runoff for projects under construction/new construction. The following best management practices, which address the problem of urban runoff, shall apply to all projects undergoing construction in the city limits. The best management practices list set forth below is the minimum required by the city. Any BMP or BMP plan utilized shall be equal to or more effective than the BMPs contained in the *State Erosion Prevention and Sediment Control Field Guide*. The requirements set forth below shall apply at the time of demolition of an existing structure or commencement of construction and until receipt of a certificate of occupancy.

(a) Runoff sediment and construction waste from construction sites and parking areas shall not leave the site.

(b) Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined by the city or his or her designated representative, a temporary sediment barrier shall be installed.

(c) On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

(d) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Soil piles shall be covered until the soil is either used or removed. A plastic or micromesh fabric should be used.

(e) No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site.

(f) Drainage controls shall be utilized as needed, depending on the extent of proposed grading and topography of the site, including, but not limited to, the following:

1. Detention ponds, sediment ponds or infiltration pits;
2. Dikes, filter berms, silt fences or ditches; and
3. Down drains, chutes or flumes.

(2) Projects shall observe basic principles, such as:

- (a) Preserve existing vegetation as much as possible;
- (b) Mulch or seed bare soil immediately for the best and cheapest erosion protection;
- (c) Use silt fences, brush barriers or other approaches to pond and filter sediment from runoff;
- (d) Install silt check dams made of rock, brush or other products to prevent ditch erosion and remove sediment;
- (e) Protect inlets and outlets; and
- (f) Settle out soil particles in sediment traps and basins.

(C) The stormwater management plan should contain, but not be limited to, the following information unless specifically addressed by the city and the developer in the stormwater planning and submittal stage:

(1) A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high water elevations, the shoreline of lakes, ponds, swamps and detention basins, including their inflow and outflow structures, if any;

(2) The location and flowline elevation of all existing sanitary, storm or combined sewers;

(3) Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and restatement of the criteria which have been used by the project engineer throughout calculations;

(4) A layout of the proposed stormwater management system, including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins and analyses regarding the effect said improvements will have upon the receiving channel and its high water elevation;

(5) The slope, type and size of all existing and proposed storm sewers and other waterways impacting or impacted by the proposed development on the site;

(6) For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;

(7) For all detention basins, design hydrographs of inflow and outflow for the two-, ten- and 25-year events for the site under existing and developed conditions;

(8) A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets and other utilities to such channels;

(9) Show specific erosion control methods to be utilized during construction; and

(10) Total area of the site and total area of disturbance. To find out further about required information, obtain checklists and other technical and guidance documents from the city further required information.

(D) Any land-disturbing activity that disturbs one acre of land or more is required to submit a SWPPP to the city. For all sites that disturb one acre or more, a notice of intent (NOI) must be filed with the State Division of Water as well as the SWPPP prior to any disturbance. The NOI and SWPPP shall be submitted with the design plans and stormwater management plan to the city. The SWPPP shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources and measure proposed to minimize soil erosion and off-site sedimentation. The owner/developer, contractor shall perform all clearing, grading, drainage, construction and development in strict accordance with the approved plan and this chapter.

(1) The SWPPP shall include all items required in this chapter and as defined in the KPDES No. KYR100000, latest revision. Information can also be obtained from EPA's website.

(2) All items within the SWPPP shall be site specific.

(3) The SWPPP shall be signed and certified in accordance with the signatory requirements in 401 KAR 5:065, § 1(11).

(4) A current copy of the SWPPP shall be readily available on the construction site from the date of project initiation (NOI) to the date of termination (NOT, notice of termination). The NOT shall be sent to the State Division of Water.

(Ord. 2023-018, passed 1-9-2024)

§ 154.16 DESIGN CRITERIA.

(A) The city reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by the city should be reviewed and considered when preparing design and maintenance plans.

(B) Checklists, technical manuals, administrative or procedural matters may be modified as needed to meet the objectives of this chapter; provided, that said modifications are consistent with the intent of this chapter and the requirements of the state.

(C) The following criteria, along with accompanying technical manuals and/or guidance documents as mentioned above, shall be implemented when designing improvements with respect to managing stormwater runoff.

(1) *Methods of determining stormwater runoff discharge rate and volume.* The volume of required stormwater storage and discharge rate for drainage areas totaling 100 acres or less shall be calculated on the basis of the runoff from a 25-year frequency storm event with a 24-hour duration for pre- and post-development conditions. The calculations can be made in accordance with the instantaneous runoff factor method, the rational method, soil conservation service (SCS) method or other methods that may be deemed appropriate by the city. The *Intensity Duration Curves for Louisville MSP* may be used for the city. For larger drainage systems, the SCS hydrologic methods or the regional method of the State Transportation Cabinet, Department of Highways shall be used to determine peak runoff rates.

(2) *Release rate.*

(a) All developments undertaken as outlined in this section shall be done in such a way as to ensure that stormwater falling on a given site shall be absorbed or detained on site to the extent that the controlled release rate of stormwater runoff from all developments described in § 154.15(A) shall not exceed the pre-development stormwater runoff rate, unless it can be shown that no significant adverse downstream impacts will result from higher rates. The rate at which stormwater runoff is delivered to a designated stormwater storage area shall be unrestricted.

(b) In the event that the city determines that the natural downstream channel or storm sewer system is inadequate to accommodate the release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the downstream channel or storm sewer system.

(3) *Development design.*

(a) Where it can be demonstrated by the developer that a higher stormwater release rate will not be contrary to the purpose and intent of this chapter and where such proposed release rate will not adversely affect properties in the downstream portion of the watershed, the city may permit such release to be used as deemed appropriate.

(b) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and floodplain within parks and other public grounds.

(4) *Excess stormwater passage.*

(a) An excess stormwater passage shall be provided for all stormwater areas. Such passage shall have the capacity to convey through the proposed development the excess stormwater. The capacity for a passage shall be such that it will be able to transport the peak rate of run-off from a 100-year, 24-hour return frequency storm.

(b) There shall be no buildings or structures constructed within excess stormwater passage or within the elevation of the flood of record. Parking lots, playgrounds and park areas which shall not impair or endanger the water holding capability of a development shall be considered compatible uses.

(c) Appropriate land planning shall be undertaken to preserve the existing natural drainage of a proposed development as part of the excess stormwater passage.

(d) Open channels shall be protected from erosion by appropriate vegetative cover, lining or other treatment and earthen channel side slopes shall be no steeper than three to one (3:1). Open channels with lining shall have a maximum gradient on side slopes of 67%, and channel side slopes steeper than 67% shall be designed as structural retaining walls. Refer to the State Transportation Center's *BMP Manual* for controlling erosion, sediment and pollutant runoff to protect channels with steep side slopes or set on a steep gradient.

(5) *Stormwater storage/detention areas.* The increased stormwater runoff resulting from the proposed development may be accommodated by the provision of appropriate detention facilities, including wet or dry bottom reservoirs, flat roofs, parking lots or streets. Storage areas shall be designed to the satisfaction of the city and if possible, to provide secondary

purposes for recreation, open spaces, parking lot or other types of use that will not be adversely affected by intermittent flooding. The following shall govern the design of detention facilities.

(a) *Storage volume.*

1. All stormwater storage areas must be designed to contain and safely pass stormwater runoff. The combined capacity of these storage areas shall be sufficient to contain the stormwater from the development. The detention facility must be designed for periodic maintenance and energy dissipators shall be provided at points necessary.

2. The ponding of stormwater runoff shall not exceed a depth of one foot on a pedestrian mall area or one and one-half feet maximum in parking lots. Where these areas are used for ponding the maximum depth should occur in the most remote and least used areas.

3. The drainage and grading design shall be prepared to ensure that in a 100-year storm the depth of water run-off in any street, alley or pedestrian mall will not exceed the level of the first floor of any building. The finished floor elevation shall be set two feet above the 100-year flood elevation for all new development, and the minimum finished floor elevations for homes shall be stated on the record plat.

4. For wet pond storage areas when calculating the storage capacity, only the volume available to store excess stormwater shall be considered. Permanent water storage does not constitute control of excess storm runoff.

(b) *Release rate.* At no time during the design storm shall the stormwater runoff release rate exceed the allowable release rate as set forth in division (C)(2) above. Detention basins shall be fully discharged within 36 hours of the end of the storm event.

(c) *Release velocity.* Detention facilities shall release stormwater at a non-erosive velocity. The protected channel receiving the detention discharge shall incorporate features to reduce velocity to non-erosive levels at the point where such discharge enters the unprotected channel. If release is into a subsurface conduit the energy gradient in the receiving facility shall not be increased beyond the slope of the conduit.

(d) *Spillway.*

1. Overflow for each stormwater storage area shall be provided in the event a storm in excess of the design capacity occurs. Such overflows shall be constructed to function without specific attention and shall become part of the excess stormwater passage.

2. Emergency spillways shall be provided to permit the safe passage of runoff generated from a 100-year, 24-hour storm or greater if required by state law. The spillway dimensions shall be clearly dimensioned and protected from erosion.

3. Where rooftop storage or excess stormwater is provided, the building shall be provided with adequate structural design to ensure that roof failure does not occur. Overflow areas shall be provided so that the weight of stored stormwater will not exceed the structural capacity of the roof.

(e) *Dam.* The dam slopes shall not exceed three to one (3:1) on the interior of the pond. The minimum width of the top of dam shall be two feet, and the back side of the dam shall not exceed a slope of two to one (2:1). Detention/retention pond dams built with the maximum allowable slope may be required to utilize erosion control blankets or other means beyond seed straw to stabilize the slopes.

(f) *Basin slope.* Dry basins shall have a minimum 1% bottom drainage slope to allow for positive drainage during and immediately following a rain event. For dry basins with bottom slopes less than 2%, a paved channel is required.

(6) *Sinkholes and subterranean water channels.*

(a) The use of sinkholes or subterranean water channels for direct drainage of excess stormwater shall not be permitted although they may be used to drain a stormwater storage area. The introduction of any foreign matter or the filling, clogging or interfering with the natural drainage capabilities of the sinkholes shall not be permitted.

(b) Any person, firm or corporation proposing alterations, improvements or other disturbances of any sinkholes or known subterranean water channel must submit plans to the city showing that said alterations, improvements or disturbance would not interfere with the drainage capability. Also, erosion control methods must be shown for any activities which might create erosion or sedimentation and must be included in the plans.

(c) Sinkholes shall not be altered in any way which would negatively affect the drainage capabilities of the sinkhole. Development within the 100-year floodplain of a sinkhole shall not be permitted.

(Ord. 2023-018, passed 1-9-2024) Penalty, see § 154.99

§ 154.17 PERFORMANCE STANDARDS.

(A) *Stormwater channel location.* Generally acceptable locations of stormwater channels in the design of a subdivision may include, but are not limited to the following:

(1) Adjacent to roadways;

(2) In a depressed median of a divided roadway, provided the median is wide enough to permit slopes of one foot drop in six feet horizontal or flatter;

(3) Centered on lot lines or entirely within the rear yards of a single row of lots or parcels; and

(4) In each of the foregoing cases, a drainage easement with sufficient width to facilitate maintenance and design flow shall be provided and shown on the plat.

(B) *Storm sewer outfall.* The storm sewer outfall shall be designed to provide adequate protection against downstream erosion and scouring.

(C) *Lot lines.* Whenever the plans call for the passage and/or storage of stormwater runoff along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters, and no structure or vegetation which would obstruct the flow of stormwater shall be allowed, nor shall any change be made to the prescribed grades and contours of the specified stormwater channels.

(D) *Manholes.* All utility sewer manholes constructed in an area designed for the storage or passage of stormwater shall be provided with either a watertight manhole cover or be constructed with a rim elevation of a minimum of one foot above the high water elevation of the design storm.

(E) *Easements.* Permanent easements for the detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the city.

(F) *Drainage obstruction.* The keeping or disposal of grass clippings, trash, debris, obstructions or unwanted materials into the storm sewers or within or along stormwater channels or in adjacent floodplain areas which may wash into sewers and channels, is prohibited.

(G) *Maintenance.* Required maintenance for detention basins or other structures shall be permanently provided by the developer with responsibility becoming that of the private landowner after complete development, subject to inspection by the city or duly authorized representative. Every detention basin or structure shall be legally defined on both deed and plat and the maintenance entity shall be specified. Refer to § 154.31.

(Ord. 2023-018, passed 1-9-2024)

BONDS, MAINTENANCE, ASSURANCES; FEES

§ 154.30 PERFORMANCE BONDS AND OTHER ASSURANCES.

Upon approval of the stormwater management plan but before the issuance of a building permit or subdivision plat approval, the city shall require the applicant to either complete all required improvements or the applicant shall post a performance bond, cash escrow, certified check, letter of credit or other acceptable form of performance security in an amount sufficient to ensure the execution of the plan. After determination by the city or designee that all facilities are constructed in compliance with the approved plan, the performance bond or other securities shall be released.

(Ord. 2023-018, passed 1-9-2024)

§ 154.31 MAINTENANCE AGREEMENT.

(A) *General.* Individual property owners, whether residential or commercial, shall be responsible for the general and overall maintenance of the drainage easements and the street right-of-way ditch. Such maintenance includes mowing, keeping the drainway free of leaves and debris and following the guidelines within this section. Property owners shall install and maintain their permitted entrance pipe. The pipe shall be kept free of debris, and excess sediment that builds up over time, which constricts the flow of the street runoff. No one shall fill-in the right-of-way ditch or any drainage way without first obtaining a land disturbance permit. All proposed piping of ditches shall be appropriately sized and may be required to have a catch basin to allow for intake of surface water. The property owner shall ensure that adequate vegetation remains in the drainway and provide a hardened surface where applicable to prevent erosion.

(B) *Stormwater maintenance agreement.* A stormwater maintenance agreement, approved by the city, assuring perpetual maintenance of stormwater management improvements, including post-construction BMPs, shall be executed by the applicants to the city. The agreement shall be recorded among the deed records in the County Clerk's office upon final plan approval. The agreement shall be a covenant running with the land and shall be binding on the landowner, its administrators, executors, heirs, assigns and any other successors of interest, including any homeowner's association. A copy of an appropriate maintenance agreement can be obtained from the city.

(1) Operation and maintenance of all stormwater quality and quantity devices, BMPs and drainage ways shall be the responsibility of the property owner. Operation and maintenance shall be required sufficient to maintain proper function and water quality at the discharge point.

(2) Routine inspections are the responsibility of property owner to ensure the stormwater facilities/BMPs are operating and functioning as designed and that required maintenance activities have occurred.

(3) The city and its agents shall have the right of entry to inspect, observe, test or perform any other related activity to the operation, maintenance and function of the stormwater infrastructure. The city has the right to perform inspections and emergency maintenance on the facilities; however, it is not the city's obligation to maintain the stormwater quality/quantity facility.

(Ord. 2023-018, passed 1-9-2024)

§ 154.32 FEES AND SECURITY.

(A) *Permits.*

(1) *Land disturbance permit.* A land disturbance permit must be obtained from the city when land disturbance activities are to be performed for sites, as defined per the city's fee schedule for land disturbance activities, hereafter referred to as "fee schedule."

(2) *Encroachment permit.* An encroachment permit must be obtained from City Hall when any work is to be performed in the city right-of-way. The permit shall cover only one specified encroachment activity. Such right-of-way encroachments include permanent or temporary entrances, installation or repair of sidewalks, curb cuts, ditch work or any other activities in the public right-of-way that may impact proper drainage or damage public infrastructure. A drawing, sketch and/or description of the work shall be provided. All work must be done in accordance with all city ordinances, regulations and standards. Refer to regulations relating to streets, curbs and sidewalks in Chapter 157 for more information. Future maintenance of the encroachment is the responsibility of the permit holder.

(3) *Time frame.* The permit holder shall have 12 months (one year) from date of permit issuance to construct the entrance, encroachments and/or land-disturbing activities in accordance with the permit. Failure to complete the work properly within this one-year time frame shall be reasons for forfeiture of the bond. If the work is not completed properly within the one-year time frame, no further permits will be issued to the permit holder until the property comes into compliance with this chapter. Extensions may be approved by the City Engineer or designee.

(4) *Bonds.* A minimum performance bond shall accompany the submittal of each permit as required. Bond values shall be no less than \$500 as described in the fee schedule and shall be an amount sufficient enough to cover the cost of the improvements as approved by the city. Such items to be bonded may include, but are not limited to, erosion control measures and their maintenance, construction of stormwater facilities as described in this chapter, all encroachment work, including entrances, sidewalks, curb cuts, utility crossings and the like. The bond is fully refundable provided all improvements are constructed as specified on the permit and the approved improvement plans. The design engineer shall submit certifications for detention ponds and other control facilities, as required, to the city. A representative from the city shall inspect the completed work to ensure all areas within the public right-of-way and stormwater facilities have vegetation established and are functioning as designed before releasing the bond.

(5) *Permit fees.* All land disturbance and encroachment permits shall have a permit fee to cover administrative and inspection costs which shall be not less than \$25 and no more than \$5,000. All permit fees are due at the time of application and shall be assessed according to the fee schedule.

(6) *Late fee.* A late fee shall be assessed to permits when construction activities begin prior to the land disturbance permit being issued. The late fee shall be equal and in addition to the original permit fee (i.e., late fee equals original permit fee; revised permit fee equals late fee plus original permit fee).

(B) *Review fees.* Projects that must go through the plan review process shall be charged a review fee per the fee schedule. Review fees shall be not less than \$25 and no more than \$5,000. All review fees are due at the time of plan submittal. No permits shall be issued until all review fees have been paid.

(1) For new residential, commercial and industrial developments that require a SWPPP and/or SWMP per this section, review fees shall be assessed according to the fee schedule.

(2) Review of development plans where infrastructure will be taken over by the city and become part of the public road and/or utility systems (i.e., water, sewer, street and the like), additional plan review fees shall be assessed according to the fee schedule.

(3) Incomplete plans and/or submittal packages will not be reviewed until all required documents have been received by the city. Plans and/or documents of the submittal package requiring major revisions may be assessed a resubmittal fee equal to one-half the original review fee. Revisions that take place after approval and issuance of the land disturbance permit may be assessed the same resubmittal fee.

(C) *Recording fees.* For sites that require documents to be recorded by the County Clerk's office, recording fees will be charged per the County Clerk's fee schedule for land records. Such documents may include, but are not limited to, deed of easements, maintenance agreements, subdivision agreements and the like. The city will handle recording on behalf of the permittee and will collect fees at the time of plan submittal.

(D) *Establishment of Stormwater Management Fund.*

(1) The stormwater management program is established and the stormwater system is provided to protect the waterways and land in the city by managing flooding and to benefit the natural environment. The costs of designing, developing, improving, operating, maintaining and monitoring the stormwater system required in the city should, therefore, be allocated, to the extent as practicable, to all property owners. In order to provide revenue to fund those costs and to fairly allocate those costs, a Stormwater Management Fund ("the Fund") is established.

(2) All revenues collected from the stormwater management fee from grants, permit fees and other charges collected under the stormwater management program, shall be deposited to the Fund. The City Council may make additional appropriations to the Fund. All disbursements from the Fund shall be for the purposes of the Fund as set forth in division (E).

(E) *Purposes of the Fund.* The Fund shall be used for the following purposes:

- (1) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate and maintain stormwater management facilities;
- (2) All costs of administration and implementation of the stormwater management program, including the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (3) Engineering and design, debt service and related financing expenses, construction costs for new facilities, amid enlargement or improvement of existing facilities;
- (4) Operation and maintenance of the stormwater system;
- (5) Monitoring, surveillance and inspection of stormwater control devices;
- (6) Water quality monitoring and water quality programs;
- (7) Retrofitting developed areas for pollution and flood control;
- (8) Inspection and enforcement activities;
- (9) Costs of public education relating to stormwater and related issues;
- (10) Billing and administrative costs; and
- (11) Other activities which are reasonably required.

(Ord. 2023-018, passed 1-9-2024)

§ 154.33 SCHEDULE OF FEES.

All fees are paid at the time of submittal unless otherwise noted. All fees are non-refundable unless an error has been made internally.

Land disturbance permit: non-single-family residential: less than one acre of disturbance	
Application	\$50
Land disturbance permit	\$100
Plan resubmittal (first free), if applicable	\$100
Plan review (for construction and permanent stormwater design and plan)	\$100
Land disturbance permit: non-single-family residential, commercial or industrial: greater than one acre of disturbance	
Application	\$100
Engineering review, earthen stormwater retention pond	\$400
Engineering review fee (if necessary)	\$20 per disturbed acre
Land disturbance permit	\$20 per disturbed acre
Plan resubmittal (first free), if applicable	\$150
Plan review (for construction and permanent stormwater design and plan)	\$250, plus \$20 per lot
Land disturbance permit: single-family residential	
Application	\$25
Land disturbance permit	\$50 if disturbance is less than one acre; \$100 if greater than one acre
Plan resubmittal (first free), if applicable	\$50
Plan review (for construction and permanent stormwater design and plan)	\$50

(Ord. 2023-018, passed 1-9-2024)

ADMINISTRATION AND ENFORCEMENT

§ 154.45 COMPLIANCE.

Before starting any activities regulated by this chapter, an applicant shall comply with the requirements set forth in other applicable ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this chapter and as may be required by state statutes and the regulations of any department of the state.

(Ord. 2023-018, passed 1-9-2024)

§ 154.46 VARIANCES.

(A) *Standards.* Variances from these standards, provisions and specifications may be granted when it is demonstrated to the satisfaction of the City Council that, owing to special conditions, a strict adherence to the provisions of this chapter will result in unnecessary hardship and that the spirit and intent of the ordinance will be observed.

(B) *Procedure.* A written request for variance shall be filed by the owner, seeking to develop or change the use of his or her property, or his or her agent with the city and shall state specifically what variance is sought and the public's interest in granting the variance. The applicant must specify hardships to result in following the prescribed regulations. The city must then examine and decide the validity of the proposed hardships. This request is then submitted to the City Council by the city along with a recommendation about granting the variance.

(1) The variance will be granted only upon showing that there is good and sufficient cause and that the failure to grant a variance would result in exceptional hardship to the applicant. Financial hardship to the property owners does not constitute appropriate grounds for a variance under this chapter.

(2) A record of all variance actions shall be maintained by the city, including the justification for issuance.

(3) Variances may be considered for the reconstruction, rehabilitation or restoration of structures listed on the State Inventory of Historic Places.

(Ord. 2023-018, passed 1-9-2024)

§ 154.47 OFFICIAL MAPS AND PROFILES.

Responsibility for all changes to official maps and profiles remains with the city.

(Ord. 2023-018, passed 1-9-2024)

§ 154.48 INSPECTIONS.

(A) *City requirements.*

(1) The city shall be responsible for determining whether the stormwater management plan is in conformance with requirements specified in §§ 154.15 through 154.17, and whether development is proceeding in accordance with the approved stormwater management plan. Periodic inspection of the development site shall be made by the city or authorized representative to ensure that the stormwater management plan is properly implemented.

(2) The city, the Zoning Enforcement Officer and other duly authorized employees bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation and measurement, in accordance with the provisions of this chapter.

(3) Authorized inspectors from the city shall have the power to inspect any land-disturbing activity and to review the records of all inspections, repairs and modifications made by the permit holder in order to ensure compliance with the approved SWPPP and to examine field practices to determine if control measures are adequate.

(4) The inspector with the city shall complete a report after each inspection and keep it on file in City Hall.

(5) Inspections will be made a minimum of every 30 days until all land-disturbing activities have been completed and permanently stabilized or until the NOT with the State Division of Water has been issued. If deficiencies are noted, more frequent inspections will be made. See § 154.50.

(B) *Permit holder requirements.*

(1) The permit holder must have a qualified inspector making inspections weekly. Bi-weekly inspections are allowed if inspections are also performed within 24 hours after one-half-inch rain events or larger.

(2) Inspectors shall have training in stormwater construction management as recognized by the current KYR1000000 permit requirements.

(3) The permit holder's qualified inspector shall prepare an inspection report that shall include, at a minimum, the following information:

- (a) Date;
- (b) Time of day;
- (c) Name of person performing the inspection and qualification ID number;
- (d) Company represented;
- (e) Scope of inspection;
- (f) Duration and approximate amount of rainfall for each storm event (in inches);
- (g) Observations of the SWPPP and BMPs installed;
- (h) Any changes in SWPPP or BMP;
- (i) Recommendations for correction of deficiencies; and

(j) Signed in accordance with the signatory requirements in 401 KAR 5:065.

(4) Refer to the KPDES permit, KYR100000, part II, § 7, entitled "Inspections" for further information on inspection requirements.

(Ord. 2023-018, passed 1-9-2024)

§ 154.49 CERTIFICATION.

At the completion of the improvements approved in the stormwater management plan, the applicant shall provide to the city a certification by a professional engineer that the improvements have generally been built in conformance with the plan. No certificate of occupancy will be issued or performance bond released prior to receipt of certification.

(Ord. 2023-018, passed 1-9-2024)

§ 154.50 ENFORCEMENT PROCEDURE.

The city, in conjunction with the City Public Works and Code Enforcement, shall be responsible for the enforcement of this chapter. Duly authorized representatives have the authority to issue notices of violation, stop-work orders and levy fines. Enforcement actions shall be served to the property owner as listed on the permit or most current property owner as held by the PVA office.

(A) *Notice of deficiency (NOD)*. If any site violates the conditions of this chapter when inspected by the city's authorized representative, a NOD shall be issued to the violator. The NOD may be verbal or written to either NOI holder or the property owner. The violator shall be given seven calendar days, or as directed by the city or designee, to correct the deficiency per the details as specified in the NOD.

(B) *Notice of violation (NOV)*. A written NOV shall be issued to either the holder of the NOI or the owner(s) of the site, when previously cited, does not comply with the terms of the NOD within the time period given. The violator shall be given five calendar days to correct the deficiency per the details as specified in the NOV. The city's authorized representative has the right to modify the time frame for corrections based on his or her judgment, due to project conditions.

(C) *Stop-work order (SWO)*. A stop-work order shall be issued to anyone previously cited with an NOV that does not comply with the terms or the violation within the time frame given. All work on the site shall stop except for activities necessary to correct the violation. The violator shall be given seven days, or as directed, to correct the deficiency per the details of stop-work order. Upon completion of remediated actions as inspected the city, then the stop-work order shall be rescinded, and work can continue on the site.

(1) If the holder of the NOI or property owner does not comply with the stop-work order conditions within the time period specified, the violator will be penalized as specified in § 154.99. The city may also perform the remedial work and make claim against the permit holder to recover its expenses and costs.

(2) For violations where no permit has been issued, the office of the city will notify the property owner and cooperate for resolution prior to enforcement. Should the owner not cease the land-disturbing activities or demonstrate a history of noncompliance of the same nature, the city may request the City Attorney to seek injunctive relief as described in § 154.99.

(3) The city may deny the issuance of any permits for any project or property to an applicant when it determines that the applicant is not in compliance with the provisions of any land disturbance permit or approved stormwater management or erosion and sediment control plan, or has failed to comply with any other provisions of this chapter.

(4) The city is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any violation is not abated immediately, the city is authorized to enter onto private or public property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. The cost of remediation plus any administrative and attorneys' fees shall be billed to the owner. Failure to reimburse the city within 30 days will result in a lien being placed on the property.

(D) *Appeals*. A permit holder or property owner may appeal an enforcement action to the City Council within 15 days of the date of notification. The appeal shall be made in writing to the Mayor. The Mayor may then allot time at a regular Council meeting or call a special meeting where the owner or permit holder shall be given an opportunity to be heard, and he or she may call witnesses and present evidence on his or her behalf. After such meeting, if the City Council concludes that the issuance of additional correction notices would be futile, any bonds or cash deposits posted with the city shall be forfeited, whereupon said security shall be used for completion of the stormwater management plan as approved.

(Ord. 2023-018, passed 1-9-2024)

§ 154.99 PENALTY.

Any person, firm or corporation who violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than \$25, nor more than \$250, and, in addition, shall pay all costs and expenses involved in the case. Violators of this chapter may be issued a citation by the officer in charge of enforcement.

(Ord. 2023-018, passed 1-9-2024)

CHAPTER 155: FLOOD DAMAGE PREVENTION

Section

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GENERAL PROVISIONS

§ 155.01 STATUTORY AUTHORIZATION.

The Legislature of the Commonwealth of Kentucky has in KRS 82.082 delegated to local government units the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council hereby adopts the following floodplain management ordinance, as follows.

(Ord. 2009-006, passed 11-10-2009)

§ 155.02 FINDINGS OF FACT.

(A) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. 2009-006, passed 11-10-2009)

§ 155.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private loss due to flooding by provisions designed to:

- (A) Restrict or prohibit uses which are dangerous to health, safety and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels and natural protective barriers which accommodate or channel floodwaters;
- (D) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

(Ord. 2009-006, passed 11-10-2009)

§ 155.04 OBJECTIVES.

The objectives of this chapter are to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities, such as: water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard;
- (F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;
- (G) Ensure that potential home buyers are on notice that property is in a special flood hazard area; and
- (H) Ensure that those who occupy a special flood hazard area assume responsibility for their actions.

(Ord. 2009-006, passed 11-10-2009)

§ 155.05 DEFINITIONS.

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

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns and hay sheds.

ACCESSORY USE. A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

A1-30 AND AE ZONES. Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

A99 ZONE. The part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a federal flood protection system under construction. No base flood elevations are determined.

AH ZONE. An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are shown.

AO ZONE. An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are shown.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or from the Floodplain Administrator's ruling on a request for a variance.

AR/A1-A30, AR/AE, AR/AH, AR/AO AND AR/A ZONES. Special flood hazard areas (SFHAs) that result from the

decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on a community's flood insurance rate map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

A ZONE. Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt or a combination of both. In **A ZONES**, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

B AND X ZONES (SHADED). Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile and areas protected by levees from the base flood.

BASE FLOOD. A flood which has a 1% chance of being equaled or exceeded in any given year. (Also called the **100-YEAR FLOOD**.) **BASE FLOOD** is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE). The elevation shown on the flood insurance rate map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT. The portion of a structure having its floor subgrade (below ground level) on all four sides.

BUILDING. A walled and roofed structure that is principally above ground, including a manufactured home, gas or liquid storage tank or other human-made facility or infrastructure. See **STRUCTURE**.

C AND X (UNSHADED) ZONES. Areas determined to be outside the 500-year floodplain.

COMMUNITY. A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY FLOOD HAZARD AREA (CFHA). An area that has been determined by the Floodplain Administrator (or other delegated, designated or qualified community official) from available technical studies, historical information and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives to those communities in the regular program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

CRITICAL FACILITY. Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. **CRITICAL FACILITIES** include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations; vehicle and equipment storage facilities; emergency operations centers likely to be called upon before, during and after a flood; public and private utility facilities important to maintaining or restoring normal services before, during and after a flood; and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or storage of equipment or materials.

D ZONE. An area in which the flood hazard is undetermined.

ELEVATED STRUCTURE. A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls or breakaway walls. (See freeboard requirements for residential and nonresidential structures.)

ELEVATION CERTIFICATE. A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this chapter.

EMERGENCY PROGRAM. The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

ENCLOSURE. The portion of a structure below the base flood elevation (BFE) used solely for parking of vehicles, limited storage or access to the structure.

ENCROACHMENT. The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION. Any structure for which the start of construction commenced before the effective date of the

FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the city based on specific technical base flood elevation data which established the area of special flood hazards.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FIVE-HUNDRED YEAR FLOOD. The flood that has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the **500-YEAR FLOOD** have a moderate to low risk of flooding.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

FLOOD, FLOODING or FLOODWATER.

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (mudflows). See **MUDSLIDES (MUDFLOWS)**.

(2) The condition resulting from flood-related erosion.

FLOOD HAZARD BOUNDARY MAP (FHBM). A map on which the boundaries of the flood, mudslide (mudflow) and flood-related erosion areas having special hazards have been designated as Zones A, M and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

FLOOD INSURANCE RATE MAP (FIRM). A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

FLOOD INSURANCE STUDY. The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the flood insurance rate map (FIRM) and/or the flood boundary floodway map (FBFM), and the water surface elevation of the base flood.

FLOODPLAIN ADMINISTRATOR. The individual appointed by an NFIP participating community to administer and enforce the floodplain management ordinances.

FLOODPLAIN OR FLOOD-PRONE AREA. Any land area susceptible to being inundated by floodwaters from any source.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management ordinance s and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOODPROOFING CERTIFICATE. A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a nonresidential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the **REGULATORY FLOODWAY**.

FLOODWAY FRINGE. The area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

FRAUD AND VICTIMIZATION. As related in § 155.27, a requirement that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for 50 to 100 years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages may incur. In addition, future owners may purchase the property,

unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FREEBOARD. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. **FREEBOARD** must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components and the like.

FUNCTIONALLY DEPENDENT USE FACILITY. A facility, structure or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

GOVERNING BODY. The local governing unit, i.e., county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

HAZARD POTENTIAL. The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The **HAZARD POTENTIAL** classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood-routing capacity).

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

INCREASED COST OF COMPLIANCE (ICC).

(1) **INCREASED COST OF COMPLIANCE** coverage provides for the payment of a claim for the cost to comply with state or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a standard flood insurance policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, **ICC** will help pay up to \$30,000 for the cost to elevate, floodproof, demolish or remove the building.

(2) **ICC COVERAGE** is available on residential and nonresidential buildings (this category includes public or government buildings, such as schools, libraries and municipal buildings) insured under the NFIP.

KRS 151.250. Plans for dams, levees and the like to be approved and permit issued by the Environmental and Public Protection Cabinet.

(1) Notwithstanding any other provision of law, no person and no city, county or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet, by regulation, may exempt those dams, embankments or other obstructions, which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in division (1) of this definition.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction,

reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources, through KRS Chapter 350, shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps and flood insurance studies. **LOMCs** include the following categories.

(1) **LETTER OF MAP AMENDMENT (LOMA).** A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A **LOMA** amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) **LETTER OF MAP REVISION (LOMR).** A revision based on technical data that, usually due to human-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations and planimetric features.

(3) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F).** A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SFHA.

LEVEE. A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM.

(1) A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(2) For a **LEVEE SYSTEM** to be recognized, the following criteria must be met.

(a) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

(b) All operations must be under the jurisdiction of a federal or state agency, an agency created by federal or state law, or an agency of a community participating in the NFIP.

LIMITED STORAGE. An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood-resistant material, void of utilities except for essential lighting and cannot be temperature controlled.

LOWEST ADJACENT GRADE. The elevation of the sidewalk, patio, deck support or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

LOWEST FLOOR. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, structure access or storage in an area other than a basement area is not considered a structure's **LOWEST FLOOR**, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP. The flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

MAP PANEL NUMBER. The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

MARKET VALUE. The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. **MARKET VALUE** can be established by independent certified appraisal, replacement cost depreciated by age of structure (actual cash value) or adjusted assessed values.

MEAN SEA LEVEL (MSL). The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the **MSL** is used as a reference for establishing various elevations within the floodplain as shown on a

community's FIRM. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

MITIGATION. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **MITIGATION** is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

MUDSLIDE (MUDFLOW). Describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A **MUDSLIDE (MUDFLOW)** may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE OR MUDFLOW AREA MANAGEMENT. The operation of and overall program of corrective and preventative measures for reducing mudslide or mudflow damage, including, but not limited to, emergency preparedness plans, mudslide control works and floodplain management regulations.

MUDSLIDE OR MUDFLOW PRONE AREA. An area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRMs. Refer to FIRM legend panel for correct datum.)

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the city's floodplain management regulations and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the city's adopted floodplain management ordinances.

NONRESIDENTIAL. Structures that are not designed for human habitation, including, but not limited to, small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses and hotels or motels with normal room rentals for less than a six-month duration.

NORTH AMERICAN VERTICAL DATUM (NAVD). As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRMs and digitally referenced FIRMs (DFIRMs)). (Refer to FIRM or DFIRM legend panel for correct datum.)

OBSTRUCTION. Includes, but is not limited to, any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD). The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the **100-YEAR FLOOD**. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood with the SFHA. (See **BASE FLOOD**.)

PARTICIPATING COMMUNITY. A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

PRE-FIRM CONSTRUCTION. Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

POST-FIRM CONSTRUCTION. Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

PROBATION. A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of **PROBATION**, each insurance policy is subject to a \$50 surcharge.

PROGRAM DEFICIENCY. A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 C.F.R. §§ 60.3, 60.4, 60.5 and/or 60.6.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

RECREATIONAL VEHICLE. A vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULAR PROGRAM. The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (See **BASE FLOOD**.)

REMEDY A VIOLATION. The process by which a community brings a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impact of noncompliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations or reducing state or federal financing exposure with regard to the structure or other development.

REPAIR. The reconstruction or renewal of any part of an existing structure.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two or more separate occasions during a ten-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or four or more flood losses of \$1,000 or more over the life of the structure, or three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

SECTION 1316. The section of the National Flood Insurance Act of 1968, being 42 U.S.C. §§ 4001 et seq., as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

SHEET FLOW AREA. See **AREA OF SHALLOW FLOODING**.

SPECIAL FLOOD HAZARD AREA (SFHA). The portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AO or AR.

START OF CONSTRUCTION. Includes substantial improvement and other proposed new development. The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The **ACTUAL START** means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

STRUCTURE. A walled and roofed building that is principally above ground, including manufactured homes, gas or liquid storage tanks, or other human-made facilities or infrastructures. See **BUILDING**.

SUBDIVISION. Any division, for the purposes of sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two or more lots or parcels.

SUBROGATION. An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

SUBSTANTIAL DAMAGE.

- (1) Any damage to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.
- (2) For the purposes of this definition, repair is considered to occur when the first repair or reconstruction of any wall, ceiling, floor or other structural part of the building commences.
- (3) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or

(b) Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIAL IMPROVEMENT.

(1) Any combination of reconstruction, alteration or improvement to a building, taking place during a one-year period in which the cumulative percentage of improvement equals or exceeds 50% of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

(2) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions;

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure; or

(c) Any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS. Repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equaling or exceeding 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SUSPENSION. Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

UTILITIES. Includes electrical, heating, ventilation, plumbing and air conditioning equipment.

VARIANCE. Relief from some or all of the requirements of this chapter.

VIOLATION. Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this chapter is presumed to be in **VIOLATION** until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

WATERSHED. All the area within a geographic boundary from which water, sediments, dissolved materials and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake or underlying aquifer.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

X ZONE. The area where the flood hazard is less than that in the SFHA. Shaded X Zones shown on recent FIRMs (B Zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X Zones (C Zones on older FIRMS) designate areas where the annual exceed once probability of flooding is less than 0.2%.

ZONE. A geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

(Ord. 2009-006, passed 11-10-2009)

§ 155.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all special flood hazard areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated or qualified community official as determined by the City Council from available technical studies, historical information and other available and reliable sources, areas within the jurisdiction of the City Council which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare of the citizens of the city.

(Ord. 2009-006, passed 11-10-2009)

§ 155.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) for the county, dated February 17, 2010, with the accompanying flood insurance rate maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part

of these regulations by the city, and for those land areas acquired by the city through annexation. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator and were enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the city and are on file and available for review by the public during regular business hours at the City Hall.

(Ord. 2009-006, passed 11-10-2009)

§ 155.08 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 2009-006, passed 11-10-2009) Penalty, see § 155.99

§ 155.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2009-006, passed 11-10-2009)

§ 155.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2009-006, passed 11-10-2009)

§ 155.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City Council of the city, any officer or employee, the state, the Federal Insurance Administration or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2009-006, passed 11-10-2009)

ADMINISTRATION

§ 155.25 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) (1) A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA). See division (B) below for instructions and explanation.

(2) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(B) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in division (A) above. Application for a development permit shall be made on forms furnished by Floodplain Administrator prior to any development activities and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of the local Administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(1) *Application stage.*

(a) Proposed elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade;

(b) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

(c) All appropriate certifications from a registered professional engineer or architect that the nonresidential

floodproofed structure will meet the floodproofing criteria in §§ 155.41(B) and 155.43(B); and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) *Construction stage.*

(a) Upon placement of the lowest floor, and before construction continues, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. In AE, A1-30, AH and A Zones where the Community has adopted a regulatory base flood elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(b) When floodproofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. 2009-006, passed 11-10-2009)

§ 155.26 LOCAL ADMINISTRATOR; DESIGNATION; DUTIES AND RESPONSIBILITIES.

(A) *Designation.* The City Council hereby appoints the Mayor or designee to administer, implement and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions and is herein referred to as the Floodplain Administrator.

(B) *Duties and responsibilities.* The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following.

(1) *Permit review.* The Administrator shall review all development permits to ensure that:

(a) Permit requirements of this chapter have been satisfied;

(b) All other required state and federal permits have been obtained; the Administrator shall advise permittees that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

(c) Flood damages will be reduced in the best possible manner; and

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For the purpose of this division (B)(1)(d), **ADVERSELY AFFECTS** means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.

(2) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with § 155.07, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer §§ 155.40 through 155.46. Any such information shall be submitted to the City Council for adoption.

(3) *Notification of other agencies.* The Administrator shall:

(a) Notify adjacent communities, the State Division of Water and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse;

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) *Documentation of floodplain development.* The Administrator shall obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 155.41(A) (lowest floor elevations) as shown on a completed and certified elevation certificate. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 155.25(B)(2);

(b) Certification required by § 155.41(B) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with § 155.25(B)(2);

(c) Certification required by § 155.41(C) (elevated structures);

- (d) Certification of elevation required by § 155.44(A) (subdivision standards);
- (e) Certification required by § 155.41(E) (floodway encroachments);
- (f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (g) Review certified plans and specifications for compliance; and
- (h) Take action to remedy violations of this chapter as specified in §155.99.

(5) *Map determinations.* The Administrator shall make interpretations, where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 155.27(C)(2).

(b) When base flood elevation data or floodway data have not been provided in accordance with §155.07, then the Floodplain Administrator shall obtain, review and reasonable utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of §§ 155.40 through 155.46.

(c) When floodproofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 155.41(B), a floodproofing certificate.

(d) All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) *Right of entry.*

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this chapter.

(b) If such structures or premises are occupied, he or she shall first present proper credentials and request entry. If such building, structure or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this chapter.

(7) *Stop-work orders.* Upon notice from the Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(8) *Revocation of permits.*

(a) The Administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Administrator may revoke a permit upon determination by the Administrator that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(9) *Liability.* Any officer, employee or member of the Floodplain Administrator's staff, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render himself or herself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer, employee or member because of such act performed by him or her in the enforcement of any provision of this chapter shall be defended by the Department of Law until the final termination of the proceedings.

(10) *Expiration of floodplain construction permit.* A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within 180 calendar days from the date of its issuance by the Floodplain Administrator.

(Ord. 2009-006, passed 11-10-2009)

§ 155.27 APPEALS AND VARIANCE PROCEDURES.

(A) *Nature of variances.*

(1) The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create all exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

(2) It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B) *Designation of Variance and Appeal Board.* The City Council shall establish an Appeal Board consisting of the City Council.

(C) *Duties of Variance and Appeals Board.*

(1) The Appeal Board shall hear and decide requests for variances from the requirements of this chapter and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this chapter.

(2) Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the local circuit court, as provided in state statutes.

(D) *Appeals/variance procedures.* In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and the:

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger to life and property due to flooding or erosion damage;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) Importance to the community of the services provided by the proposed facility;
- (5) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
- (6) Availability of alternative locations which are not subject to flooding or erosion damage;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water systems, streets and bridges.

(E) *Conditions for variances.* Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard. For the purpose of this division (E), **MINIMUM NECESSARY** means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

(4) Variances shall only be issued upon:

- (a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and

(c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in § 155.05), cause fraud or victimization of the public (as defined in § 155.05) or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.

(7) Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of division (D)(1) through (D)(11) above are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(F) *Variance notification.* Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the City Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land; and

(3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(G) *Historic structures.* Variances may be issued for the repair or rehabilitation of historic structures, as defined in § 155.05, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(H) *No impact certification within the floodway.* Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 2009-006, passed 11-10-2009)

FLOOD HAZARD REDUCTION

§ 155.40 GENERAL STANDARDS.

In all special flood hazard areas, the following provisions are required.

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air condition equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding and, if within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) Any alteration, repair, reconstruction or improvements to a structure, which is not in compliance with the provisions of

this chapter shall meet the requirements of new construction as contained in this chapter.

(J) Any alteration, repair, reconstruction or improvements to a structure which is not in compliance with the provisions of this chapter shall be undertaken only if said nonconformity is not furthered, extended or replaced.

(Ord. 2009-006, passed 11-10-2009)

§ 155.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in §155.07, the following provisions are required.

(A) *Residential construction.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment and ductwork elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of division (C) below:

(1) In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;

(2) In an A Zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include, but are not limited to, detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. As a part of the technical requirements for a state floodplain permit, as provided in 401 KAR Chapter 4, Regulation 060, the applicant shall provide cross-sections for determining floodway boundaries (and thereby base flood elevations) at any proposed construction site where FEMA maps are not available. All cross-sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than five-tenths of a foot. Cross-section elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross-section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross-sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations; and

(3) In all other zones, elevated one foot above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspection Department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential structure (including manufactured homes used for nonresidential purposes) shall be elevated to conform with division (A) above or together with attendant utility and sanitary facilities:

(1) Be floodproofed below an elevation one foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Have the lowest floor, including basement, mechanical equipment and ductwork, elevated no lower than one foot above the level of the base flood elevation;

(4) A registered professional engineer or architect shall certify that the standards of this division (B) are satisfied. Such certification shall be provided to the official as set forth in § 155.25(B)(1)(c);

(5) Manufactured homes shall meet the standards in division (D) below; and

(6) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood-resistant materials below an elevation one foot above the base flood elevation and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(a) Be certified by a registered professional engineer or architect; or

(b) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C) *Elevated structures.* New construction or substantial improvements of elevated structures on columns, posts or pilings and the like that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or

meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(3) The interior portion of such enclosed areas shall not be partitioned or finished into separate room.

(D) *Standards for manufactured homes and recreational vehicles.*

(1) (a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH and AB on the community's flood insurance rate map (FIRM) must meet all the requirements for new construction, including elevation and anchoring.

(b) Locations include:

1. On individual lots or parcels;
2. In expansions to existing manufactured home parks or subdivisions;
3. In new manufactured home parks or subdivisions;
4. In substantially improved manufactured home parks or subdivisions;
5. Outside of a manufactured home park or subdivision; or

6. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(c) All manufactured homes must be:

1. Elevated on a permanent foundation;
2. Have its lowest floor elevated no lower than one foot above the level of the base flood elevation; and
3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(3) (a) All recreational vehicles placed on sites located within A, A1-30, AO, AH and AE on the community's flood insurance rate map (FIRM) must either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for manufactured homes.

(b) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with state motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(E) *Floodways.* Located within areas of special flood hazard established in §155.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles, and has erosion potential, the following provisions shall apply.

(1) The floodways shall prohibit encroachments, including fill, new construction, substantial improvements and other developments, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of

base flood discharge.

(2) If this division (E) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of this subchapter.

(Ord. 2009-006, passed 11-10-2009)

§ 155.42 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the special flood hazard areas established in §155.07, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply.

(A) No encroachments, including fill material or structures, shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with § 155.07.

(Ord. 2009-006, passed 11-10-2009)

§ 155.43 STANDARDS FOR SHALLOW FLOODING ZONES.

Located within the special flood hazard areas established in §155.07, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply.

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or, in Zone AO, the flood depth specified on the flood insurance rate map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

(B) All new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or, in Zone AO, the flood depth specified on the flood insurance rate map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade; and

(2) Together with attendant utility and sanitary facilities, be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in § 155.41(B).

(Ord. 2009-006, passed 11-10-2009)

§ 155.44 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage.

(B) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(D) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall be provided.

(E) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(Ord. 2009-006, passed 11-10-2009)

§ 155.45 STANDARDS FOR ACCESSORY STRUCTURES IN ALL "A" ZONES.

For all accessory structures in special flood hazard areas designated "A" the following provisions shall apply:

(A) Structure must be non-habitable;

(B) Must be anchored to resist floatation forces;

(C) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per

one square foot of floor area, at least two openings required on opposite walls;

- (D) Built of flood-resistant materials below a level feet above the base flood elevation;
- (E) Must elevate utilities above the base flood elevation;
- (F) Can only be used for storage or parking; and
- (G) Cannot be modified for a different use after permitting.

(Ord. 2009-006, passed 11-10-2009)

§ 155.46 CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. 2009-006, passed 11-10-2009)

§ 155.99 PENALTY.

(A) (1) *Civil offense.* If, at any time, development occurs which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

(2) *Notice of violation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this chapter and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed.

(3) *Notice of citation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(B) Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100 or imprisoned for not more than ten days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2009-006, passed 11-10-2009)

CHAPTER 156: ZONING

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Appendix A: Use table

GENERAL PROVISIONS

§ 156.001 SHORT TITLE.

This chapter shall be known and may be cited as “The Zoning Ordinance of the City of Springfield, Kentucky”. This chapter may be referred to herein as “this chapter”. The zoning map referred to herein is entitled “Zoning Map-Springfield, Kentucky” or “the zoning map.” A copy of the text and map is on file with both the City Clerk and the County Court Clerk.

(Ord. 2024-004, passed 12-23-2024)

§ 156.002 EFFECTIVE DATE.

This chapter shall become effective immediately upon its adoption by the City Council.

(Ord. 2024-004, passed 12-23-2024)

§ 156.003 AUTHORITY.

KRS 100.201 gives legislative bodies and fiscal courts the authority to enact permanent land use regulations, including zoning and other growth management regulations, to promote public health, safety, morals and general welfare of the city. The Planning Commission and City Council have fulfilled the regulations set forth as prerequisites to the adoption of this chapter.

(Ord. 2024-004, passed 12-23-2024)

§ 156.004 PURPOSE, OBJECTIVES AND GOALS.

This chapter sets forth regulations and restrictions upon the erection, construction, alteration, repair or use of buildings, structures or land, including height, number of stories, and size of buildings and other structures, size of yards, courts, and other open spaces, density of population, size and number of vehicular parking and loading, and location and intensity of use of such buildings, structures, and land for trade, industry, residence or other uses in order to, among other things:

- (A) Promote public health, safety, morals and general welfare;
- (B) Facilitate orderly and harmonious development and the visual or historical character;
- (C) Facilitate fire and police protection;
- (D) Prevent overcrowding of land, blight, danger and congestion in the circulation of people and commodities, and the loss of life, health or property from fire, flood or other dangers;
- (E) Protect airports, highways and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land and other natural resources;
- (F) Regulate the use of water and wastewater treatment facilities;
- (G) Improve soil quality; and
- (H) Protect other specific areas of the city that need special protection by the Planning Commission.

(Ord. 2024-004, passed 12-23-2024)

§ 156.005 INTERPRETATION.

This chapter shall be strictly construed and may not be extended by implication except where the intention of the City Council must prevail. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

(Ord. 2024-004, passed 12-23-2024)

§ 156.006 COORDINATION OR CONFLICT WITH OTHER LAWS OR REGULATIONS.

(A) *Generally.* Whenever this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this chapter shall govern.

(B) *Coordination with subdivision regulations.* In all cases, the provisions of the subdivision regulations and amendments thereto shall apply in addition to the provisions of this chapter.

(C) *Conflict with subdivision regulations and other laws, regulations and rules.* This chapter does not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant or relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, ordinance or resolution, or by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall control.

(D) *Conflict with this chapter, private covenants and deeds.* In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the city or the whole or part of any existing or future private covenant or deeds, the most restrictive shall apply.

(Ord. 2024-004, passed 12-23-2024)

§ 156.007 JURISDICTION.

This chapter shall apply to all land and structures within the corporate limits of the city.

(Ord. 2024-004, passed 12-23-2024)

§ 156.008 APPLICATION OF REGULATIONS.

No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved or altered, unless for

a use expressly permitted by and in conformity with the regulations herein specified for the zoning district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the non-conforming provisions, and is intended for the protection of those uses. No other uses will be permitted.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.009 DEFINITIONS.

(A) Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section and in KRS Chapter 100.

(B) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means in this chapter; and the word "regulations" means in this chapter.

(C) A "person" includes a firm, association, organization, partnership, trust, company, corporation, limited liability company and an unincorporated association such as a club; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; "shall" is always mandatory, the word "may" is permissive; a "building" includes a "structure;" a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the word "lot" includes the words "plot" or "parcel".

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

ACCESS. A point at which provisions are made for vehicular entrance to or exit from a street, and to or from a lot or other street.

ACCESSORY DWELLING UNIT. A residential living unit attached to or detached and located in the rear yard area, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, sleeping and bathroom facilities.

ACCESSORY STRUCTURE. Any structure other than the principal structure detached therefrom, use of which is directly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure. **ACCESSORY STRUCTURE** shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container.

ACCESSORY USE. A use customarily incidental and subordinate to, the principal use of the property.

ACRE. Land area of 43,560 square feet.

ADDITION. As a construction term, an extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE APPEAL. A case where an applicant alleges that there is an error in any order, requirement, decision, grant or refusal made by an administrative official in the enforcement of the zoning regulation.

ADMINISTRATIVE OFFICIAL. Any department, employee or advisory elected or appointed body, which is authorized to administer the provisions of this chapter, subdivision regulations and if delegated, any provision of any housing or building regulation or any other land use control regulation.

ADULT BATHHOUSE. An establishment or business which provides services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the Commonwealth and which establishment provides to its patrons an opportunity for engaging in **SPECIFIED SEXUAL ACTIVITIES** as defined in this chapter.

ADULT BODY PAINTING STUDIO. An establishment or business wherein patrons are afforded an opportunity to paint images on a body, which is wholly or partially nude. For purposes of this chapter, the **ADULT BODY-PAINTING STUDIO** shall not be deemed to include a tattoo parlor.

ADULT BOOKSTORE. An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

ADULT CABARET. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

ADULT DAY CARE CENTER. A facility which provides part-time care, day or night, but less than 24 hours, to at least four adults not related to the operator or the facility by blood, marriage or adoption.

ADULT ESTABLISHMENTS. Establishments, including, but not limited to, bookstores, motion picture theaters, mini motion picture theaters, bathhouses, massage parlors, modeling studios, body painting studios, cabarets and video stores

as defined in this chapter; and provided that the **ADULT ESTABLISHMENTS** remain 75 feet from any school, church, park, day care facility, another adult establishment or residential zoned property.

ADULT MASSAGE PARLORS. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional massage or physical therapist licensed by the Commonwealth and which establishment provides for its patrons the opportunity to engage in **SPECIFIED SEXUAL ACTIVITY** as defined in this chapter.

ADULT MODELING STUDIOS. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

ADULT MOTION PICTURE THEATER (INDOOR). An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** as defined herein for observation by patrons therein.

ADULT MOTION PICTURE THEATER (OUTDOOR). A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguished or characterized by an emphasis on matter depicting, describing or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** as defined herein for observation by patrons therein.

ADULT NOVELTY SHOPS. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, **SPECIFIED SEXUAL ACTIVITY** as defined herein or stimulating such activity.

ADULT VIDEO STORE. An establishment having as a substantial or significant portion of its stock and trade in videotapes, DVDs or other types of digital media for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to **SPECIFIED SEXUAL ACTIVITIES OR ANATOMICAL AREAS** as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

AGRICULTURAL USE. The use of a tract of land of at least five contiguous acres for the production of agricultural or horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including, residential building developments for sale or lease to the public. See also **CONFINED ANIMAL FEEDING OPERATION**.

ALLEY. A local public street used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

ALTERATION. As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. As applied to a building or structure in a historic district, landmark or landmark site, it shall also mean any construction on or change to the exterior of a building, structure or site, regardless of the requirement of permit from governmental agencies, including, but not limited to, the changing of siding or roofing materials and changing, eliminating or adding doors, door frames, windows, window frames, shutters, steps, fences, railings, porches, balconies, signs or other ornamentation. As applied to a watercourse, it shall mean changing the carrying capacity or location of a stream, channel or waterway.

ANTENNA, HEIGHT ABOVE GRADE OR GROUND. The vertical distance between the highest point of the **ANTENNA** and the finished grade directly below this point.

APARTMENT BUILDING. A multi-family dwelling in a building containing five or more dwelling units.

ARTERIAL. A public street that serves major centers of activity. **ARTERIALS** have the highest traffic volumes, speed limits and right-of-way widths, and are used for moving vehicles safely and efficiently and providing direct connection between points of heavy traffic generation and neighborhoods at moderate speeds. Typical average daily traffic counts on **ARTERIAL** streets are 3,000 plus vehicles.

ASSISTED LIVING FACILITY. An apartment or home-style housing unit residence which provides assisted living to two or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, 24-hour supervision and organized activities, within the residence or on the grounds of the residence.

B1 SEAL. A seal indicating that a dwelling unit has been inspected and found to be in compliance with the applicable standards for human habitation.

B2 SEAL. A seal indicating that the dwelling unit has been inspected and found not to be in compliance with the applicable codes, is a salvage unit unfit for human habitation, and shall be sold only for use as a storage or utility building.

BANNER. Any sign of lightweight fabric or similar material that is mounted to a pole, suspended between poles or affixed to a building at one or more edges. National, state or municipal flags or the official flag of any institution or business shall not be considered **BANNERS**.

BASEMENT. Any portion of a building the average height of which is at least one-half below grade plane.

BILLBOARD or **OUTDOOR ADVERTISING SIGN**. An off-premises sign which directs attention to businesses, products, services or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term **OUTDOOR ADVERTISING** shall include **BILLBOARD SIGNS**.

BOARDING OR ROOMING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three persons and where meals are regularly prepared and served for compensation.

BOARD OF ADJUSTMENTS. The Board of Adjustments of the city.

BONA FIDE FARM. Must meet the definitional requirements of KRS 132.010(9) or (10).

BUFFER. An area within a property, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences or berms, designed to limit sight and sound from the site to adjacent properties.

BUILDING. Any structure, but not a mobile home or trailer, used or intended for supporting or sheltering any use or occupancy. All **BUILDINGS** shall be required to be positioned within all building setback lines. When measuring the distance required for the **BUILDING** setback lines, the outer most portion of the structure shall be used.

BUILDING CODE. Rules and regulations adopted by local legislative bodies to regulate building and construction standards. These include, but are not limited to, the Kentucky Building Code and the BOCA One- and Two-Family Building Code, and the National Electrical Code.

BUILDING HEIGHT. A distance measured from the highest point of the roof for flat roofs; to the deck line of mansard roofs; to the ridge for gable, hip and gambrel roofs (excludes chimney). **BUILDING HEIGHT** limitations of this chapter shall not apply to church spires, belfries, cupolas, sand domes not intended for human occupancy; monuments; water towers; observation towers; flagpoles; or chimneys.

BUILDING INSPECTOR. A person appointed by the Mayor and whose responsibility it is to inspect items required by the Building Codes and the subdivision regulations.

BUILDING OR WALL SIGN. A sign which is painted on the exterior wall of a building, or attached to or placed flat against, or no more than 18 inches from, an exterior wall of a building, but not extending above the roof line.

BUILDING PERMIT. A permit issued by the Building Inspector allowing a property owner or their agent to construct, alter or remove a building, structure and the like, or engage in similar activity which would alter the character or the lot in question.

CELLULAR ANTENNA TOWER. A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

CELLULAR TELECOMMUNICATIONS SERVICES. A retail telecommunications services that uses radio signals transmitted through cell sites and mobile switching stations.

CENTERLINE. The center of the street established by survey, or when not established, center of a paved roadway.

CERTIFICATE OF APPROPRIATENESS. Document issued by the Historic Preservation Board that gives approval of work to be completed on a landmark or property in a historic district.

CERTIFIED LOCAL GOVERNMENT. A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (Pub. Law No. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State Historic Preservation Office (Kentucky Heritage Council) of the Commonwealth.

CHILD DAY CARE CENTER. A facility which provides full- or part-time care, day or night, to at least seven children who are not the children, grandchildren, children in legal custody, nieces or nephews of the operator.

CITY LIMITS. The municipal or corporate limits of the city.

COLLECTOR. A public street that functions to conduct traffic between major arterial streets, minor activity centers and local streets, and provides access to adjacent property. **COLLECTOR** streets may be further divided into major and minor collectors.

CO-LOCATION. Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

COMMERCIAL ANIMAL KENNEL. An establishment where more than five dogs or other domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

COMMISSION. The Planning Commission of the city.

COMPREHENSIVE PLAN. The adopted plan for the city that serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such **PLAN** shall include all elements whether expressed in words, graphics or other forms.

CONDITIONAL USE. A use which may be essential to or could promote the public health, safety or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones unless

restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulations. Any **CONDITIONAL USE** must be pursuant to the **CONDITIONAL USES** listed in the use table for the zoning district in question and may not be approved for that zoning district if it is not so listed.

CONDITIONAL USE PERMIT. A legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustments, consisting of two parts: a statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit and a statement of the specific conditions which must be met in order for the use to be permitted.

CONDOMINIUM. A form of ownership with the following characteristics: the unit (the interior and associated exterior areas designated for private use in the development plan) is owned or rented by the occupant; and all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with KRS 381.805 et seq. and in accordance with the provisions for open spaces, roads or other development features as specified in this chapter and the subdivision regulations.

CONFINED ANIMAL FEEDING OPERATIONS. Any animal feedlot and associated animal waste areas.

CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL. A site properly permitted by the Commonwealth on which non-hazardous materials from construction and demolition debris projects are disposed.

CORNER LOT. A lot that abuts on two intersecting streets at their intersection.

COUNTY CLERK. The County Clerk of the county.

CUL-DE-SAC STREET. A local street with only one end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround.

DEDICATED STREET. A street designated by plat or written deed to be used for public purposes.

DEMOLITION. Any act that destroys in whole or in part a landmark, building, structure, building or structure in a historic district, physical feature or other site destruction.

DENSITY. A measure of the intensity of the use of a piece of land expressed or can be calculated in dwelling units, families or housing structures per acre.

DESIGN. The arrangement of land for lots, rights-of-way, easements, setback lines and improvements to include alignment, grade, length and width of those elements.

DESIGN STANDARDS. Standards that set forth specific improvement or rehabilitation requirements.

DEVELOPER. An individual, partnership, corporation, limited liability company (LLC) or other legal entity or agent thereof, which undertakes the activities covered by the subdivision regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring development, the term **DEVELOPER** includes "subdivider," "owner," "builder," and the like, although the persons and their precise interests may vary at different project stages.

DEVELOPMENT. Land being subdivided by a developer in accordance with the subdivision regulations; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill or land disturbance, clearing or other human-induced movement of land.

DEVELOPMENT PLAN. Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing human-made and natural conditions, and all other conditions agreed to by the applicant.

DIRECTIONAL MOTOR VEHICLE CONTROL SIGN. An on-premises sign that is erected, constructed and maintained for the sole purpose of directing traffic in off-street parking areas. See also **MOTOR VEHICLE CONTROL SIGN**.

DIRECTIONAL SIGN. A sign that serves solely to direct pedestrian or vehicular traffic or parking within a premises or to provide related instructions or facility information but that contains no advertising other than the name and logo of the business on the premises, including entrance and exit signs.

DRIVE-IN OR DRIVE-THROUGH EATING AND DRINKING ESTABLISHMENT. A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building. Such use often includes an intercom or speaker system, a menu board and an outside service window. The terms **DRIVE-IN** and **DRIVE-THROUGH** shall be considered interchangeable.

DRIVEWAY. A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

DUPLEX. A building containing two dwelling units on a single lot with separate entrances.

DWELLING. A building or structure designed or used for permanent human habitation.

DWELLING, MULTIPLE-FAMILY. A residential building designed for or occupied by three or more families, with the

number of families in residence not exceeding the number of dwelling units provided. See **MULTI-FAMILY DWELLING**.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only. See **SINGLE-FAMILY DWELLING**.

DWELLING, TWO-FAMILY. A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING UNIT. One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and containing independent cooking, sleeping and bathroom facilities

EASEMENT. The right, not ownership of the land, to cross property with facilities, such as, but not limited to, sewer, water and transmission lines, or the right distinct from the ownership of the land to reserve and hold an area for drainage, access or other specified purposes.

ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

ENGINEER. A qualified person registered and currently licensed to practice civil engineering by the State Board of Registration for Professional Engineers and Land Surveyors in the Commonwealth.

ENTRANCE SIGN. A permanent on-premise sign identifying a vehicular entrance.

FACADE. The portion of an exterior elevation on the building extending from grade to top of the parapet.

FAMILY. A person living alone, or any of the following groups living together as a single non-profit housekeeping unit sharing common living, sleeping, cooking and eating facilities: any number of people related by blood, marriage, domestic partnership, adoption, guardianship or other duly-authorized custodial relationship; two unrelated people; or two unrelated people and any children related to any of them.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FINAL ACTION. Any final adjudication of the application for any zoning map amendment, variance, conditional use permit or appeal from any administrative official before the Planning Commission or Board of Adjustments, or appeal from the decision of the Planning Commission or Board of Adjustments to the City Council, or the highest state or federal court to which any appeals shall be taken.

FINAL PLAT. The record plat of a subdivision prepared by a registered land surveyor in accordance with the minimum standards of practice for land surveyors in the state established by the State Board of Licensure for Professional Engineers and Land Surveyors, and meet the minimum standards of the subdivision regulations.

FLAG. Any fabric, banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government, political subdivision or other official designated symbol of any institution or business.

FLAG LOT. An irregularly shaped lot where access is provided from a public street frontage through a narrow, unobstructed strip (or "panhandle"), which is part of the lot. The building site within a **FLAG LOT** does not immediately abut a public street but is located at the terminus of the access strip described herein. Building setback lines are to be shown the appropriate distance from the terminus of the access strip. No building shall be placed in the access strip. Within the city corporate limits, **FLAG LOTS** shall only be used in those locations where, due to geometric, topographic and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission. Outside the city corporate limits, one **FLAG LOT** shall be permitted every 500 feet between access strips or "panhandles", and shall have a minimum of a 50-foot access strip or "panhandle." Before any **FLAG LOT** can be further subdivided, the developer shall build and dedicate the access strip into a public right-of-way pursuant to this chapter.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland water, the unusual and rapid accumulation of runoff of surface waters from any source, and mudslides, which are caused or precipitated by accumulations of water on or underground.

FLOODPLAIN. Any land designated as floodplain on the flood insurance maps of the Federal Emergency Management Agency (FEMA).

FOURPLEX. A building containing four dwelling units.

FREESTANDING SIGN. Any on-premise sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

FRONT YARD. A space extending the full width of the lot between any building and the front lot, and measured perpendicular to the building at the closest point to the front lot line. In case of corner or through lots, **FRONT YARDS** shall be provided on all frontages.

FRONT YARD SETBACK LINE. A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. No buildings shall be placed in the space between the **FRONT YARD SETBACK LINES** and the right-of-way. Lots that front on more than one street or right-of-way must have a **FRONT YARD SETBACK LINE** and a

principal **FRONT YARD SETBACK LINE**

FRONTAGE. The side of a lot abutting on a public street or otherwise approved street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

GAS STATION. Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. (Uses permissible at a **GAS STATION** do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in **GAS STATIONS**. A **GAS STATION** is not a repair garage nor a body shop.)

GRADE. The inclination with the horizontal, of a road, unimproved land and the like, which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions are to be measured by the exterior faces of walls, including the walls of the roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings on the same lot.

HEALTH DEPARTMENT. The County Health Department.

HOME OCCUPATION. Any business activity, profession or trade carried on by a member(s) of the family residing on the premises, conducted in whole or in part inside the dwelling unit or accessory structure and is clearly subordinate to the residential use of the dwelling unit. Any use of the yard or accessory structures shall be incidental to the use of the dwelling for the **HOME OCCUPATION**. Such use shall not alter the character thereof by reason of noise, odor, traffic generation or otherwise change the character of the principal structure or the surrounding area. The following activities are specifically excluded from this definition:

- (1) Day trading and investing, if limited to the benefit of family members, and not involving any compensation for these activities or advice;
- (2) Telecommuting as an employee or contract employee of an organization based outside the dwelling unit; and
- (3) Private social events (e.g., Tupperware, Avon, Amway parties) provided they do not occur more than three times per calendar year.

HOUSEHOLD. A single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit.

HOUSING OR BUILDING REGULATION. Kentucky Building Code, Plumbing Code and any other building or structural code promulgated by the Commonwealth or by its political subdivisions.

HUD CODE. The Federal Manufactured Home Construction and Safety Standards for construction, design and performance of manufactured housing as set forth in the 24 C.F.R. Parts 3280, 3282 and 3283, and 42 U.S.C. §§ 5401 et seq. and as mandated in the United States and as administered by the United States Department for Housing and Urban Development.

HUD LABEL. A label affixed by a manufacturer to a new manufactured home after a third-party inspector as required under the HUD Act has approved it. Also referred to as an "A Seal".

IDENTIFICATION SIGN. Any sign that carries only the name of the firm, major enterprise or principal product offered for sale on the premises, or a combination of these.

IMPROVEMENTS. Physical changes made to raw land, and structures placed on or under the land surface, to make the land more usable for human activities. Typical **IMPROVEMENTS** in these regulations would be grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees and the like.

IMPROVEMENTS PLAN. Engineering and land surveying drawings that indicate the proposed manner or layout of specific design features and infrastructure improvements for a subdivision. Written and graphic material for the provision of a development, including, but not limited to, the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, roadways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing human-made and natural conditions, and all other conditions agreed to by the applicant.

JUNKYARD. A lot, land or structure, or part thereof used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

LAND SURVEYOR. A person licensed as a **LAND SURVEYOR** by the State Board of Registration for Professional Engineers and Land Surveyors.

LANDMARK. A building, structure or site having a special historical, architectural, cultural or aesthetic value, meeting

one or more of the criteria set forth in this chapter, and designed by the City Council.

LANDMARK SITE. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

LANDOWNER. The legal or beneficial owner or owners of all the land to be included in a development.

LEGISLATIVE BODY. The City Council.

LOADING/UNLOADING AREA. An off-street space or berth used for the loading or unloading of vehicles.

LOCAL STREET. Public streets providing vehicular access and services to abutting property. A **LOCAL STREET** has a directional flow served by one lane in each direction and allows on-street parking. The layout of a **LOCAL STREET** should discourage through traffic. Traffic volume should not exceed 300 ADT count per day.

LOT. A portion of subdivision or other parcel of land occupied by or to be occupied by only one principal building and its accessory buildings. **LOTS** are the basic unit of a subdivision plan or the smallest division of land owned by a person **LOT** is used interchangeably with the term "tract".

LOT AREA. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT COVERAGE. The portion of the lot that is covered by buildings, structures, patios, walkways, travel ways, sidewalks and parking areas. **LOT COVERAGE** does not include uncovered, semi-pervious decks, playground areas with no structural element or outdoor pools. The percent of **LOT COVERAGE** shall be determined by dividing the total covered area by the gross area of the lot.

LOT DEPTH. The horizontal distance between front and rear lot lines measured along the median between two side lot lines.

LOT FRONTAGE. The length of the front lot line measured at the street right-of-way line. The front of a lot shall be construed to be the portion nearest the street. A property line which abuts a fully controlled access street and which permanently has no access to that street shall be deemed not to have frontage for the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under **YARDS** in this chapter.

LOT LINE. A line dividing one lot from another or from a street or public way.

LOT OF RECORD. A lot which is part of a subdivision recorded in the Office of the County Clerk or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to enactment of amendment of this chapter which rendered such lot or parcel a non-conforming lot.

LOT WIDTH. The horizontal distance between the side property lines measured at the front setback line **LOT WIDTH** is measured along front setback line, except for the **LOT WIDTH** of curve or cul-de-sac lots shall be measured along the chord distance at the front setback between side property lines.

MAJOR COLLECTOR. A public street that carries the majority of traffic entering arterial streets. For **MAJOR COLLECTORS**, the concept of service to abutting land should be subordinate to the provision of travel for major traffic movements. Generally, **MAJOR COLLECTORS** are state-maintained roads. The **MAJOR COLLECTOR** street should carry an average daily traffic count between 1,000 to 3,000 trips per day.

MAJOR CONSTRUCTION OF SITE IMPROVEMENTS. Construction of the following improvements, including, but not limited to, new streets, including improvement or widening of existing streets; stormwater management facilities; water supply system installation; and fire hydrant installation.

MAJOR STREET PLAN. The official map of the city showing the existing and proposed public streets.

MAJOR SUBDIVISION. Division of land not classified as a minor subdivision and into three lots or more from the parent tract, and/or where there is a need for major construction of site improvements. A preliminary plat, improvements plan and final plat are required for this type of subdivision.

MANUFACTURED HOME. A single-family residential dwelling unit fabricated as defined by KRS 227.550 and constructed in accordance with the Federal Act on or after June 15, 1976, in an off-site manufacturing facility for installation and assembly at the building site as a permanent structure with transport features removed, connected to all required utilities and including plumbing, heating, air conditioning and electrical systems contained therein, and bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards, as defined in this section.

MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS. Standards for the construction, design and performance of a manufactured home as set forth in the 24 C.F.R. Parts 3280, 3282 and 3283, and 42 U.S.C. §§ 5401 et seq. and as mandated in the United States and as administered by the United States Department of Housing and Urban Development, commonly referred to as the **HUD CODE**.

MAYOR. The chief elected official of the city.

MEDICAL CANNABIS CULTIVATOR. An entity licensed by the state pursuant to the state statutes and 915 KAR 1:030 to plant, grow, cultivate, raise, harvest, trim, store, test, package, label, transfer, transport, sell medicinal cannabis seed,

seedlings, medicinal plant, medicinal cannabis or medicinal cannabis product to other license cannabis business in the state.

MEDICAL CANNABIS DISPENSARY.

(a) An entity licensed by the state pursuant to state statutes and 915 KAR 1.070 to perform retail sales of medicinal cannabis to registered qualified patient or visiting qualified patient as defined by the state statutes and corresponding regulations.

(b) In zones where **MEDICAL CANNABIS DISPENSARIES** are a permitted use, such dispensary must meet all of the following conditions:

1. Shall not be located within 1,000 feet of any elementary, secondary or parochial school or regular and frequent site of after school activities, playground, public park or daycare center;
2. Shall not be located within one mile of another cannabis dispensary as measured from the property lines;
3. Shall not be located adjacent to any residential structure or zone; and
4. Shall not co-locate with a medical cannabis practitioner.

(c) In zones where medical cannabis businesses other than dispensaries are a permitted or conditional use, such facilities shall not be located within or adjacent to any residential structure or zone.

MEDICAL CANNABIS PROCESSOR. An entity licensed by the state pursuant to the state statutes and 915 KAR 1:040 to process and/or packages raw medicinal cannabis plants material or plants into approved forms of medical cannabis under the state statutes and regulations.

MEDICAL CANNABIS PRODUCER. An entity licensed by the state pursuant to the state statutes and 915 KAR 1.050 which operates as both a cannabis cultivator and processor.

MEDICAL CANNABIS SAFETY COMPLIANCE FACILITIES. An entity licensed by the state pursuant to the state statutes and 915 KAR 1.110

MINIMUM LOT AREA OR SIZE. The smallest lot area established by this chapter on which a use or structure may be located in a particular zoning district.

MINOR COLLECTOR. A public street that primarily serves residential or commercial development. Roadways within this classification are intended to convey traffic to an adjoining major collector or arterial street. Traffic volume should not exceed 1,000 average daily trips count per day.

MINOR SUBDIVISION. Division of land into two lots or less from the parent tract for residential use; provided that there is no need for major construction of site improvements, including any new street or other public right-of-way or provision for a public area or public facility, and that the subdivision conforms to the setback line requirements and other requirements of the applicable zoning district, and conveys the right-of-way necessary for road widening and maintenance of city streets or county roads, where the granting of such right-of-way can be given without undue hardship.

MOBILE HOME. A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the Federal Act, which is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when created on site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. These homes bear a numbered Class A or B seal issued by the State Department of Housing, Building and Construction, Office of the State Fire Marshal.

MOBILE HOME PARK. A tract of land prepared and approved by the Planning Commission for the placement, either free of charge or for revenue purposes, of two or more spaces for mobile or manufactured homes, according to applicable zoning regulations.

MOBILE HOME OR MANUFACTURED HOME SPACE. The part of a mobile home park which is planned and improved for the placement of the stand, driveway, parking area and related yard intended for the exclusive use of the dwelling occupant.

MODIFICATION. See **ALTERATION**.

MODULAR HOME. A dwelling unit constructed on-site in accordance with the state or municipal code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MONUMENT. An object (concrete, iron pin or pipe) set in the ground to mark the boundaries of real estate or to mark a survey station.

MONUMENT SIGN. A freestanding sign supported primarily by solid structural features other than support poles.

MOTOR VEHICLE CONTROL SIGN. An on-premise sign that is erected, constructed and maintained for the purpose of directing traffic in off-street parking areas. See also **DIRECTIONAL SIGN**.

MULCH OPERATION. Any use involving the grinding, shredding, storing, stockpiling or recycling of natural materials, such as trees, leaves or bark, into a usable product for landscaping or other purposes.

MULTI-BUILDING DEVELOPMENT. Construction of two or more buildings on a single tract of land that will not be divided into smaller parcels.

MULTI-FAMILY DWELLING. A dwelling unit within a building containing five or more dwelling units. See **DWELLING, MULTI-FAMILY**.

NEW CONSTRUCTION. The act of making an addition to an existing building or structure or the erection of a new principal or accessory building or structure.

NON-CONFORMING LOT. A lot, the area, dimensions or locations of which was lawful prior to the adoption, revision or amendment of this chapter and the subdivision regulations, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the regulations.

NON-CONFORMING USE OR STRUCTURE. An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all the regulations contained in the zoning regulation which pertain to the zoning district in which it is located.

OFF-PREMISE SIGN. Any sign that identifies, advertises or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is not conducted, sold or offered upon the premises where such sign is located.

OFF-STREET PARKING. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

ON-PREMISE SIGN. A sign other than a temporary sign, which identifies, advertises or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility on which is available on the premises where the sign is located. **ON-PREMISE SIGNS** do not include signs erected by the outdoor or billboard advertising industry in the conduct of the outdoor business.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

ORDINARY REPAIRS AND MAINTENANCE. Any work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage.

OUTDOOR OR BILLBOARD ADVERTISING SIGN. An off-premises sign which directs attention to businesses, products, services or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term **OUTDOOR ADVERTISING** shall include **BILLBOARD SIGNS**.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient propriety interest in the land sought to be subdivided under these regulations.

PARKING AREA. Any public or private unobstructed land area that has access to a street and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways and private driveways.

PARKING LOT. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked or for sale motor vehicles or where motor vehicle parts are located.

PARKING SPACE. The area for the parking of a motor vehicle within a public or private parking area. As used in this chapter, it is a numerical designation used to determine the size of parking areas.

PERMANENT FOUNDATION. A permanent masonry, concrete or other footing approved by the Building Inspector to which a building, structure or manufactured home may be affixed.

PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

PERSONAL COMMUNICATIONS SERVICES. As defined in 47 U.S.C. § 332(c).

PLANNED UNIT DEVELOPMENT (PUD). An area of minimum contiguous size, as specified by this chapter, to be planned, developed, operated and maintained as a single entity containing multiple principal buildings to accommodate residential or commercial uses, or both, and appurtenant common areas and other uses incidental to the predominant uses, and of common ownership on one lot. Commonly referred to as cluster developments.

PLANNING COMMISSION. The Planning Commission of the city.

PLAT. A map of subdivision showing the boundaries and location of individual properties, easements, streets and other required information and prepared by a licensed land surveyor.

POLE SIGN. Any freestanding sign that is mounted on a freestanding pole or other support so the bottom edge of the sign face is six feet or more above grade.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

PRELIMINARY PLAT. A map or plan of proposed land subdivision containing the information and materials specified in the subdivision regulations.

PREMISES. A general term meaning part or all of any lot or part of all of any building or structure or group of buildings or structures located thereon.

PRINCIPAL BUILDING. A structure or building, including covered porches or any part of a permitted structure above the foundation, in which the principal use of the lot on which is located or conducted. Any dwelling shall be deemed the principal building on the lot on which it is situated. See **PRINCIPAL STRUCTURE**.

PRINCIPAL FRONT YARD SETBACK LINE. A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. A **PRINCIPAL FRONT YARD SETBACK LINE** establishes the direction a principal structure must face on a lot with multiple road frontages. No buildings shall be placed in the space between the **PRINCIPAL FRONT YARD SETBACK LINES** and the right-of-way.

PRINCIPAL STRUCTURE. A structure or building, including covered porches or any part of a permitted structure above the foundation, in which the principal use of the lot on which is located or conducted. Any dwelling shall be deemed the principal building on the lot on which it is situated. See **PRINCIPAL BUILDING**.

PRINCIPAL USE. The primary or predominant use of any lot.

PRIVATE STREET. A means of access to a public street. A **PRIVATE STREET** is owned and maintained by the property owners. No future resubdivision can occur on a **PRIVATE STREET**.

PROJECTING SIGN. A sign, other than a flat wall sign, which projects from and is supported by a wall of a building or structure.

PROPERTY LINE. A line dividing one lot from another or from a street or public way.

PUBLIC FACILITY. Any use of land whether publicly- or privately-owned for transportation, utilities or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers, including parks and cemeteries.

PUBLIC RIGHT-OF-WAY. A publicly-owned strip of land occupied or intended to be occupied by a public street or road, and any associated utilities.

PUBLIC STREET. A roadway set aside for vehicular traffic regardless of size or designation but excluding private easements, rights-of-ways and driveways. The word **PUBLIC STREET** is used interchangeably with the term "road," "highway," "thoroughfare," "avenue," "drive," "circle," "parkway," "place," "court" or similar term.

REAR YARD. A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

REAR YARD SETBACK LINE. A line in the interior of a lot, parallel with and measured a specific distance from the rear property line. No buildings shall be placed in the space between the **REAR YARD SETBACK LINES** and the rear property line.

RECREATIONAL VEHICLE. Any vehicle used for transient dwelling purposes, including, but not limited to, a travel trailer, pick-up coach, motor home or camping trailer.

RECREATIONAL VEHICLE PARK. A parcel of land available to the public in which two or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and includes any service building, structure, enclosure or other facility used as a part of the park.

RECYCLING CENTER OR PLANT. A lot or parcel of land, upon which used materials are separated and processed for shipment for reuse in new products. A facility in which recyclables, such as newspapers, magazines, books and other paper products, glass, metal cans and other products, are recycled, reprocessed and treated to return such products to a condition in which they again may be used in new products. A **RECYCLING CENTER OR PLANT** does not include junkyards.

RESIDENTIAL CARE FACILITY. A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982.

RESTAURANT. An establishment whose principal business is the serving of food and beverages primarily to individual diners or small groups of diners for immediate consumption.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer main, shade trees, drainage facilities or for another special use. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every **RIGHT-OF-WAY** hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such **RIGHT-OF-WAY** and not included within the dimensions or areas of such lots or parcels. **RIGHTS-OF-WAY** intended for streets, crosswalks, water mains, sanitary sewers, storm drains and drainage facilities, shade trees or the owner of the property on which such **RIGHT-OF-WAY** is established shall dedicate any other use involving maintenance by a public agency to public use.

ROADWAY OR TRAVELWAY. The portion of a street or parking lot intended for vehicular traffic.

ROOF LINE. The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

ROUTINE MAINTENANCE. To repair or refurbish a sign, structure or building, or any part thereof, but not including, expansion or total replacement.

SALE or LEASE. Any immediate or future transfer of ownership or any possessory interest in land, including contract of **SALE**, **LEASE**, devise, intestate succession or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, **LEASE**, devise, intestate succession or other written instrument.

SCREENING. A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SEPTIC TANK. A watertight receptacle that receives the discharge of sewerage.

SETBACK LINE. The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side or rear property line, exclusive of uncovered first floor porch, steps and HVAC equipment (HVAC equipment must, however, be located a minimum of 30 inches from the property line), and in which no building may be located.

SHORT-TERM RENTAL (RESIDENTIAL). A dwelling, or portion thereof, which has guest rooms or suites used, rented, leased, hired out or otherwise assigned for tenancy or occupancy for less than 30 consecutive days in duration. This term does not include hotel or motel rooms.

SIDE YARD. A yard extending along the side lot from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building. In the case of through lots, **SIDE YARDS** shall extend from the rear lot lines to the front lot line.

SIDE YARD SETBACK LINE. A line in the interior of a lot, parallel with and measured a specific distance from the side property line. No buildings shall be placed in the space between the **SIDE**

YARD SETBACK LINES and the side property line.

SIDEWALK. A paved path provided for pedestrian use and usually located at the side of a street within the right-of-way.

SIGN. Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display or structure, to the attention of persons off the premises on which the **SIGN** is displayed. The foregoing definition includes, but is not limited to, numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions and patterns, and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

SIGN AREA. The area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure does not form part of the sign proper or of the display. The **SIGN AREA** composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.

SIGN FACE. The total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

SIGN HEIGHT. The vertical distance measured from the top most part of the sign or sign structure to the average grade level at the base of the sign.

SIGN PROJECTION. The distance by which a sign extends over public property or beyond the building line.

SINGLE-FAMILY DWELLING. A detached building designed for, or occupied exclusively by one family as a residence or habitation.

SINKHOLE. A pit in the ground caused by the dissolving or collapse of underlying rock layers, generally limestone. Some **SINKHOLES** result from enlargement of joints or crevices, the overlaying soil slumping into the hollow thus created. Others are formed by collapse of cave roofs.

SITE PLAN. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features and surrounding area.

SOLID WASTE. Any garbage, refuse, sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, residential, agricultural operations or community uses.

SPECIAL WASTES. Wastes of high volume and low hazard which include, but are not limited to, mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and wastewater treatment facilities, cement kiln dust, gas and oil drillings, mud, and oil production brines. This definition includes the definition of **SPECIAL WASTE** in KRS 224.868, as amended.

SPECIFIED ANATOMICAL AREAS. Areas including less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Activities involving human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; flagellation or torture in the context of sexual relationship; masochism, erotic or sexually oriented torture, beating or infliction of pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this definition.

STORAGE BUILDING. Any building or structure used to provide storage area for a residential, commercial or industrial structure, and which meets the definition of accessory structure.

STORY. The part of a building between the surface of one floor and the floor or roof immediately above. For the purpose of measuring maximum building height in stories, a maximum of 20 feet of height shall be considered a **STORY**.

STORY ABOVE GRADE. Any story having its finished floor surface entirely above grade except that a basement shall be considered as a **STORY ABOVE GRADE** when the finished surface of the floor-above the basement is more than six feet above grade plan, more than six feet above the finished ground level for more than 50% of the total building perimeter or more than 12 feet above the finished grade level at any point.

STREET. Any vehicular roadway.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, **STRUCTURES** include any building, accessory building, mobile home, walls, fences, signs, billboards, poster panels, towers, porches, swimming or other recreational or commercial pools, and retaining walls, gas or liquid storage tanks, fences and other human-made facilities or infrastructure. The term shall include poles and appurtenances thereto used for the provision of public utilities.

SUBDIVIDER. Any person who having an interest in land causes it, directly or indirectly, to be divided into a subdivision; or directly or indirectly, sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or develops any interest, lot, parcel site, unit or plat in a subdivision; or engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or develops a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; or directly or indirectly is controlled by, or under direct or indirect common control with any of the foregoing. The term **SUBDIVIDER** includes "developer," "builder" and the like, although the persons and their precise interest may vary at different project stages.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, for the purpose, whether immediate or future, of sale, lease or building developments, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a **SUBDIVISION**. The term includes resubdivision and when appropriate to the context, shall relate to the process of **SUBDIVISION** or to the land subdivided; any division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same land shall be deemed a **SUBDIVISION** within the meaning of this definition.

SUBDIVISION AGENT. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision, except any attorney-at-law whose representation of another person consists solely of rendering legal services.

SURVEY. The process of precisely ascertaining the area, dimensions and location of a tract of land.

TEMPORARY BUILDING. A temporary building used for the storage of construction materials and equipment incidental to on-site permitted construction or for temporary storage incidental to that of a principal building.

TEMPORARY CONSTRUCTION UNIT. Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site. No **TEMPORARY CONSTRUCTION UNIT** shall be used for sleeping or residential purposes in whole or in part.

TEMPORARY SIGN. Any sign or advertising display intended to be displayed for a period of less than 30 days per calendar year except that construction project signs may remain for the duration of the construction.

TINY HOME. A structure intended to be a principal residence for humans which is differentiated from any other principal residence only by being diminutive in overall area but is otherwise fully equipped with sleeping, kitchen and bathroom facilities.

TOTAL FLOOR AREA. The area of all floors of a building, including finished attics and basements.

TOWNHOUSE or TOWNHOME. An attached or semi-detached single-family dwelling with one or two side walls parting to the adjacent dwelling. A **TOWNHOUSE** or **TOWNHOME** building includes at least three and no more than eight dwelling units, may be one or more stories and may include a basement.

TRANSMISSION TOWER. A structure principally intended for the location of wireless transmission and/or receiving antennas.

TRANSMISSION TOWER ACCESSORY FACILITY. A detached subordinate structure or building that is incidental

and related to the transmission tower function, but not including broadcast studios or offices.

TRAVELWAY or ROADWAY. The portion of a street or parking lot intended for vehicular traffic.

TRIPLEX. A building containing three individual dwelling units.

UNIFORM APPLICATION. An application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunication services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100.

USABLE FLOOR SPACE. The area of all floors that may be used as living, working or storage areas.

USE. The purpose or activity for which land, building or structure, or combination thereof, is designed, arranged or intended, or for which it is occupied or maintained.

UTILITY. Any person, except a city, who owns, controls or operates, or manages any facility used or to be used for or in connection with: the generation, production, transmission or distribution of electricity to or for the public, for compensation, for lights, heat, power or other uses; the production, manufacturing, storage, distribution, sale or furnishing of natural or manufactured gas or a mixture of the same, to or for the public, for compensation, for lights, heat, power or other uses; the transporting or conveying of gas, crude oil or other fluid substance by pipeline to or for the public, for compensation; the diverting, developing, pumping, impounding, distributing or furnishing of water to or for the public, for compensation; the transmission or conveyance over wire, in air or otherwise, of any message by telephone or telegraph for the public, for compensation; or the treatment of sewerage for the public, for compensation.

VARIANCE. A departure from strict conformance with the dimensional terms of these regulations pertaining to height, width or location of structures, and the size of yards and open spaces, which may be approved by the Board of Adjustments, or under certain circumstances by the Planning Commission.

VEHICLE USE AREA. Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas and roadways.

WALL OR BUILDING SIGN. A sign which is painted on the exterior wall of a building, or attached to or placed flat against, or no more than 18 inches from, an exterior wall of a building, but not extending above the roof line.

WASTE DISPOSAL FACILITY. Any place where solid waste is managed, processed or disposed of by incineration, landfilling or any other method. A **WASTE DISPOSAL FACILITY** does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal.

WASTE TRANSFER STATION. Any facility including loading docks, parking areas and other similar areas, where shipments of solid waste are held, stored or transferred during the normal course of transportation.

YARD. The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this chapter. **YARDS** are further defined as follows.

(a) **YARD, FRONT.** The portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the **FRONT YARD** line.

(b) **YARD, REAR.** The portion of the yard extending the full width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

(c) **YARD, SIDE.** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building.

ZERO LOT LINE. The location of a building on a lot in such a manner that one side of the building rests directly on a property line.

ZONE OR ZONING DISTRICT. Any area or section of the city for which a classification under this chapter or land use regulations governing apply uniformly, The terms **ZONE** and **DISTRICT** are used interchangeably.

(Ord. 2024-004, passed 12-23-2024)

§ 156.010 ENFORCEMENT.

(A) *Generally.* The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer, also known as the Administrative Official of the city or Planning Commission, or any other person authorized by the City Council or Planning Commission. Such enforcement personnel shall have the power to:

- (1) Make inspections of any premises necessary to carry out the enforcement of this chapter;
- (2) Issue citations for violations of this chapter in accordance with the provisions of KRS 100.991 and the procedures set forth in KRS 431.015; and
- (3) Bring action or cause action to be brought in court of appropriate jurisdiction for any and all relief as provided in KRS

(B) *Other remedies.* In such case any building is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this regulation, the Enforcement Officer or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such buildings, structure or land.

(Ord. 2024-004, passed 12-23-2024)

§ 156.011 SCHEDULE OF FEES.

All advertising and recording costs incurred are to be paid by the applicant prior to issuance of approval or permit.

<i>Item Description</i>	<i>Fee</i>
<i>Item Description</i>	<i>Fee</i>
Administratively approvable plat review	\$25
Amendment, zoning map or text (zone change)	\$300
Bond release	\$200
Conditional use permit application review	\$100
Plat	
Final review	\$150
Preliminary review	\$300
Sign approval	\$25
Variance	\$50

<i>Fees for Zoning Permits</i>	
Accessory buildings and structures (sheds, pools, patios)	\$25
Additions	\$50
Commercial/industrial	\$.02/sq. ft.
	\$50 minimum
	\$500 maximum
New residence	\$100

(Ord. 2024-004, passed 12-23-2024)

ADMINISTRATION AND ENFORCEMENT

§ 156.020 REVIEW BODIES; CLARIFICATION AS TO JURISDICTION.

(A) *Planning Commission and Administrative Official.*

(1) *Planning Commission.*

- (a) *Duties and responsibilities.* The duties of the Planning Commission in regard to this chapter are established by KRS Chapter 100 and include, but are not limited to:
1. Hold public hearings in accordance with the state statutes and make a recommendation to the City Council in regard to zoning text or map amendments, including the designation of planned unit developments (PUDs);
 2. Review and take final action on detailed development plans;
 3. Review and make a recommendation to the City Council in regard to the designation of local historic districts and landmarks; and
 4. If for any reason the Board of Zoning Adjustment is unavailable to take final action on variances and conditional use permits, the Planning Commission may do so in accord with KRS Chapter 100.
- (b) *Membership.* The Planning Commission shall consist of a minimum of six citizen members appointed by the Mayor, subject to the approval of the City Council. Should the Mayor fail to appoint within 60 days following a vacancy, the Planning Commission shall appoint a new member to fill the vacancy.
- (c) *Term of office.* The term of office shall be four years ending on June 30 of the designated year. The term of all present members shall be staggered as existed at the time of the original adoption of this chapter. The Planning Commission shall otherwise be organized and operated in accordance with KRS 100.133 through 100.182.

(d) *Jurisdiction.* The area of jurisdiction of the Planning Commission, insofar as this chapter is concerned, shall include all land within the corporate boundaries of the city.

(2) *Administrative Official.*

(a) *Duties and responsibilities.* The duties of the Administrative Official, or designee, in regard to this chapter, shall include the following:

1. Make written interpretations of this chapter;
2. Serve as the Administrative Official pursuant to KRS 100.271;
3. Approve certain preliminary plats deemed administratively approvable, including retracement surveys;
4. Approve minor amendments to a PUD District;
5. Approve minor amendments to detailed development plans;
6. Review building permits and certificates of occupancy for conformance with this chapter;
7. Review/approval/issuance of zoning permits, and approval of proposed signage and fencing; and
8. Any other duties as assigned by the Planning Commission or City Council as allowed by law.

(b) *Appointment.* The Planning Commission, upon approval by the Mayor, shall designate and appoint an Administrative Official, also known as an Enforcement Officer, who may be a member of the Planning Commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations and orders of the Planning Commission and to issue zoning permits and certificates of occupancy. The Administrative Official/Enforcement Officer, in the performance of his or her duties and function, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. The Administrative Official/Enforcement Officer may perform other functions for the city such as Building Inspector.

(B) *Board of Adjustments.*

(1) *Duties and responsibilities.* The Board of Adjustments shall have powers, duties and responsibilities as set forth in KRS Chapter 100 and including, but not limited to, the following:

(a) Hear and decide administrative appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any administrative official in carrying out or enforcing any provision of this chapter;

- (b) To make interpretations of the official zoning map;
- (c) To make final action on conditional uses;
- (d) To take final action on variances; and
- (e) To administer the non-conforming use regulations per KRS 100.253.

(2) *Membership.* The Board of Adjustments shall consist of five citizen members appointed by the Mayor, subject to the approval of the City Council. The Board of Adjustments membership may include not more than two members of the Planning Commission. The Mayor and/or City Council may expand the Board membership to seven members but at no time should the Board have less than three members nor more than seven, nor shall the Board have an even number of members.

(3) *Term of office.* The term of office shall be four years ending on June 30 of the designated year. The term of all present members shall be staggered so that no more than two members terms shall expire within one year. The Board of Adjustments shall otherwise be organized and operated in accordance with KRS 100.217 through 100.271.

(4) *Jurisdiction.* The area of jurisdiction of the Board of Adjustments shall include all land within the corporate boundaries of the city. The Board may only make those initial discretionary interpretations and decisions and allow only those departures from literal conformance with the zoning regulations which are specifically delegated to the Board of Adjustments.

(C) *Building Inspector.* The Building Inspector applies the provisions of the Kentucky Housing and Building Code (KHBC) and select provisions of this chapter relating to specific documents. The duties of the Building Inspector in regard to this chapter shall include the following:

- (1) To enforce any applicable Building Code adopted by the City Council;
- (2) To ensure building permit compliance with this chapter; and
- (3) To take final action on all building permits and certificates of occupancy.

(D) *Legislative body - City Council.* The powers, duties and responsibilities of the City Council in regard to this chapter shall include, but not be limited to, the following:

- (1) To take final action on any text amendment of this chapter or amendment of the official zoning map, including

designation of planned unit developments (PUDs);

- (2) To take final action on the designation of local historic districts or individual historic landmarks; and
- (3) To concur in the appointment of Board membership as defined in this section of this chapter.

(Ord. 2024-004, passed 12-23-2024)

§ 156.021 EXEMPTION OF AGRICULTURAL USE.

Land which is a bona fide farm and utilized for agricultural use as defined herein shall not require a zoning permit or be subject to zoning restrictions under this chapter except that:

- (A) Setback lines may be enforced to protect existing or proposed streets and highways; and
- (B) Buildings in designated floodways or floodplains may be fully regulated.

(Ord. 2024-004, passed 12-23-2024)

ZONING DISTRICTS GENERALLY

§ 156.035 ESTABLISHMENT OF DISTRICTS.

For purposes of this chapter, the area of jurisdiction of this chapter is hereby divided into zoning districts which shall be designated as set forth below, and the district names in effect immediately prior to the effective date of this chapter, if any, are hereby converted as follows:

Zoning District	Designation
Zoning District	Designation
Central Commercial District	CC
Commercial Restricted District	CR
General Highway Commercial District	HC
General Industrial District	I-1
Mobile Home Park District	MHP
Multi-Family Residential District	R-3
One- to Three-Family Residential District	R-2
Single-Family Residential District	R-1

(Ord. 2024-004, passed 12-23-2024)

§ 156.036 OFFICIAL ZONING MAP.

(A) The city is hereby divided into zones, or districts, as shown on the official zoning map of the city, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. This map shall be permanently located in the Office of the City Clerk.

(B) The official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: “This is to certify that this is the official zoning map referred to in this chapter” together with the date of the adoption of this chapter.

(C) If, in accordance with the provisions of this chapter and KRS Chapter 100, changes are made in district boundaries or other matter portrayed on the official zoning map when it is periodically reviewed as required, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council, with an entry on the official zoning map as follows: “On (date), by official action of the City Council, the following (change) changes were made in the official zoning map: (brief description of nature of change),” which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this chapter which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

(D) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under §§ 156.110 through 156.112 and provisions of state law.

(E) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

(Ord. 2024-004, passed 12-23-2024) Penalty, see 156.999

§ 156.037 REPLACEMENT OF OFFICIAL ZONING MAP.

(A) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of the zoning ordinance of the City of Springfield, Kentucky."

(B) Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment. Nothing contained herein shall be deemed to limit the power of the Planning Commission or City Council to amend and/or readopt as provided in KRS Chapter 100.

(Ord. 2024-004, passed 12-23-2024)

§ 156.038 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the zoning map.

(A) Boundaries indicated as approximately following a street, highway, alley or railroad shall follow the centerline of the street, highway, alley or railroad and said centerline shall be construed as the boundary of the district. Vacated rights-of-way shall not affect the original zoning.

(B) Where a zoning district boundary approximately follows a platted lot or property line, that line is the boundary or the district.

(C) Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the district, and in the event of natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline.

(D) Where a boundary approximately follows the centerlines of rivers, lakes or other bodies of water, they shall be construed to follow such centerlines.

(E) Boundaries indicated as approximately parallel to features indicated in the divisions above shall so be construed; distances not specifically indicated on the official zoning map shall be determined by the scale of the map, if an accurate legal description cannot be determined. Where boundary lines are established by zoning map amendment, the legal description used for that zoning map amendment shall control.

(F) Where the lot in question is divided into two or more districts, the entire area may be used in conformity with and is subject to the regulations established for the most restrictive district in which any portion of the lot is located.

(G) Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries.

(H) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.

(I) In any case where the exact location of a boundary is unclear, and the above stated rules do not indicate the exact locations of the zoning district boundaries, then said boundaries shall be determined by the Administrative Official and may be subject to appeal to the Board of Zoning Adjustments. The Administrative Official may also apply to the Board of Zoning Adjustments for an original interpretation.

(Ord. 2024-004, passed 12-23-2024)

§ 156.039 AREAS UNASSIGNED TO A ZONING DISTRICT.

Any area hereafter annexed into the city shall remain in the same district as legally existed before annexation unless the district is specifically changed by ordinance according to the requirements of the relevant provisions of the state statutes pertaining to amendments. If the property lies in unzoned territory, until annexation proceedings take place, the area is considered an extension of the largest contiguous district. If the classification of such an area is questionable, the Administrative Official may, upon approval by the Planning Commission, refuse to issue zoning or other permits until the area is assigned to a zoning district.

(Ord. 2024-004, passed 12-23-2024)

USE REGULATIONS

§ 156.050 GENERALLY.

The following general regulations will apply to all zoning districts.

(A) *Uses.* Appendix A lists the uses allowed within zoning districts.

(1) *Permitted uses (P).* A "P" indicates that a use category is allowed by right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this chapter.

(2) *Conditional uses (C).* A “C” indicates that a use category is allowed only if reviewed and approved as a conditional use in accordance with the conditional use permit procedures of § 156.131. Conditional uses are subject to all other applicable regulations of this chapter and may have specific conditions set forth by the Board of Adjustments.

(3) *Prohibited uses.* A blank or empty cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this chapter. Any use not allowed or not listed is deemed prohibited and detrimental to the development of the district.

(4) *New or unlisted uses.* If an application is submitted for a use type that is not listed in the use table, the Zoning Administrator shall be authorized to make a similar use interpretation based on the criteria set forth below. If the Zoning Administrator determines that the proposed use does not fit any of the use descriptions of Appendix A, no similar use interpretation shall be made. The Zoning Administrator shall make a determination as to the use for the application that has been made.

(a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;

(b) The relative amount of the area of floor space and equipment devoted to the activity;

(c) Relative amounts of sales from each activity;

(d) The customer type for each activity, retail or wholesale;

(e) The relative number of employees in each activity;

(f) Hours of operation;

(g) Building and site arrangement;

(h) Vehicles used with the activity;

(i) The relative number of vehicle trips generated by the use;

(j) How the use advertises itself;

(k) Parking needs;

(l) Noise level, odor, dust, vibrations or smoke generated; and

(m) Utility use.

(5) *Developments with multiple permitted uses.* When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each use is subject to all applicable regulations for that category.

(6) *Accessory uses.* Accessory uses are customarily incidental and necessary to any permitted use and are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Accessory structures shall not include any business, trade or industry, or any access driveway or walkway thereto, unless clearly incidental to the permitted use. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal uses.

(7) *Home occupations.* Home occupations shall be permitted on a limited basis in the residential districts. Permitted home occupations in these districts are set forth in the use table in Appendix A and may include academic tutoring, music lessons, catering, childcare (with less than eight children attending), sewing/alterations/tailoring/embroidery, hair salon/cosmetologist/barber and limited art/photography studio. Permitted home occupations shall meet the standards of the zoning district in which it is located.

(B) *General development requirements and standards.*

(1) *Development plan.* A development plan is intended to demonstrate the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect of the proposed development on the community and to determine what provisions, if any, shall be altered for the protection and promotion of the general public health, safety and welfare. As a condition to the granting of any zoning map amendment, the Planning Commission is authorized to require the submission of a development plan. The development plan shall be filed in accordance with the provisions and requirements of §§ 156.110 through 156.112. Where agreed upon, this development plan shall be followed and shall be binding on all parties.

(2) *Water supply and sanitary sewage systems.* All uses within the corporate limits of the city shall be served by the public sanitary sewage system, unless otherwise specified by the city. All uses within the corporate limits of the city must have water supply either from an accessible water main, or if no water main is reasonably accessible, then from a source approved by the County Health Officer. All applications for building permit or certificate of occupancy submitted to the Building Inspector shall be accompanied by the County Health Officer's certificate approving proposed and completed water and sewage facilities.

(3) *Principal and accessory buildings and structures.* Unless a plat and/or development plan has been approved for multi-building development, only one principal building and accessory structures customarily incidental to any permitted use shall be allowed per permitted lot. No accessory building shall be used for residential purposes, except for necessary tenant

dwellings required for agricultural production on agriculturally exempt lots or those qualifying as accessory dwelling units or tiny home hereunder.

(4) *Lot area.*

(a) *Minimum lot area.* Unless otherwise specified in this chapter, lots served by a sanitary sewer shall have a minimum lot area of 7,500 square feet, and lots not served by sanitary sewer shall have a minimum lot area of 30,000 square feet.

(b) *Minimum lot area above 100-year flood level required.* No lot shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level.

(5) *Lot width.* Unless otherwise specified in this chapter, lots served by sanitary sewer shall have a minimum lot width of 50 feet, and lots not served by sanitary sewer shall have a minimum lot width of ten feet.

(6) *Yards.*

(a) *Application of yards to one building only.* No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

(b) *Use of yards for accessory buildings.* No accessory buildings are permitted in front or side yards. They are permitted only in the rear yards according to the dimensions and area regulations set forth in the specific zoning district regulations of this chapter.

(c) *Rear dwelling prohibited.* No building in the rear of a main building on the same lot may be erected for residential purposes, except as approved by the Board of Adjustments, those qualifying as an accessory dwelling unit or tiny home hereunder, or in a multi-family residential district.

(7) *Building line setbacks.*

(a) *Distance greater than minimum required.* Building setback lines as established by this subchapter may be greater than the minimums set forth.

(b) *Front yard setback line.* Unless otherwise specified in this chapter, the minimum front yard setback line shall be one-half the width of the street right-of-way, and in no case shall this distance be less than 30 feet. Lots fronting on a cul-de-sac shall have a minimum 100-foot front yard setback line. A waiver from strict enforcement of this front yard setback may be granted by the Zoning Administrator where the majority of existing development on the same block face is set back less than the required setback. In such case, the front yard setback may be the average setback line for that block face.

(c) *Rear yard setback line.* Unless otherwise specified in this chapter, the minimum rear yard setback line shall be no less than 25 feet.

(d) *Side yard setback line.* Unless otherwise specified in this chapter, the minimum side yard setback line shall be no less than eight feet.

(e) *Additional setbacks for corner lots.* Corner lots shall be required to provide a front yard along any lot line abutting a street. Unless the plat is expressly marked as to the street the dwelling will front, a rear yard shall be substituted for any side yard not abutting a street. Corner lots shall be required to provide a side yard abutting a street of at least 30 feet.

(f) *Additional setbacks adjacent to parkways or other highways.* Lots that abut or are adjacent to a parkway or other fully controlled access highways which allow no direct access shall have a minimum building setback line from the right-of-way of said highway of 25 feet. This building line shall be the same whether considered as front, side or rear setback.

(8) *Building height.*

(a) *Maximum building height.* Unless otherwise specified in this chapter, no building shall exceed 45 feet in height.

(b) *Height exceptions.* Building height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings, such as church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers; flagpoles; or chimneys. The Board of Adjustments shall interpret whether or not height regulations apply upon application by the Administrative Official in doubtful cases. The Kentucky Airport Zoning and Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

(9) *Access and visibility.* All lots shall have access to a public street and shall comply with the access and visibility requirements set forth in the subdivision regulations. The Planning Commission shall approve access to buildings in a planned unit development. Furthermore, in all but the Central Commercial District, no obstructions to vision between a height of two and one-half feet and ten feet above the imaginary plane defined by the following three points of intersection are permitted: at the intersection of any two street rights-of-way, of streets and railways, or of a straight line intersecting those two rights-of-way at points thirty feet from the intersection.

(10) *Accessory buildings and structures.*

(a) *General.* Construction or installation of accessory buildings and structures, except as otherwise permitted by this chapter, shall require the issuance of a zoning permit and shall be subject to the following regulations. Accessory buildings and structures shall not include mobile homes, buses, travel trailers, recreational vehicles, trailers, coolers, vehicles or

freight containers. No accessory structure that is not designated to breakaway on impact shall be permitted in the right-of-way. Such structures include, but are not limited to, rock or brick mailbox structures. Any accessory structure may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport or similar structure. Said breezeway shall not project nearer to the side lot line than the minimum side yard required for the principal building.

(b) *Setbacks.* Accessory structures shall be not located in the front yard and side yard and shall not extend beyond the principal structure. Accessory structures shall be located behind and to the rear of the principal structure. Accessory structures on corner lots adjoining residential uses or districts shall not extend beyond the front of the principal structure or be nearer to the side street than the depth of the required front setback for the principal structure along such street.

(c) *Height.* The height of accessory structures shall not exceed the height of the principal structure. This restriction does not apply to radio towers, silos, flag poles or other structures which are not regularly occupied by human beings. If in doubt as to applicability, the Board of Adjustments shall interpret whether the structure in question is subject to height restrictions.

(d) *Size.* The maximum size of accessory structures shall be 50% of gross floor area of principal structure

(e) *Fencing.*

1. *Height.*

a. Unless otherwise specified in this chapter, fencing shall be permitted and shall conform to height restrictions. Fencing less than four feet in height shall be permitted along all property lines. Fencing that is less than eight feet in height shall be permitted along rear and side property lines and from the rear property line to the rear of the principal structure. Fencing greater than eight feet in height shall be permitted with the prior approval of the Board of Adjustments or the Planning Commission. No fence may be located in a public roadway or the right-of-way thereto without advance written permission from the city.

b. For all commercial or industrial zones, fencing of eight feet or less is allowed in the front yard if neither solid nor opaque.

2. *Materials.* Fencing or screening constructed in front or side yards abutting a public street must be constructed of materials not eliminating or impeding view of the principal building from the public street and requires Planning Commission approval for location, height, material and construction. Chain link or wire fences shall not be permitted in the front yard of residential zones.

3. *Setbacks.* Fences may be located as close as zero feet from all adjoining property lines; however, care should be exercised in determining the true and accurate location of said property boundary lines in advance of fence placement.

(f) *Patios and private pools.*

1. *Patios.* All patios must be at least five feet from any property line, right-of-way or easement.

2. *Private pools.* The following regulations apply to all private pool installations.

a. Before construction can begin, owner must apply for a pool permit from the city, and submit all necessary form.

b. Owner must erect and maintain an adequate enclosure surrounding the pool area. The enclosure, including gates, shall not be less than six feet above the underlying ground. All gates shall be self-closing and self-latching with childproof latches placed at least four feet above the underlying ground.

c. Electrical permits issued by a state- and county-approved inspector shall be required for electrical work and shall be issued only to properly licensed electrical contractors. Electrical inspector must make a rough-in and final inspections.

d. Owner must not alter the flow of water into adjacent properties during construction or operation of the pool.

e. Owner must get sign-off from Water and Sewer Authority, assuring that the pool is not draining into the sewer.

f. Before the pool may be used, an approved zoning permit must be obtained.

g. Owner must call Kentucky Underground Protection, Inc. two working days before you dig (1-800-752-6007).

h. Accessory fee structure applies. See fee schedule in §156.011.

(g) *Accessory structures.* All accessory structures or constructs, including patios and wheelchair or handicap-access ramps but excluding unelevated driveways, must be at least five feet from the property line. Non-elevated driveways can run along the property line with zero lot line setback.

(C) *Sinkholes.* Sinkholes and other similar depressions and the area within 50 feet horizontally from the rim of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. The Planning Commission shall have the power to increase the area around the sinkhole if drainage conditions warrant such action. The sinkhole may be punched or otherwise altered to improve drainage. The Planning Commission or its Administrative Official is hereby empowered to require appropriate survey work to identify such features,

of any applicant seeking approval to divide, develop or rezone property in the county where it is reasonably anticipated that such problems occur.

(D) *Accessory dwelling units (ADU).*

- (1) A residential lot may have one primary dwelling unit and one accessory dwelling unit (ADU).
- (2) An ADU may not be conveyed separately from the primary dwelling unit unless the lot parameters comply with all applicable subdivision regulations.
- (3) ADUs shall not be more than 750 square feet nor less than 200 square feet; ADUs shall have no more than two bedrooms.
- (4) All setback requirements that apply to the principal dwelling unit also apply to the ADU.
- (5) The minimum distance between the principal dwelling unit and the ADU must be at least 15 feet.
- (6) ADUs must be placed on a permanent foundation.
- (7) ADUs shall comply with the requirements of any applicable housing codes, building codes and parking regulations, unless specifically noted in this section.
- (8) At least one off-street parking space must be provided for the ADU in addition to the parking required for the main dwelling unit.
- (9) ADUs shall comply with all other requirements for dwelling units contained in this chapter unless specifically stated in this section.
- (10) Any other appropriate or more stringent conditions deemed necessary by the Planning Commission or the Board of Adjustments to protect the public health, safety and welfare, and character of the neighborhood may be imposed.
- (11) ADUs shall be considered residences, not accessory structures.
- (12) Application for a permit for an ADU shall be made to BOZA in accordance with established conditional use permit procedures. All general zoning permit application procedures, such as those found in §§ 156.110 through 156.112, are also applicable.

(E) *Tiny homes as primary dwelling units.*

- (1) Tiny homes as primary dwelling units are permitted only in R-1 Zones. There may be a maximum of two tiny homes present on one lot. Otherwise, tiny homes must comply with all the requirements of ADUs set forth in division (D) above.
- (2) A tiny home may be constructed or installed as the only dwelling on a lot with all applicable appropriate permits.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.051 USE EXCEPTIONS.

Several types of structures and uses which may or may not be listed as permitted uses in any district are, nevertheless, not prohibited from any district. These structures and uses are as follows.

(A) *No building permit, zoning permit or certificate of occupancy required.*

- (1) Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters and the like. Large utility structures such as substations are permitted only as conditional uses. For cellular antenna towers, see § 156.052;
- (2) Public streets and all appurtenances necessary for traffic direction and safety;
- (3) Private drives, private parking areas and the parking of vehicles incidental to the principal use on the same premises;
- (4) Real estate signs located on the premises being advertised for rent or sale, not to exceed a total of ten square feet in sign area;
- (5) Signs not over four square feet in area identifying permitted home occupation or short-term rental on the same premises;
- (6) Horticulture and landscaping of any premises;
- (7) Agriculture;
- (8) Uncovered patios on ground level; and
- (9) Handicap-accessible ramps.

(B) *Zoning permit required; no building permit or certificate of occupancy required* Advertising sign or structure: all such signs shall meet the standards set forth within the individual districts as established in §§ 156.145 through 156.159, except as provided for by division (A)(4) and (A)(5) above.

§ 156.052 CELLULAR ANTENNA TOWERS AND TELECOMMUNICATIONS SERVICES STANDARDS.

(A) *Purpose and intent.* The purpose of this section is to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communication services within the community, to provide for such facilities in coordination with the recommendations of the Comprehensive Plan and to allow for such facilities with the intention of furthering the public health, safety and general welfare.

(B) *General.* Cellular antenna towers for cellular telecommunications services or personal communication services may be allowed in any zone after the Planning Commission reviews it in accordance with the following procedures to ascertain agreement with the adopted Comprehensive Plan and the regulations contained within the chapter, and after being granted a certificate of necessity and convenience by the Public Service Commission.

(C) *Applicability.* Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a copy of the utility's completed uniform application to the Planning Commission within five consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience.

(D) *Application requirements.* Applications for the construction of cellular antenna towers or cellular telecommunications services or personal communications sendees shall include the following:

(1) All information that the application is required to submit to the Public Service Commission, per the requirements of the uniform application;

(2) A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower;

(3) Unless co-locating, certification, supported by evidence, that colocation of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two-mile radius of the proposed tower location, a description of each existing site, and discussion of the ability or inability to collocate on each existing site, according to the following:

(a) No existing towers or facilities are located within two-mile radius of the proposed tower location;

(b) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;

(c) Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment;

(d) The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented; and

(e) Unwillingness of the owner of the existing tower or facility to entertain a collation proposal.

(4) Unless collocating, certification, supported by evidence, that the proposed site is the only appropriate site for the location of the facility, the applicant's certification shall include a listing of all potential sites within a two-mile radius of the proposed tower location, a description of each potential site and a discussion of the ability or inability of the site to host such a facility, according to the following:

(a) Unwillingness of the site owner(s) to entertain such a facility;

(b) Topographic limitations on the site;

(c) Adjacent impediments that would obstruct adequate transmission;

(d) Physical site constraints that would preclude the construction of such a facility;

(e) A statement demonstrating that the proposal is in agreement with the adopted Comprehensive Plan and is in conformity with this section;

(f) A development plan, drawn to scale not smaller than one-inch equals 100 feet, showing:

1. The total area of the site in question;

2. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;

3. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet;

4. Location, height, arrangement and identification of all non-residential buildings, structures and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;

5. Location and arrangement of all common open space areas and methods of ownership and operation and maintenance of such lands shall be identified;

6. Landscaping features, including identification of planting areas and the location, type and height of walls and fences;

7. Location of all signs, indicating their orientation, size and height;

8. All utility lines and easements for water distribution systems, including line sizes, easement widths, pipe type, hydrant and valves location, and other appurtenances, for sanitary sewer system, including pipe sizes, easement widths, gradients, pipe types, invert elevations, manhole locations and types, all lift or pumping stations location, types, sizes and capacity, and process of any necessary treatment facilities and other appurtenances, and for storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, easement widths, inlets and catch basin location and size, and retention and/or sedimentation basin location and sizes, and for other utilities, such as electric, telephone and the like, including the type of service and easement widths;

9. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, type of surfacing, dimensions, number and arrangement of off-street parking and loading, and/or unloading spaces;

10. Circulation system, pedestrian walkways, including alignment, grades, surface type and width, and streets, including alignment, grades, surface type, pavement and right-of-way width, geometric details, and typical cross sections; and

11. Provisions of control of erosion and storm drainage, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction.

(E) *Application process.* Applications for the construction of cellular antenna towers or cellular telecommunications services or personal communications services shall be processed as follows.

(1) *New sites.*

(a) At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times, in a newspaper of general circulation in the county; provided that one publication occurs not less than seven calendar days nor more than 21 days before the occurrence of such hearing.

(b) Notice of such hearing shall be posted conspicuously on the property in question for 14 consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material, and clearly depicting the following information: (name of utility) proposes to construct a telecommunications (tower or monopole) on this site (four-inch high lettering); date, place and time of public hearing (one-inch high lettering); and address, including telephone number of the Planning Commission where additional information regarding the hearing may be obtained.

(c) Notice of the hearing shall be given at least 14 days in advance of the hearing, by first class mail, with certification by the Planning Commission secretary, or other officer of the Planning Commission, that the notice was mailed to an owner of every parcel of property within 500 feet of the base of the proposed tower or monopole. It shall be the duty of the applicant proposing the facility to furnish the Planning Commission with the names and addresses of said property owners. Records maintained by the PVA may be relied upon consecutively to determine the identity and address of said owner. In the event such property is in a condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the PVA's records as having the same address.

(d) Upon holding such hearing, the Planning Commission shall, within 60 days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. The Planning Commission shall submit to the Public Service Commission, along with their action, the basis for their decision. If the Planning Commission fails to issue a final decision within 60 days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it is presumed that the Planning Commission has approved the utility's uniform application.

(2) *Previously approved site.*

(a) For facilities located on previously approved sites, the Planning Commission's Administrative Officer shall review the application for its conformity with these regulations and all regulations contained within the chapter.

(b) If the Planning Commission's Administrative Officer determines that the application is in conformity with these regulations and all regulations contained within the chapter, an administrative approval may be granted.

(c) If the Planning Commission's Administrative Official determines that the application is not in conformity with these regulations and all regulations contained within this chapter, a public hearing, pursuant to this section, shall be scheduled.

(F) *Design standards.* At the time of the application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission or its Administrative Official finds that the circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission or its Administrative Official may modify or waive such requirement, either permanently or on a temporary basis.

The applicant shall request any such modification or waiver, and the applicant shall submit a written justification for each requested modification or waiver.

(1) All structures, except fences, shall be located at least 50 feet from the property line or lease line of any residentially zoned property.

(2) A cellular antenna tower or alternative antenna tower structure may be constructed to a maximum height of 200 feet. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than 200 feet in height upon review of the applicant's justification that the additional height meets the criteria identified in this section.

(3) When any cellular antenna tower or alternative antenna tower structure is taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the Planning Commission with a certification from an engineer registered in the Commonwealth that the tower will withstand winds of 70 mph, in accordance with the current ANSI/EIA/TIA standards.

(4) Cellular antenna towers shall not be illuminated, except in accordance with other state and federal regulations.

(5) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

(6) A minimum of one off-street parking space per provider shall be provided on the site.

(7) A chain link (80% open) or solid fences made from wood or other materials (less than 50% open) shall be used to enclose the site. Such fences shall not be less than four feet in height nor more than eight feet in height. The use of woven wire, barbed wire or sharp pointed fences shall be prohibited. Such fences shall be located within the front, side or rear yard.

(8) Screening shall be required when the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees planted in a staggered pattern at a maximum distance of 15 feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten-foot setback.

(9) Any site to be purchased or leased for the installation of a cellular antenna tower or alternative antenna tower and ancillary facilities shall comply with the minimum lot size requirements of the zoning district in which the facility is to be located provided that such area shall not be required to exceed one-half acre.

(10) Surfacing of all driveways and off-street parking areas shall be of either concrete or asphalt and shall comply with the requirements of this chapter.

(11) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state or local agency. Such signs shall not exceed five square feet in area.

(12) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers.

(13) All option and site lease agreements shall contain non-exclusive co-location clauses.

(G) *Criteria.* Evaluation of the proposal shall be based upon the following criteria:

(1) Agreement with the various elements of the Comprehensive Plan and where applicable, any other adopted plan or regulation;

(2) Extent to which the proposal is consistent with the purposes of these regulations;

(3) Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site and the extent to which the site is formed by logical boundaries (such as, topography, natural features, streets, relationship of adjacent uses and the like);

(4) Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impacts;

(5) Extent to which the proposed cellular antenna tower is camouflaged (e.g., use of "stealth technology"); and

(6) Extent to which the proposed facility is integrated with existing structures (e.g., buildings, structures and the like).

(H) *Amendments.* Any amendments to plans, except for minor adjustments as determined by the Planning Commission or its Administrative Official, shall be made in accordance with the procedures set forth in this section, subject to the same limitations and requirements as those under which such plans were originally approved,

(I) *Guarantee.* To ensure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of the submittal, deposit with the Planning Commission, and to the benefit of the Planning Commission, a letter of credit, performance bond or other security acceptable to the Planning Commission in the amount equal to the cost of the demolition and removal of the facility. An applicant having multiple telecommunications facilities within the Planning Commission's jurisdiction may deposit a single guarantee in the amount equal to the cost of the demolition and removal of the one facility it owns which would cost the most to demolish and remove

until such time as the number of multiple facilities exceeds four such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus 25% of the cost of demolition and removal of the applicant's other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 154.999

§ 156.053 ACCESS POINTS.

It is desirable that access points to the arterial streets serving all zoning districts shall be located no more frequently than once every quarter mile. Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirements shall be listed as special conditions on the recorded final plat. Access points shall also meet federal and state standards where applicable.

(Ord. 2024-004, passed 12-23-2024)

§ 156.054 JUNKYARDS OR SALVAGE YARDS.

Junkyards are not designated as permitted uses in any district and are consequently non-conforming uses in all districts. They shall conform with §§ 156.090 through 156.095 prescribing regulations for non-conforming uses. The Administrative Official shall ensure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways, as required by KRS 177.905 through 177.990, and shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

(Ord. 2024-004, passed 12-23-2024)

§ 156.055 MANUFACTURED AND MOBILE HOME STANDARDS.

(A) *Purpose and intent.* The purpose of this section is to provide the minimum standards to safeguard the health, welfare and safety of the citizens of the city by establishing standards for the placement of manufactured and modular homes on individual lots or subdivision development lots in the city and distinguishing between manufactured and modular homes and mobile homes.

(B) *Standards.*

(1) A manufactured or mobile home as defined in KRS 227.550, which does not bear a seal certifying that it was manufactured in accordance with the Federal Manufactured Home Construction and Safety Standards Act and not bearing either a Class A or B Seal issued by the Kentucky Department of Housing, Building and Construction, Office of the State Fire Marshal is not acceptable for residential occupation.

(2) Establishment, location and use of manufactured homes as scattered site residences shall be permitted in agriculturally exempt areas and residential zones permitting installation of a single-family dwelling unit applying generally to such residential use in the district, subject to the following additional requirements:

(a) Permanent foundation system shall be anchored in accordance with the state standards set forth in KRS 227.570;

(b) Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or presswood siding, vinyl, stucco, brick, non-reflective aluminum and the like, and shall be compatible with the conventionally built residential structures in the neighborhood;

(c) Roofing material shall be of wood, tile, composition shingles or other materials compatible with the conventionally built residential structures in the neighborhood that shall be installed on a surface appropriately pitched for the materials used;

(d) Exterior covering material extending to the ground or the top of the foundation shall be used. Skirting materials shall be used and be compatible with the conventionally built residential structures in the neighborhood;

(e) Structural additions or alterations shall be subject to the same regulations and requirements and procedures, including any applicable zoning permit or state building permit that must be complied with to obtain such a permit for additions or alterations to a conventionally built house;

(f) Manufactured homes in a manufactured home communities or mobile homes in mobile home parks shall conform to the requirements as prescribed in 902 KAR 15:010 for manufactured and mobile home communities; and

(g) Manufactured homes not conforming to the requirements of this section shall be permitted in the MHP District designed only for permitting mobile homes.

(C) *Permitted placement of mobile homes.*

(1) Class A and B mobile homes may be placed in manufactured home community or mobile home park as a permitted residential unit type and in accordance with this chapter and the subdivision regulations.

(2) Class A and B mobile homes may also be placed in the Agricultural District for use as a tenant dwelling with the

issuance of a conditional use permit by the Board of Adjustments and in accordance with this chapter and the subdivision regulations.

(3) Manufactured homes with no HUD Code seal and mobile homes with no Class A or B seal are not permitted in any zoning district or in mobile home parks. Those which at the time of the adoption of this chapter are located within the jurisdiction are non-conforming uses, subject to the same requirements as any other non-conforming use.

(D) *Permits.*

(1) If building permits are required for other single-family residential dwellings, building permits for manufactured homes shall be issued, providing that the other requirements for the zoning district are met, upon presentation of certification either by the United States Department of Housing and Urban Development or the Kentucky Department of Housing, Building and Construction, Office of the State Fire Marshal, that the home has been constructed in accordance with the Manufactured Home Construction and Safety Standards Act. Inspection shall be limited to the foundation of any accessory additions, such as porches, basements, or other added or altered structures.

(2) If building permits are required for other single-family residential dwellings, building permits for Class A and Class B mobile homes shall be issued where permitted upon receipt of certification that they are Class A or Class B mobile homes and after compliance with all the other provisions of this chapter and the subdivision regulations. Inspection shall be limited to the foundation and other on-site improvements, if any.

(Ord. 2024-004, passed 12-23-2024)

§ 156.056 OFF-STREET AND ON-STREET PARKING AND LOADING/UNLOADING STANDARDS.

(A) *Off-street parking requirements.*

(1) *General.* Off-street parking shall be provided with vehicular access to the public right-of-way and shall conform to the regulations set forth in this section. The off-street parking requirements and ingress/egress shall not, except for single-family residences, be used in the computation of parking spaces. Off-street parking is not required in the Central Commercial District; however, off-street parking is required in all other zoning districts to ensure on-street parking does not result from normal use of the property. If off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this will be deemed to result from normal use of the property and additional off-street parking shall be required.

(2) *Existing parking space.* Existing off-street parking space provided for any building or use at the time of the enactment of this chapter shall not thereafter be reduced unless it exceeds the requirements of this chapter. Any existing building or use not providing off-street parking space in conformance with this chapter shall, at the time of any structural alteration of the building or expansion of the use, provide the required parking.

(3) *Minimum parking space dimensions.* The minimum dimensions of off-street parking shall be a minimum of ten feet in width by 20 feet in length. Additional area shall be required in order to provide vehicle maneuvering space, access and egress, and for purposes of rough computation, an off-street parking space with ingress/egress and maneuvering space is considered to be 400 square feet.

(4) *Minimum number of off-street parking spaces.* If three or more off-street parking spaces are required by the table below, the owner shall have individual spaces marked and so designed, maintained and regulated as to prevent the need for parking or maneuvering incidental to parking to take place on any street, walk or public alleyway. The design for all off-street parking shall be such that any space may be utilized by one vehicle without having to move another. The following table sets forth the minimum number of off-street parking spaces for specific uses. The gross floor area of warehouses, storage space, employee workshop areas or accessory structures shall not be utilized in the computation of parking space requirements. Where more than one use occupies a building, the total of the combined standards shall be required:

<i>Use</i>	<i>Minimum Parking Area or Parking Space(s)</i>
<i>Use</i>	<i>Minimum Parking Area or Parking Space(s)</i>
Highway Commercial or Institutional	
Assisted living and residential care facility	2 spaces for every 3 beds or 0.66 spaces per bed
Churches, Sunday School and other place of religious assembly	1 space per five seats at maximum capacity
Day care or child care center	1 space per each 420 square feet gross floor area (GFA), exclusive of kitchen and bathroom
General commercial or retail use not specified	1 space per each 400 square feet of gross floor area of the principal structure (GFA) up to 10,000 square feet of GFA; thereafter, 1 space for every 200 square feet of the GFA plus 1 space for every truck or delivery/transport vehicle operated by the business (note: the computation of GFA shall not include warehouses, storage space, employee workshop areas or accessory structures)
Hospital, medical clinic, sanitarium and nursing home	1 space per four beds or each 4 beds in use, whichever is greater, plus 1 space for every 1,000 square feet of gross floor area (GFA)

Hotel or motel	1 space per room offered for overnight accommodations
Professional office	1 space per 200 square feet of gross floor area (GFA)
School, elementary and middle	1 space per classroom
School, high school and post secondary	4 spaces per classroom or 1 space per every 6 seats in auditorium, gym, arena or stadium at maximum capacity, whichever is greater; maximum 300 spaces
Theaters, auditorium, stadium or other place of public assembly	1 space for each 5 seats at maximum capacity
Industrial	
General manufacturing or industrial use	1 space per employee at maximum capacity on a single shift plus 1 space for every truck or delivery/transport vehicle operated by the facility
Residential	
Bed and breakfast, short-term rental (residential), rooming and boarding house	1 space per room/unit offered for overnight accommodations plus 2 spaces per dwelling unit
Home occupation	1 space for each 200 square feet of gross floor area (GFA)
Residential structure	2 spaces per dwelling unit
Uses not elsewhere specified	
Unspecified use	1 space per 300 square feet of gross floor area (GFA)

(5) *Minimum setback.* Parking areas shall be located no closer than five feet from any property line.

(6) *Space arrangement and layout.* Off-street parking shall be located on the same property as the permitted use, unless the Planning Commission authorizes the use of other properties. Combined uses shall provide parking equal to the sum of the individual uses. The required parking area for the permitted use shall not be reduced or encroached upon in any manner; however, consolidated uses of a parking area by various properties may be granted a variance of the parking space requirement if the multiple uses served by the consolidated parking area generate parking demands at non-overlapping times of a 24-hour day.

(7) *Off-street parking on adjacent property.* If off-street parking cannot be reasonably provided on the same lot on which the permitted use is conducted, the Board of Adjustments may permit off-street parking and loading on adjacent property; provided that such space is within 400 feet of an entrance to the permitted use. This off-street parking area shall be deemed as required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. The Planning Commission or Board of Zoning Adjustments may require a plat, deed or any other proof necessary to show that the required loading/unloading space, if located off the premises it serves, is controlled by and available to the applicant.

(B) *Off-street loading/unloading requirements.*

(1) *General.* All buildings and uses which generate regular trucking/delivery/transport traffic shall provide sufficient off-street loading/unloading space on premises such that no unloading/loading activity will be generated on the required off-street parking spaces or on any street. Areas which are specified as loading/unloading zones in compliance with city ordinances may be used to satisfy this requirement. Permitted uses shall provide off-street loading/unloading areas and adequate ingress/egress. No building shall be designed, erected, altered, used or occupied unless the required off-street loading/unloading requirements are satisfied. Off-street loading/unloading areas shall be located on the same property as the permitted use and structure it serves and shall be paved.

(2) *Minimum setback.* Loading/unloading areas shall be located no closer than five feet from any property line.

(3) *Minimum size of off-street loading/unloading spaces.* Loading/unloading berths shall be a minimum of ten feet in width, 35 feet in length and 15 feet in height.

(4) *Minimum number of off-street loading/unloading.* The following listing sets forth minimum number of off-street loading/unloading berths:

Gross Floor Area of Permitted Structures/Buildings (Square Feet)	Minimum Off-Street Loading/Unloading Berths
Gross Floor Area of Permitted Structures/Buildings (Square Feet)	Minimum Off-Street Loading/Unloading Berths
Less than 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3

160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
Greater than 400,000	1 per additional 100,000 square feet GFA

(5) *Off-street loading/unloading on adjacent property.* If off-street loading/unloading cannot be reasonably provided on the same lot on which the permitted use is conducted, the Planning Commission or Board of Zoning Adjustments may permit off-street parking and loading on adjacent property; provided that such space is within 400 feet of an entrance to the permitted use. This off-street loading/unloading area shall be deemed as required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. The Board of Zoning Adjustments or Planning Commission may require a plat, deed or any other proof necessary to show that the required loading/unloading space, if located off the premises it serves, is controlled by and available to the applicant.

(C) *On-street parking and loading/unloading.* The on-street parking of vehicles 20 feet or longer in length on public streets shall be prohibited in a residential district, except for limited delivery, maintenance, construction or other loading/unloading purposes.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.057 CHILD DAY CARE CENTERS.

(A) *Generally.* A child day care center, whether home-based or located in a separate structure and properly licensed by the state agency presently charged with regulating childcare facilities in the Commonwealth, may be approved as a conditional use in Residential (R-1, R-2, R-3) or Commercial Restricted (CR) Zoning Districts subject to certain exceptions and specific use standards identified here. In zoning districts where a child day care center is already a permitted use, it shall be subject to the specific use standards prospectively from the date of adoption of this chapter.

(B) *Exceptions.* A child day care center does not include public or private schools or facilities operated in connection with shopping centers or other principal uses where children are cared for temporarily while parents, guardians or custodians are occupied on the premises or in the immediate vicinity. A child day care center does not include the provision of childcare, nursery, guidance or supervision by religious organizations only while religious services are being conducted. A child day care center does not include kindergarten programs operated as a part of a public educational system.

(C) *Specific use standards.* Child day care centers, nurseries, kindergartens or any facility or operation providing child care, guidance or supervision for which a license is required from the state agency presently having jurisdiction to regulate the provision of child care, with the exception of religious organizations providing child care, guidance or supervision only while religious services are being conducted or to kindergarten programs operated as a part of a public educational system, require compliance with the following requirements:

(1) The lot shall contain a minimum open space area as required by the Kentucky Cabinet for Health and Family Services or such other agency of the Commonwealth having authority to regulate facilities providing childcare;

(2) A solid wall or adequate security fence not less than six feet high is maintained along all interior lot lines which separate play areas from adjacent properties and parking areas. Outdoor play areas shall be contiguous with the building so children can safely walk from the building to the play area. Outdoor play area which lies within or adjoins a residential district shall be buffered by landscaping or a solid privacy fence;

(3) The Board of Adjustments, if applicable, may set hours or otherwise limit outdoor play times for any facility located within a residential district or adjacent to a residential structure;

(4) A letter from the Fire Marshal and the Kentucky Cabinet for Families and Children, or their successor agency certifying that the use complies with the requirements of that agency. This documentation must be supplied to the Planning Commission prior to issuance of a certificate of occupancy by the Building Inspector;

(5) Adequate and safe on-site parking, loading and unloading areas and driveways providing for safe ingress and egress with backing into the street specifically prohibited;

(6) If the proposed use will be located within or adjacent to any residential district, then the structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign);

(7) In Residential Zones (R-1, R-2 and R-3) child day cares as home occupations shall be limited to three to six children and shall require a conditional use permit under § 156.071(C); and

(8) All buildings and structures shall conform to the requirements of the zoning district in which they are located. Signage shall be limited as outlined by the applicable use category for each zoning district and as provided in §§ 156.145 through 156.159.

(Ord. 2024-004, passed 12-23-2024)

§ 156.058 PLANNED UNIT DEVELOPMENT REGULATIONS.

A planned-development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. (A minimum of three acres is required for a planned-development project). A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned-development project may be under single or divided ownership. All planned-development projects shall be subject to the following regulations.

(A) *Procedure.* When a planned-development project is proposed, the procedure for subdivision approval as set forth in the subdivision regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every planned-development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building according to this chapter.

(B) *Uses and densities.* The uses of premises and development densities in a planned-development project shall conform with the permitted uses and densities of the zoning district in which it is located.

(C) *Standards.* In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total-equivalent-lot-area, parking area and loading/unloading area requirement that would be necessary for the equivalent amount of individual lot development with one exception; the Planning Commission may allow reductions in these requirements if the developer can satisfactorily prove that large-scale development may permit such reductions without destroying the intent of these regulations.

(D) *Special conditions.* The Planning Commission shall attach reasonable special conditions to ensure that there shall be no departure from the intent of this chapter. The planned-development project shall conform with all such conditions. Because a planned-development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The Planning Commission shall attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area and loading/unloading area defined in division (C) above. The Planning Commission may also attach any other reasonable special conditions.

(1) It is desirable that access points to all arterial streets shall be located no more frequently than one every eighth to quarter mile. The Planning Commission may approve the platting of temporary access points.

(2) Wherever there is an abrupt change in uses, such as, residential to commercial, it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects on the other.

(3) Parking and other areas used by the public at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

(Ord. 2024-004, passed 12-23-2024)

ZONING DISTRICT REGULATIONS

§ 156.070 ZONING SCHEDULE.

(A) To facilitate public understanding of this chapter and for the better administration thereof, the regulations limiting the bulk and arrangement of buildings are set forth in the annexed schedule for each of the districts and established by §§ 156.035 through 156.039 and 156.050 through 156.058. Such schedule is hereby adopted and declared to be a part of this chapter hereinafter referred to as the schedule, and may be amended in the same manner as any other part of this chapter.

(B) Wherever in such schedule there appear the words “same as in (symbol of district) above” such words shall be construed to include the specific limitations set forth in the same column for the district thus referred to. Otherwise, all limitations as to percentage of area, permissible height, required yard and minimum sizes thereof, and other requirements shall be those set forth in such schedule, which for each district named shall be read across the schedule from left to right.

(Ord. 2024-004, passed 12-23-2024)

§ 156.071 RESIDENTIAL SINGLE FAMILY (R-1).

(A) *Purpose and intent.* The Single-Family Residential District (R-1) is intended to provide opportunities for single-family residential development. Occupancy in these districts is limited to one family per residential unit. No accessory apartments shall be allowed in these districts. The R-1 District shall be served by public sanitary sewer.

(B) *Uses.* General use regulations are set forth § 156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A. Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Administrative Official.

(C) *Permitted residential unit types.* The following residential unit types shall be permitted in the R-1 District:

- (1) Single-family detached dwellings; and
- (2) Manufactured or modular homes in compliance with §156.055.

(D) *R-1 property development standards.* Development in the R-1 District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure rear and side yard setbacks (minimum)	8 feet
Building height (maximum)	30 feet or 2 stories
Lot area (minimum)	8,000 square feet
Lot coverage (maximum)	35%
Lot width (minimum)	70 feet
Setbacks and yards (minimum)	
Front yard setback	25 feet
Rear yard setback	20 feet
Side yard setback	10 feet; 2 side yards required

(E) *Signage.* All signage shall comply with the provisions of §§156.145 through 156.159.

(F) *Off-street parking and loading/unloading.* All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056.

(G) *Child day care as home occupation.* Any child day care operated as a home occupation in a residential district shall meet the following standards:

- (1) Operated by and employs only persons residing on the premises;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- (3) No more than one conditional use permit shall be granted per premises;
- (4) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation;
- (5) There may be limited sales on the premises in connection with such home occupation;
- (6) No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood;
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interferences, outside the dwelling unit;
- (8) Additional parking or other items may be required as a condition granted by the Board of Adjustments; and
- (9) Such home occupation shall serve no more than three to six children if in a residential zone.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.072 RESIDENTIAL TWO- TO THREE-FAMILY (R-2).

(A) *Purpose and intent.* The Two- or Three-Family Residential District (R-2) is intended to provide opportunities for two-family and three-family residential development, including duplexes or townhomes, triplexes, condominiums and townhouse developments of up to two units in a single building. The R-2 District shall be served by public sanitary sewer.

(B) *Uses.* General use regulations are set forth under §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A.

(C) *Permitted residential unit types.* The following residential unit types shall be permitted in the R-2 District:

- (1) Duplexes or townhomes;
- (2) Triplexes, apartment buildings, townhomes or condominiums containing three units per building;
- (3) Single-family detached dwellings; and
- (4) Manufactured or modular homes in compliance with §156.055.

(D) *R-2 property development standards.* Development in the R-2 District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure	
Rear and side yard setbacks (minimum)	5 feet

Building height (maximum)	30 feet or 2 stories may be increased to 50 feet; provided each side yard is increased by the same amount over the required yard minimum that the building is increased over the maximum R-I building height of 30 feet
Lot area (minimum)	
Single-Family Residential	6,500 square feet
Two-Family Residential	8,800 square feet
Three-Family Residential	11,800 square feet
Lot coverage (maximum)	35%
Lot width (minimum)	
Single-family	60 feet
Two-family	75 feet
Setbacks and yards (minimum)	
Front yard setback	25 feet
Rear yard setback	15 feet
Side yard setback	10 feet; 2 side yards required

(E) *Signage*. All signage shall comply with the provisions of §§156.145 through 156.159.

(F) *Off-street parking and loading/unloading*. All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056.

(Ord. 2024-004, passed 12-23-2024)

§ 156.073 RESIDENTIAL MULTI-FAMILY (R-3).

(A) *Purpose and intent*. The Multi-Family Residential District (R-3) is intended to provide opportunities for townhouse and multi-family developments with greater than four units in a single building. The R-3 District shall be served by public sanitary sewer.

(B) *Uses*. General use regulations are set forth §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A.

(C) *Permitted residential unit types*. The following residential unit types shall be permitted in the R-3 District:

- (1) Townhomes or condominiums containing four to eight units per building;
- (2) Four-plexes or apartments containing greater than four units per building;
- (3) Residential unit types permitted in R-2 District utilizing the R-2 standards; and
- (4) Residential unit types permitted in R-1 District utilizing the R-1 standards.

(D) *R-3 property development standards*. Development in the R-3 District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure	
Rear and side yard setbacks (minimum)	5 feet
Building height (maximum)	40 feet or 3 stories may be increased to 50 feet; provided each side yard is increased by the same amount over the required yard minimum that the building is increased over the maximum R-1 building height of 30 feet
Lot area (minimum)	
Single-Family Residential	6,500 square feet
Two-Family Residential	8,800 square feet
Three-Family Residential	11,800 square feet
Four-Family Residential	16,000 square feet
Multi-Family Residential (5+ units)	16,000 square feet for first 4 units plus an additional 35% for each additional unit
Lot coverage (maximum)	35%
Lot width (minimum)	75 feet
Setbacks and yards (minimum)	

Front yard setback	25 feet
Rear yard setback	15 feet
Side yard setback	10 feet; 2 side yards required

(E) *Signage.* All signage shall comply with the provisions of §§156.145 through 156.159.

(F) *Off-street parking and loading/unloading.* All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056.

(Ord. 2024-004, passed 12-23-2024)

§ 156.074 MOBILE HOME PARK (MHP).

(A) *Purpose and intent.* The purpose of the Mobile Home Park District is to allow for the placement of mobile homes in the city in designated parks. All mobile home parks shall conform to all applicable local, state and federal rules, regulations and laws. The Mobile Home Park District shall be served by public sanitary sewer.

(B) *Uses.* General use regulations are set forth §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A. Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments.

(C) *MHP property development standards.*

(1) *General.* Development in the MHP District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts. Only one individual mobile home unit and accessory buildings customarily incidental to the individual mobile home unit shall be allowed per individual lot within in the mobile home park.

Accessory Structure Standards	
Rear and side yard setbacks (minimum) (note: if an accessory structure is less than 25 square feet in area or within 15 feet of the individual mobile home unit, the structure shall be considered to be a part of the unit)	5 feet
Individual Mobile Home Lot Standards	
Lot area (minimum)	4,000 square feet
Lot coverage (maximum)	50%
Lot width (minimum)	
1-way street	14 feet
1-way street with parking on 1 side	23 feet
1-way street with parking on both sides	32 feet
2-way street	18 feet
2-way street with parking on 1 side	27 feet
2-way street with parking on both sides	36 feet
Setbacks and yards (minimum)	
Front yard setback	20 feet
Rear yard setback	10 feet
Side yard setback	10 feet; 2 side yards required
Mobile Home Park Standards	
Park area (minimum)	1 acre (43,560 square feet)
Park density (minimum)	10 mobile home lots per acre

(2) *Multi-phase park development.* A mobile home park may be developed in phases or stages as long as the developer complies with the overall approved plan for the entire park development and the initial phase or stage has a minimum of two mobile home lots developed for use.

(3) *Foundation requirements.* Individual mobile home lots shall have a concrete pad or other foundation satisfactory to the Planning Commission. Each pad shall be sufficient size to accommodate the mobile home unit to be situated thereon. Individual lot pads or foundations shall be a minimum of ten feet from lot lines.

(4) *Internal street system.* All mobile home parks shall be provided with convenient and safe internal vehicular access. Entrances shall be adequate to accommodate traffic and parking and shall meet all specifications and requirements of this chapter and the subdivision regulations. Entrances shall be approved by the city. All internal streets shall have a right-of-way of not less than 50 feet and pavement width of not less than 22 feet. Each park shall have at least one street which gives access to a public street. Such access streets in either a single mobile home park or adjoining parks shall not be less than

100 feet apart no less than 125 feet from an intersection of two or more public streets. All streets within the park shall be paved and well lighted as specified in the subdivision regulations. No street within the mobile home park shall be closer than five feet from any property line.

(5) *Utilities.*

(a) *Water system.* All mobile home parks and individual mobile home lots shall be served by water system meeting the standards specified by local and state regulations, and each mobile home lot shall be properly connected to the water system. The mobile home park and lots shall be served by a completely looped water distribution system adequate to serve the park, and each individual mobile home lot shall be connected. The mobile home park shall be served by fire hydrants spaced a maximum of 600 feet apart.

(b) *Sanitary sewer system.* All mobile home parks and individual mobile home lots shall be served by a public sanitary sewer system. The mobile home park and lots shall be served by a complete collection system, including lateral collection for each individual mobile home lot and if necessary, lift or pumping stations. Where a public sanitary system is not readily accessible, mobile home parks and individual mobile home lots shall be served by an individual sanitary sewer system approved by the appropriate agency. Septic systems are prohibited.

(c) *Electric and telephone.* All mobile home parks and individual mobile home lots shall be served by underground electrical and telephone utilities, unless waived by the Planning Commission through a public hearing process and demonstration of extreme hardship by the developer.

(6) *Off-street parking requirements.*

(a) *General requirements.* Off-street parking shall be provided with vehicular access to the public right-of-way in the MHP District and shall conform to the regulations set forth in this section. Off-street parking shall be located on the same property as the permitted use, unless the Planning Commission authorizes the use of other properties. The off-street parking requirements and ingress/egress shall not, except for single-family residences, be used in the computation of parking spaces. The required parking area for the permitted use shall not be reduced or encroached upon in any manner. Combined uses shall provide parking equal to the sum of the individual uses. All off-street parking shall be paved.

(b) *Minimum parking area.* The minimum dimensions of off-street parking shall be ten by 20 feet, or 200 square feet.

(c) *Minimum parking spaces.* The minimum number of off-street parking spaces for individual mobile home lots shall be two spaces.

(7) *On-street parking and loading/unloading.* The on-street parking of vehicles 20 feet or longer in length on public streets shall be prohibited in a residential district, except for delivery, maintenance, construction or other loading/unloading purposes.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.075 CENTRAL COMMERCIAL DISTRICT (CC).

(A) *Purpose and intent.* The Central Commercial District is intended to provide for the continued vitality of the downtown area and the maintenance and re-use of existing historic structures. There shall be only one contiguous CC District within the corporate limits of the city. This District hosts the majority of the city’s government and professional offices and many of its historic structures nestled among older residences. This District shall be served by public sanitary sewer. The future goal for this District remains to support commercial activities in a concentrated area with an emphasis on specialty or boutique retail establishments, banks, places of amusement and assembly, restaurants, offices, parking lots and gas or motor vehicle stations. This planning goal should entice the public to the downtown area of the city and, simultaneously, enable the public to participate in many types of commercial activities at one time without depending upon motor transportation for mobility.

(B) *Uses.* General use regulations are set forth in §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A. Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments.

(C) *Permitted residential unit types.* In mixed use buildings, ground floor residential uses are prohibited, and residential and non-residential uses shall not be permitted on the same floor unless served by separate entrances.

(D) *CC property development standards.* Development in the CC District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure rear and side yard setbacks (minimum)	None
Building height (maximum)	50 feet or 3 stories
Lot area (minimum)	None
Lot coverage (maximum)	100%
Lot width (minimum)	40 feet with sanitary sewer; 60 feet without sanitary sewer
Setbacks and yards (minimum)	

Front yard setback	None
Rear yard setback	None
Side yard setback	None

(E) *Signage.* All signage shall comply with the provisions of §§156.145 through 156.159.

(F) *Off-street parking and loading/unloading.* All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056.

(G) *Prohibited uses.* Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments. Any use which in the opinion of the Board of Zoning Adjustments would be detrimental to the character of the historic downtown and the development of this District as a commercial center will be prohibited.

(Ord. 2024-004, passed 12-23-2024) Penalty, see 156.999

§ 156.076 COMMERCIAL RESTRICTED DISTRICT (CR).

(A) *Purpose and intent.* The Commercial Restricted District is intended to provide retail and service uses, not exceeding 5,000 square feet in building area, to serve the adjoining neighboring residential and mixed use areas. The Commercial Restricted District also may provide selected retail and service uses serving the entire community, but it is not intended to serve as the regional retail service area of the city. These districts are located adjacent to the CC Zoning District and in selected residential and mixed use neighborhoods, on highways leading from the CC District and near or adjacent to the CC District. Special restrictions must be imposed on new commercial development or land use in this District to prevent unnecessary adverse impact on non-conforming residential land use within the District. This District shall be served by public sanitary sewer.

(B) *Uses.* General use regulations are set forth §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A. Permitted and conditional uses shall not exceed 5,000 square feet in building area.

(C) *Permitted residential unit types.* Multi-family residential unit types permitted in R-3 District and utilizing the R-3 property development standards shall be permitted in the CR District.

(D) *CR property development standards.* Development in the CR District shall comply with the property development standards set forth in this chapter (see § 156.076(C) for R-3 Multi-Family Residential). Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure rear and side yard setbacks (minimum)	5 feet
Building height (maximum)	40 feet or 4 stories
Lot area (minimum)	30,000 square feet
Lot coverage (maximum)	65%
Lot width (minimum)	40 feet with sanitary sewer; 60 feet without sanitary sewer
Setbacks and yards (minimum)	
Front yard setback	40 feet with sanitary sewer; 60 feet without sanitary sewer
Rear yard setback	15 feet minimum; 30 feet if abutting residential zoning district
Side yard setback	15 feet minimum; 30 feet if abutting residential zoning district

(E) *Signage.* All signage shall comply with the provisions of §§156.145 through 156.159.

(F) *Off-street parking and loading/unloading.* All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056.

(G) *Prohibited uses.* Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments.

(H) *Buffering.*

(1) *General.* All CR development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises or views incompatible with residential areas.

(2) *Height.* All buffers shall be a minimum of eight feet in height and shall not exceed ten feet if human-made; natural/horticultural buffers may exceed ten feet in height if approved by the Planning Commission.

(3) *Design.* The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approval the design and materials of buffering.

(I) *Child day care as conditional use.* A child day care center subject to certain exceptions and specific use standards identified at § 156.057, and any further conditions the Board of Zoning Adjustments may impose.

(Ord. 2024-004, passed 12-23-2024) Penalty, see 156.999

§ 156.077 GENERAL HIGHWAY COMMERCIAL (HC).

(A) *Purpose and intent.* The General Highway Commercial District (HC) is intended to encourage the establishment of an intensive commercial use area designed to meet the needs of a community or regional market area and typically oriented to customers who travel by motor vehicles. This District primarily provides retail and wholesale trade dependent upon vehicular traffic to supply both merchandise and customers and has large space uses, such as department stores, fast food restaurants, service stations and specialty stores. This District shall have direct access to arterial or collector roads, and areas adjacent to residential districts shall be adequately buffered. The HC District shall be served by public sanitary sewer.

(B) *Uses.* General use regulations are set forth §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A.

(C) *Residential unit types.* Multi-family residential unit types can be a conditional use in the HC District if approval is granted by the Board of Zoning Adjustments; however, such units shall be developed utilizing the R-3 property development standards if a conditional use permit is granted.

(D) *HC property development standards.* Development in the HC District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure rear and side yard setbacks (minimum)	5 feet
Building height (maximum)	40 feet or 3 stories
Lot area (minimum)	30,000 square feet
Lot coverage (maximum)	65%
Lot width (minimum)	50 feet
Setbacks and yards (minimum)	
Front yard setback	40 feet with sanitary sewer; 60 feet without sanitary sewer
Rear yard setback	15 feet minimum; 30 feet if abutting residential zoning district
Side yard setback	15 feet minimum; 30 feet if abutting residential zoning district

(E) *Signage.* All signage shall comply with the provisions of §§156.145 through 156.159.

(F) *Off-street parking and loading/unloading.* All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056. Additionally, all parking and adjacent areas utilized by the public at night shall be adequately lighted and nearby private areas shall be protected from such lighting. Likewise, public streets shall be protected from such glare.

(G) *Buffering.*

(1) *General.* All HC development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises or views incompatible with residential areas.

(2) *Height.* All buffers shall be a minimum of eight feet in height and shall not exceed 20 feet.

(3) *Design.* The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approval the design and materials of buffering.

(H) *Prohibited uses.* Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments. No use allowed in this HC District shall be dangerous, offensive or detrimental to the present or intended character of the district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, flare, odors, vibrations or fire hazard.

(I) *Light industrial uses.* Light industrial uses, when permitted as a conditional use in this HC District, are subject to the following restrictions or conditions:

- (1) Industrial activities shall be located inside a building;
- (2) Hours of operation may be limited;

(3) Noise generated on site by industrial activities shall not be discernable or audible off the property on which the conditional use is located;

(4) Lighting on site shall be that customarily associated with commercial uses otherwise allowed in the HC Zone;

(5) No noxious or obnoxious odor shall be generated by the industrial activity that will be discernable or detectable off the property on which the conditional use is located;

(6) Building size, for newly constructed buildings used for industrial activities permitted by conditional use in this zone shall be limited to 20,000 square feet in total (whether one or more buildings are involved). Industrial activities seeking to expand beyond this size limitation shall locate in otherwise properly zoned industrial areas; and

(7) Any other condition or conditions that the Board of Adjustments feels is necessary to allow the use to blend in with its unique surroundings.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.078 GENERAL INDUSTRIAL (I-1).

(A) *Purpose and intent.* The purpose of the General Industrial District (I-1) is to provide appropriate locations for manufacturing and assembly plants, including heavy industrial uses, warehousing and uses not otherwise permitted in other districts. A heavy industrial use is a use ordinarily requiring buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, warehousing and storage or disposal of equipment, raw materials, manufacturing products or wastes. This District shall be served by public sanitary sewer.

(B) *Uses.* General use regulations are set forth §§156.050 through 156.056, and a listing of permitted, accessory and conditional uses and structures in this District are set forth in the use table in Appendix A.

(C) *I-1 property development standards.* Development in the I-1 District shall comply with the property development standards set forth in this chapter. Sections 156.050 through 156.056 sets forth general use regulations for all zoning districts.

Accessory structure rear and side yard setbacks (minimum)	5 feet
Building height (maximum)	None
Lot area (minimum)	43,560 square feet (1 acre)
Lot coverage (maximum)	90%
Lot width (minimum)	100 feet
Setbacks and yards (minimum)	
Front yard setback	None
Rear yard setback	None
Side yard setback	None

(D) *Signage.* All signage shall comply with the provisions of §§156.145 through 156.159.

(E) *Off-street parking and loading/unloading.* All off-street parking and loading/unloading areas shall comply with the provisions of § 156.056.

(F) *Performance standards.*

(1) *Building enclosures.* Every use permitted in the I-1 District shall be operated in its entirety within a completely enclosed building. The Planning Commission may exempt uses from total enclosure (thus permitting outdoor display storage or processing) and require an area screened from view at the nearest district boundary as a conditional use in this District.

(2) *Landscaping.* All I-1 lots shall have a ten-foot wide landscaping strip along all property lines abutting a public street, and all required yards shall be graded to ensure proper drainage and shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs or other plantings, according to the initial submitted plans which were first approved. Landscaping shall not interfere with or block views of buildings or the identification of such buildings. The Planning Commission shall approve all landscaping plans.

(3) *Buffering.* All I-1 development abutting a residential or business district or use shall be required to provide a buffer in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises or views incompatible with residential areas. Principal and accessory buildings and structures shall have a minimum setback of 80 feet from any adjacent residential or business district or use, and buffering shall be a minimum of eight feet in height but not exceed ten feet in height, if the buffer is human-made; natural/horticultural buffers may exceed this height if approved by the Planning Commission. The Planning Commission shall approve all buffering plans.

(4) *Noise.* Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency or shrillness.

(5) *Exterior lighting.* Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic

signals shall direct light away from adjoining zoning districts and shall minimize disturbance of adjacent properties and interference with traffic.

(6) *Internal circulation and ingress/egress.* Lots shall include sufficient internal circulation and ingress/egress to minimize traffic congestion. Ingress and egress shall have minimum 12-foot wide lanes and minimum radius of curve at the pavement edge of 36 feet.

(7) *Odorous matter.* No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by the regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

(8) *Humidity, heat or glare.* Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.

(9) *Vibration.* Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour.

(10) *Emissions and open burning.* No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide and open burning shall be allowed in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

(11) *Radiation.* All sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

(12) *Electrical radiation.* Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate mutual scheduling of operations is permitted.

(13) *Storage.* Storage of material, supplies and products on the property outside the building constructed thereon is permitted to the side and rear of the property providing that storage of materials, products, supplies and products are within an area screened from view at the nearest district boundary, adjacent properties, public streets or highways.

(14) *Fire and explosive hazards.* Storage, utilization or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in an industrial district; provided that said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. The bulk storage of flammable liquids or materials which produce flammable or explosive vapors or gases shall not be permitted in above-ground storage facilities, with the exception of fuel tanks or drums connected to heating devices or appliances located on the same lot as the fuel tanks and drums. Where a permitted use requires the storage of flammable liquids or materials that produce flammable or explosive vapors or gases, storage facilities shall have the following minimum setback from all boundary lines:

(a) *Liquid petroleum gases.*

<i>Underground Storage Capacity (Gallons)</i>	<i>Minimum Setback (Feet)</i>
Less than 500	10
501 - 2,000	25
Over 2,000	50

(b) *Flammable liquids.*

<i>Underground Storage Capacity (Gallons)</i>	<i>Minimum Setback (Feet)</i>
Less than 500	6
501 - 2,000	10
2,001 - 5,000	20
5,001 - 15,000	30
15,001 - 20,000	40
20,001 - 35,000	50

(c) *Explosives.*

<i>Capacity (Pounds)</i>	<i>Minimum Setback (Feet)</i>
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Less than 5	70
6 - 10	90
11 - 20	110
21 - 25	125
Greater than 25	Not permitted without prior approval from the Planning Commission

(15) *Waste.* No waste material or refuse shall be dumped upon or permitted to remain upon any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. All waste shall be disposed of in accordance with the regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Waste Management.

(16) *Mining and reclamation.* All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities and reclamation must be in conformance with the regulations adopted by the Department of the Natural Resources and Environmental Protection, Bureau of Surface Mining Reclamation and Environment (KRS Chapter 352). Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

(17) *Blasting and explosives.* All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS Chapter 351).

(G) *Prohibited uses.* Any use and structure not listed in the use table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments. Any use which in the opinion of the Board of Zoning Adjustments would be detrimental to the character of the city and/or the development of this District as a commercial center will be prohibited.

(H) *Dimensional variations.* In the event that an industrial use that existed at the time of the passage of this chapter is destroyed, the Board of Adjustments may allow dimensional variations from this chapter to conform to those dimensions which existed for the use of the premises prior to its destruction upon a finding by the Board of Adjustments that such variance will not be detrimental to neighboring properties or safe traffic flow.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

NON-CONFORMING STRUCTURES AND USES

§ 156.090 INTENT.

Within the districts established by this chapter or amendments that may be later adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that non-conformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(Ord. 2024-004, passed 12-23-2024)

§ 156.091 NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yard, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No non-conforming structure may be enlarged, moved or structurally altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

(B) Should such non-conforming structure or non-conforming portion of such structure be destroyed by any means to an extent of 55% or more of its replacement cost at the time of destruction, exclusive of foundations, it shall not be repaired or reconstructed except in conformity with the provisions of this chapter.

(C) Should such non-conforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(D) No non-conforming structure may be re-established after it has been discontinued for 24 consecutive months or more except when government action impedes access to the premises. A vacated premises or building of non-operative status shall be evidence of a discontinued use.

(E) No non-conforming structure may be changed to any other use except one which is a permitted use in the zoning district in which it is located.

(F) The provisions of this section shall not apply to residential structures in industrial districts.

(G) When a non-conforming structure is superseded by a permitted use, the structure shall thereafter conform to the regulations for the zoning district, and the non-conforming use may not thereafter be resumed.

(Ord. 2024-004, passed 12-23-2024)

§ 156.092 NON-CONFORMING USES OF LAND.

Where at the time of passage of this chapter or amendments, lawful use of land exists which would not be permitted in the zoning district under the terms of this chapter, the lawful use may be continued as it remains otherwise lawful subject to the following provisions.

(A) No nonconforming use, except single-family residential uses in the Agriculture and Single-Family Residential Districts, shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(B) No such non-conforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.

(C) If any non-conforming use of land ceases for any reason for 24 consecutive months or more, except where government action impedes access to the premises, any subsequent use of land shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(D) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such non-conforming uses of land.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.093 NON-CONFORMING USE OF STRUCTURES OR STRUCTURES/PREMISES.

Where at the time of passage of this chapter or amendments, lawful use involving individual structures, or of structure and premises in combination, exists which would not be permitted in the zoning district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No structure, or structure and premises in combination, devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.

(B) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district, and the non-conforming use may not thereafter be resumed.

(C) If any non-conforming use of a structure, or structure and premises in combination, ceases for 24 consecutive months or more, except when government action impedes access to the premises, any subsequent use of the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located. Vacated premises or building of non-operative status shall be evidence of a discontinued use.

(D) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purposes of this division (D) is defined as damage to an extent of more than 55% or more of its replacement cost, exclusive of foundation, at time of destruction.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.094 NON-CONFORMING LOTS OF RECORD.

(A) *Single lot.* In any zoning district in which single-family dwellings were permitted as of the adoption of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district; provided that yard dimensions and requirements other than these applying to area or width, or both of the lot shall conform to these regulations for the district in which such lot is located. If the non-conforming lot is converted to another use, the protected status granted hereunder terminates, variance of yard requirements shall be obtained only through action of the Board of Adjustments.

(B) *Variance required.* The owner of a non-conforming lot of record at the time of the adoption of this chapter may submit an application to the Board of Adjustments for a variance from the terms of this chapter in accordance with the provisions of § 156.132.

(Ord. 2024-004, passed 12-23-2024)

§ 156.095 REPAIRS AND MAINTENANCE.

(A) *Ordinary repair.* On any non-conforming structure or portion of a structure containing a non-conforming use, any change that does not require a building permit is considered ordinary maintenance and shall not affect the non-conforming status.

(B) *Unsafe buildings.* If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any building official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zoning district in which it is located.

(C) *Mobile homes.* Any mobile home that was properly permitted prior to the adoption of this chapter, but now considered a non-conforming use, may be replaced by a newer model, affixed with an A or B Seal, without affecting its non-conforming status but must meet other requirements of all local, state and federal rules, requirements and restrictions.

(Ord. 2024-004, passed 12-23-2024)

AMENDMENTS

§ 156.110 ZONING CODE AND ZONING MAP AMENDMENTS.

This chapter and the zoning map may be amended or repealed but only in accordance with the procedures set forth in KRS Chapter 100 and in this subchapter.

(Ord. 2024-004, passed 12-23-2024)

§ 156.111 ZONING TEXT AMENDMENT PROCEDURES.

The procedure for amendments to this chapter shall be the same as the adoption of the original zoning ordinance and as set forth in KRS Chapter 100.

(A) *Origination of zoning text amendment.* A proposal to amend the text of this chapter may originate with the Planning Commission or City Council. The Planning Commission must hold at least one public hearing after proper notice is given.

(B) *Public notice.* The Planning Commission shall publish in a newspaper of general circulation in the city and county at least seven days and no more than 21 days before the public hearing in accordance KRS Chapter 424.

(C) *Public hearing and Planning Commission action.* The Planning Commission shall hold at least one public hearing and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with the City Council, the Planning Commission shall make its recommendation within 60 days of the date of its receipt of the proposed text amendment.

(D) *Legislative body action.* The Planning Commission shall make a recommendation on the proposed zoning text amendment to the City Council, and City Council shall take final action on the zoning map amendment and shall approve or disapprove the zoning map amendment pursuant to KRS Chapter 100. Approval of the zoning ordinance text amendment shall take an affirmative vote of a majority of the City Council.

(Ord. 2024-004, passed 12-23-2024)

§ 156.112 ZONING MAP AMENDMENT PROCEDURES.

The procedures for zoning map amendments shall be the same as defined in KRS Chapter 100 and in addition, as follows.

(A) *Origination of zoning map amendment.* A proposal for a zoning map amendment may originate with the Planning Commission, the City Council or an owner of the property in question. Regardless of the origin of the proposed amendment, a pre-application conference must be conducted and a written application must be filed with the Planning Commission as set forth in this chapter.

(B) *Pre-application conference.* Prior to filing an application for a zoning map amendment, the applicant shall meet with the Planning Commission's Administrative Official to discuss the proposed amendment, requirements, procedures and issues related to the proposed zoning map amendment. This pre-application conference is intended to alleviate potential problems and conflicts by recognition, and consideration of existing conditions, necessary facilities, Comprehensive Plan recommendations and other issues related to the proposed amendment. The pre-application conference shall be held no less than five working days and no more than three months prior to the filing of a zoning map amendment application. The Planning Commission shall not accept a zoning map amendment application if a pre-application conference has not been conducted.

(C) *Zoning map amendment application.* An application for a zoning map amendment must be filed with the Planning Commission and must include the following information and documentation:

- (1) Application signed by an owner or the owner's agent;
- (2) Plat and site plan of the property in question, prepared by licensed land surveyor, including the following information:
 - (a) Names of owner(s) and applicant(s);
 - (b) Scale and north arrow;
 - (c) Bearing and distances;

- (d) Lot dimensions and setbacks;
- (e) Locating distance to nearest road or railroad centerlines or rights-of-way;
- (f) Address of property or intersecting street on each side;
- (g) Rights-of-way of road and pavement width;
- (h) Adjacent property, showing property lines and names of adjacent property owner(s);
- (i) Acreage of property;
- (j) Vicinity map;
- (k) Surveyor's stamp and certification;
- (l) Floodplain area(s) and FEMA certification;
- (m) Exterior dimensions and use of all existing and proposed structures; and
- (n) Any and all other information necessary for determining conformance with the zoning ordinance.

(3) Listing of adjoining property owners obtained from the County Property Valuation Administrator's records, including name(s), mailing addresses, PVA number and property street address;

(4) Certificate from the County Health Department approving the proposed water and sewerage facilities;

(5) Fifteen copies of a development plan prepared and signed by a licensed land surveyor and/or registered professional engineer dependent upon development content. A development plan shall meet the following requirements and contain the information listed below:

(a) Shall be drawn on durable, dimensionally stable media of a size no larger than 24" x 36". More than one sheet may be used. Sheets shall be numbered in sequence if more than one sheet is used, and each shall be labeled "Development Plan;"

(b) Shall be drawn at a convenient and standard scale;

(c) Shall have a title block containing the following information:

1. Name of the development, if applicable;
2. Name and mailing address of the property owner(s);
3. Name and mailing address of the developer(s), if different from owner(s);
4. Name and mailing address of the professional land surveyor, if applicable, and name of the firm that performed the survey, if applicable;
5. Name and mailing address of the professional engineer;
6. Date of preparation; and
7. All other pertinent data and information.

(d) Graphic and written scale;

(e) North arrow;

(f) Vicinity map of sufficient detail to locate land being subdivided and showing major streets and other durable physical features;

(g) Topographic map shall show the following.

1. Topographic contour lines must be depicted with sufficient accuracy to permit the planning of drainage, streets and other proposed improvements. The plans must include two-foot contours on land less than 5% gradient and five-foot contours on land more than 5% gradient. The contour lines are not to be more than 100 feet apart horizontally and shall extend for at least 40 feet beyond the boundary lines of the proposed development. Contours shall relate to the United States Geological Survey (USGS) of the area and shall relate to the nearest benchmark. All contours shall be marked in feet above sea level. The benchmark shall be clearly shown or identified.

2. Size, top of frame and invert elevations for all culverts, manholes or catch basins and flow line elevations for all brooks at 100-foot stations. This data for at least 40 feet beyond the boundary lines of the proposed development.

3. Sinkholes shall be clearly labeled and their low point clearly marked.

4. All existing watercourses, inland wetlands, floodplains and flowage easements.

5. Present wooded areas indicated by foliage line.

(h) Names, locations, record sources and current zoning designation of adjoining subdivisions and locations, record sources, current zoning designation and names of owners of adjoining property along with intersecting property lines;

- (i) Total calculated area of subject land computed either to the nearest hundredth of an acre or nearest square foot;
 - (j) Layout of proposed tracts of land, including dimensions of lots, lot lines, lot numbers and minimum building setback lines. Tracts shall be laid out according to sound planning principles;
 - (k) All existing and proposed structures;
 - (l) Direction and length of each line as follows:
 - 1. Bearings shown in degrees, minutes, and seconds and distances shown to hundredths of a foot; or
 - 2. A geometrically-curved line identified with a beginning point, terminus point and with sufficient curve data to define the curve.
 - (m) Cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research;
 - (n) Accurate location, description and material of all monuments; and
 - (o) Layout of existing and proposed streets and utilities on and adjacent to the subject property.
- (6) Other applications for variances or conditional uses; and
- (7) For zoning map amendments originated by the Planning Commission, City Council or other governmental agency or entity, a filing fee shall not be required.

(D) *Administrative Official review and findings.* Upon the filing of a zoning map amendment application, the Administrative Official shall review the application, make whatever studies the Planning Commission deems necessary and report findings at the public hearing. In addition, the Planning Commission may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(E) *Public notice.* The Planning Commission shall give notice of the public hearing in accordance with the provisions of KRS Chapters 100 and 424 and as set forth in this chapter:

(1) *Published notice.* The Planning Commission shall publish a notice in a newspaper of general circulation in the city and county at least seven and no more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.*

(a) *Map amendments originating with the owner.* Notice of the required public hearing shall be sent by first class mail to owners of property adjacent to the subject land at least 14 days prior to the public hearing.

(b) *Map amendments originating with the Planning Commission or City Council.* Per KRS Chapter 100, when a map amendment originates with the Planning Commission or City Council, notice of required public hearing shall be sent by first class mail to an owner of every parcel of property for which the classification is proposed to be changed at least 30 days prior to the public hearing.

(3) *Posted notice.* The Planning Commission shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(F) *Public hearing and Planning Commission action.*

(1) The Planning Commission shall hold at least one public hearing and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the City Council. The Planning Commission must find that the zoning map amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and

(b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

(2) The Planning Commission shall forward its findings of fact and recommendations in writing, including a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment, to the City Council.

(G) *Legislative body action.* Upon receipt of the findings of fact and recommendations of the Planning Commission, the City Council shall take consider the zoning map amendment pursuant to KRS Chapter 100 requirements.

(H) *Land use certification recordation.* The Planning Commission secretary shall file a land use certificate in the County Court Clerk's office for all zoning map amendments within 30 days of the date upon which the legislative body takes final action on the zoning map amendment. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

(Ord. 2024-004, passed 12-23-2024)

CONDITIONAL USE PERMITS, VARIANCES AND APPEALS

§ 156.130 GENERALLY.

The Board of Adjustments shall have the power to hear and decide on applications for conditional use permits, variances and appeals in accordance with the procedures set forth in KRS Chapter 100 and in this subchapter.

(Ord. 2024-004, passed 12-23-2024)

§ 156.131 CONDITIONAL USE PERMITS.

The owner of the subject property or an agent of the owner, bearing a written power of attorney granting authority for this purpose, may apply for a conditional permit.

(A) *Application.* An application for a conditional use permit must be filed with the Board of Adjustments. The application must be accompanied by the following information and documentation:

- (1) Application signed by an owner or the owner's agent;
- (2) Plat and site plan of the property to which the conditional use permit will apply, prepared by a licensed land surveyor and containing the following information:
 - (a) Names of owner(s) and applicant(s);
 - (b) Scale and north arrow;
 - (c) Bearing and distances;
 - (d) Lot dimensions and setbacks;
 - (e) Locating distance to nearest road or railroad centerlines or rights-of-way;
 - (f) Address of property or intersecting street on each side;
 - (g) Rights-of-way of road and pavement width;
 - (h) Adjacent property, showing property lines and names of adjacent property owner(s);
 - (i) Acreage of property;
 - (j) Vicinity map;
 - (k) Surveyor's stamp and certification;
 - (l) Floodplain area(s) and FEMA certification;
 - (m) Exterior dimensions and use of all existing and proposed structures; and
 - (n) Any and all other information necessary for determining conformance with this chapter.
- (3) Listing of adjoining property owners obtained from County Property Valuation Administrator's records, including name(s), mailing addresses, PVA number and property street address;
- (4) Certificate from the County Health Department approving the proposed water and sewerage facilities; and
- (5) Non-refundable fee.

(B) *Staff review and findings.* Upon the filing of a conditional use permit application, the Board of Adjustments staff shall review the application, make whatever studies the Board of Adjustments deems necessary and report findings at the public hearing. In addition, the Planning Commission may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(C) *Public notice.*

(1) *Published notice.* The Board of Adjustments shall publish in a newspaper of general circulation in the city and county a public notice at least seven days and not more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* The Board of Adjustments shall send notice of the required public hearing by first class mail to owners of real property that are adjacent to the land that is subject to the conditional use permit application at least 14 days prior to the public hearing.

(3) *Posted notice.* The Board of Adjustments shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(D) *Board of Adjustments action.* Within 30 days of the receipt of a conditional use permit application, the Board of Adjustments shall hold at least one public hearing. The Board of Adjustments may approve, modify or deny any application. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board of Adjustments' minutes and on the conditional use permit, along with a reference to the specific section of the zoning ordinance listing the conditional use under consideration.

(E) *Land use certification recordation.* The Board of Adjustments secretary shall file a land use certificate in the County Court Clerk's Office for all conditional use permits within 30 days of the date upon which the Board of Adjustments takes final action to adopt the conditional use permit. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

(F) *Revocation of conditional use permits.* The Board of Adjustments shall have the power, after notifying the permit holder and holding a public hearing, to revoke conditional use permits for non-compliance with the conditions therein or if the property owner violates any requirements of any local, state or federal regulations. Furthermore, the Board of Adjustments shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.

(G) *Time limit.* In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustments, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. **EXERCISED**, as set out in this section, shall mean that binding contracts for the construction of the main building or other improvements have been let, or in the absence of contracts, that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment is under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as designated in the permit.

(H) *Annual review.* The Administrative Official shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met. The Administrative Official shall review any conditional use permit, except those for which all conditions have been satisfied, on the request of the Board of Adjustments to determine if the use of the conditions in the permit are being met and to determine if the land violates any laws or regulations.

(1) *Inspection and report.* The Administrative Official shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all the conditions that are listed on the conditional use permit. If the property owner is not complying with all of the conditions listed on the conditional use permit, the Administrative Official shall report the fact in writing to the chairperson of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the property owner at the same time that it is furnished to the chairperson of the Board of Adjustments.

(2) *Public hearing.* The Board of Adjustments shall hold a hearing on the report within 30 days, and a notice of the time and place of the hearing shall be furnished to the property owner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Administrative Official are true and that the property owner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(I) *Conditional uses as permitted uses.* Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of this chapter, will be treated as a permitted use.

(Ord. 2024-004, passed 12-23-2024)

§ 156.132 VARIANCES.

The owner of the subject property or an agent of the owner, bearing a written power of attorney granting authority for this purpose, may apply for a variance.

(A) *Permitted variances.* The Board of Adjustments shall have the authority to hear and decide on applications for variances from the terms of this chapter as defined and permitted in KRS Chapter 100, but only in the following situations and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. The Board of Adjustments shall deny any request for a variance arising from circumstances that are the result of a willful violation of the chapter by the applicant subsequent to the adoption of the chapter from which relief is sought.

(1) Where, by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of the adoption of this chapter, was a lot of record;

(2) Where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of dimensional requirements would cause practical difficulties to or exceptional and undue hardship upon the owner of such property. Financial disadvantage to the property owner is no proof of hardship within the purpose of this chapter; or

(3) Where it is shown that the land in question cannot be subdivided and that more open space is created, a lower density can be established, traffic problems are lessened and a better relationship between the land and buildings is created by not subdividing the land and where a multi-building development will retain the neighborhood character and not violate this chapter.

(B) *Prohibited variances.* The following variances shall be prohibited:

- (1) Variances shall not be issued to allow the extension of a non-conforming use;
- (2) Variances shall not be permitted to increase the density of a use above that permitted by the applicable zoning district;
- (3) Variances shall not be permitted to allow a use prohibited by this chapter;
- (4) Variances shall not be permitted which arise from circumstances that are the result of willful violations of the chapter; and
- (5) Variances shall not be issued within any designated floodways.

(C) *Application.* An application for a variance must be filed with the Board of Adjustments. The application must be accompanied by the following information and documentation:

- (1) Application signed by an owner or the owner's agent;
- (2) Boundary survey and site plan of the property to which the variance will apply, prepared by a licensed land surveyor and containing the following information:
 - (a) Names of owner(s) and applicant(s);
 - (b) Scale and north arrow;
 - (c) Bearing and distances;
 - (d) Lot dimensions, setbacks and coverage;
 - (e) Locating distance to nearest road or railroad centerlines or rights-of-way;
 - (f) Address of property or intersecting street on each side;
 - (g) Rights-of-way of road and pavement width;
 - (h) Adjacent property, showing property lines and names of adjacent property owner(s);
 - (i) Acreage of property;
 - (j) Vicinity map;
 - (k) Surveyor's stamp and certification;
 - (l) Floodplain area(s) and FEMA certification;
 - (m) Exterior dimensions and use of all existing and proposed structures; and
 - (n) Any and all other information necessary for determining conformance with the chapter.
- (3) Listing of adjoining property owners obtained from County Property Valuation Administrator's records, including name(s), mailing addresses, PVA number and property street address;
- (4) Certificate from the County Health Department approving the proposed water and sewerage facilities; and
- (5) Non-refundable fee.

(D) *Staff review and findings.* Upon the filing of a variance application, the Board of Adjustments staff shall review the application, make whatever studies the Board of Adjustments deems necessary and report findings at the public hearing. In addition, the Board of Adjustments may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(E) *Public notice.*

(1) *Published notice.* The Board of Adjustments shall publish in a newspaper of general circulation in the city and county a public notice at least seven days and not more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* The Board of Adjustments shall send notice of the required public hearing by first class mail to owners of real property that are adjacent to the land that is subject to the variance application at least 14 days prior to the public hearing.

(3) *Posted notice.* The Board of Adjustments shall post a notice of the public hearing conspicuously on the property for 14 consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(F) *Board of Adjustments' findings and action.*

(1) Within 30 days of the receipt of a variance application, the Board of Adjustments shall hold at least one public hearing. The Board of Adjustments may approve, modify or deny any application. The Board of Adjustments may grant a variance if it concludes that unnecessary hardship would result from the strict application of this chapter. The Board of

Adjustments shall determine and express in writing, all of the following findings that:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone;
- (b) The strict application of the provisions of the chapter would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- (c) The circumstances are the result of the applicant taken subsequent to the adoption of the chapter from which relief is sought; and
- (d) The requested variance will not adversely affect the public health, safety or welfare, will not alter the character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow unreasonable circumvention of the requirements of the chapter.

(2) In granting a variance, the Board of Adjustments may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this chapter.

(G) *Land use certification recordation.* The Board of Adjustments secretary shall file a land use certificate in the County Court Clerk's office for all conditional use permits within 30 days of the date upon which the Board of Adjustments takes final action to grant the variance. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

(Ord. 2024-004, passed 12-23-2024)

§ 156.133 ZONING PERMITS.

The zoning permit ensures that the contemplated use is in accord with those permitted in that district and that all dimensional and other requirements of this chapter are met. A zoning permit is not the same as a building permit although it may be obtained at the same time and from the same person. It shall be unlawful to commence construction or alteration of any structure until the Administrative Official has issued a zoning permit authorizing such work except as specified.

(A) *Exceptions.* No zoning permit shall be required in the following cases:

- (1) Recurring maintenance work regardless of cost;
- (2) Installation of required improvements according to an approved preliminary subdivision plat or planned-development plat;
- (3) Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters and the like. Large utility structures such as substations are permitted only as conditional uses;
- (4) Public streets and all appurtenances necessary for traffic direction and safety;
- (5) Private drives, private parking areas and the parking of vehicles incidental to the principal use on the same premises;
- (6) Exempt signs as outlined in §§ 156.145 through 156.159;
- (7) Horticulture and landscaping of any premises;
- (8) Agriculture; or
- (9) Handicap-accessible ramps which are preempted by state and federal laws.

(B) *Fees.* The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of zoning permits.

(C) *Zoning permit procedure.*

(1) *Application.* The applicant shall submit a plan along with the application showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of all structures, yard depths and any other information necessary for determining conformance with the chapter. The Administrative Official and/or the Board of Zoning Adjustments reserves the right to require additional information necessary to make said determination, including, but not limited to, survey drawn to scale, as-built survey, copies of deeds and/or plot plans. The Water and Sewer Commission's certificate approving proposed water and sewage facilities must accompany applications for a zoning permit.

(2) *Issuance.* If the proposed construction or alteration conforms with all applicable provisions of the chapter and all other applicable ordinances, regulations and codes, the Administrative Official shall issue a zoning permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Administrative Official shall refuse to issue a zoning permit and shall deliver written notice to the applicant stating the reason for the refusal. The Administrative Official shall act upon applications for zoning permits within two weeks from the date of their submission. In instances where the proposed construction or alteration does not fully conform to all applicable provisions of the chapter and all other applicable ordinances, regulations and codes, the Administrative Official at the request of the applicant and at the Administrative Official's sole discretion can issue a zoning permit authorizing partial construction, providing the

Administrative Official follows guidelines previously approved by the Planning Commission for such action. In addition, the Planning Commission in order to promote and protect the health, safety, morals or general welfare of the city, may require issuance of a zoning permit for partial construction in some instances. In both of the above instances, it is the responsibility of the applicant to conform to all regulations in order for any zoning permit to remain valid.

(3) *Duration.* A zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A zoning permit may be renewed without fee upon review by the Administrative Official before it becomes void. The renewal request shall be submitted in writing.

(4) *Permanent file.* The Administrative Official shall keep a permanent file of all applications with accompanying plans and all permits issued.

(D) *Floodplains.* The Administrative Official may approve a zoning permit but shall advise the applicant when the site on which the applicant wants to build is within the 100-year floodplain, as determined by the United States Army Corps of Engineers. All applicable floodplain regulations and requirements must be completed. All buildings or structures in a designated floodway or floodplain which tend to increase flood heights or obstruct the flow of flood waters shall be regulated by the Planning Commission, and therefore, require the review and approval of the County Planning Commission.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.134 APPEALS.

Any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal or decision of the Administrative Official may take appeals to the Board of Adjustments.

(A) *Time limitation.* Such appeal shall be made within 30 days of the grievance by filing a notice of appeal with the Board of Adjustments, specifying the grounds therefore and giving notice of such appeal to any and all parties of record.

(B) *Administrative Official action.* The Administrative Official shall transmit to the Board of Adjustments all papers constituting the record upon which the action appealed was taken and shall be treated as and be the respondent in such further proceedings.

(C) *Public notice.*

(1) *Published notice.* The Board of Adjustments shall fix a reasonable time for hearing the appeal and give public notice in a newspaper of general circulation in the city and county at least seven days and not more than 21 days before the public hearing in accordance with KRS Chapter 424.

(2) *Mailed notice.* The Board of Adjustments shall send notice of the required public hearing by first class mail to the appellant and the Administrative Official at least one week prior to the hearing.

(D) *Public hearing.* The Board shall hold one public hearing within 60 days and shall fix a reasonable time for the hearing of an appeal. The affected party may appear at the hearing in person or by an attorney. At the public hearing on the appeal held by the Board of Adjustments, any interested person may appear and enter his or her appearance, and all shall be given an opportunity to be heard.

(E) *Findings requirements.* The Board of Adjustments review on appeal shall be limited to a determination of whether the decision being appealed was not based upon substantial evidence; and arbitrary and capricious. The Board of Adjustments shall affirm the decision that is being appealed unless one or both of the factors set forth above exists. The Board of Adjustments shall not substitute its judgment for the judgment of the Administrative Official.

(F) *Limits of authority.* The Board shall act only within the strict limits of its authority as defined in the chapter. The Board has no authority to vary the use regulations or other regulations not specifically delegated to it. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.

(Ord. 2024-004, passed 12-23-2024)

SIGN REGULATIONS

§ 156.145 INTENT.

This subchapter provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business and industrial activities while promoting signs that:

- (A) Reduce intrusions and protect property values;
- (B) Minimize undue distractions to the motoring public;
- (C) Protect the tourist industry by promoting a pleasing community image; and
- (D) Enhance and strengthen economic stability.

(Ord. 2024-004, passed 12-23-2024)

§ 156.146 SCOPE.

These provisions apply to the display, construction, erection, alteration, location and maintenance of all new and existing

signs within the city limits.

(Ord. 2024-004, passed 12-23-2024)

§ 156.147 EXEMPT SIGNS.

The following signs are exempt from the provisions of this subchapter and are, therefore, exempt from the requirement to obtain a sign permit:

- (A) Signs not visible beyond the boundaries of the property upon which they are located;
- (B) Government signs that are placed by government officers in the performance of their professional/elected duties;
- (C) Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties;
- (D) Vehicle signage when painted directly on a vehicle or attached magnetically;
- (E) Temporary signage of three square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of three square feet or smaller placed on or after the first day of October and removed by November 15;
- (F) Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located;
- (G) Signage placed by realtors in the performance of their professional duties; and
- (H) Window signage.

(Ord. 2024-004, passed 12-23-2024)

§ 156.148 SIGNS EXEMPT FROM PERMIT REQUIREMENTS.

The following signs shall not require a permit:

- (A) Incidental signs;
- (B) Historic markers; and
- (C) Change of copy on any sign where the framework or other structural elements are not altered.

(Ord. 2024-004, passed 12-23-2024)

§ 156.149 PERMIT REQUIREMENTS.

(A) No sign regulated by this chapter (except those specifically exempted in §§ 156.147 and 156.148) shall be displayed, erected, relocated or altered unless all necessary permits have been issued by the Planning Commission. Applicants shall submit an application form to the department before any permit may be issued.

(B) Property owner shall obtain a certificate of appropriateness from the Historical Preservation Commission (HPC) for signage proposed on a historical structure recognized by the National Register of Historic Places or the HPC. Applications are available online at the HPC website or by contacting the HPC directly. If the HPC fails to provide an application to the property owner within ten days of the property owner's request, then this requirement for a certificate of appropriateness shall be waived.

(C) Signs shall only be erected or constructed in compliance with the approved permit.

(D) Applicants shall obtain a building permit for the footer of freestanding and monument signs. Applicants shall also obtain an electrical permit for signs that require electrical service. Final inspections for building permits and electrical permits require a minimum notice of 24 hours to the city's Building Inspector and/or State Electrical Inspector.

(E) Signs permitted as an accessory to a legal, non-conforming use shall be subject to the regulations of the zone in which the non-conforming use is located.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.150 NON-CONFORMING SIGNS.

(A) A legal, non-conforming sign may continue in existence as long as it is properly maintained in good condition.

(B) These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a non-conforming sign shall not be:

- (1) Changed to another non-conforming sign except where only the face or copy is changed;
- (2) Structurally altered so as to increase the degree of non-conformity of the sign;
- (3) Expanded or enlarged;
- (4) Reestablished after its removal; or

(5) Moved to a new location on the building or lot.

(Ord. 2024-004, passed 12-23-2024)

§ 156.151 ILLEGAL SIGNS.

All illegal signs shall be subject to immediate enforcement action as outlined in §156.999.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.152 GENERAL REQUIREMENTS.

All signs in all zones shall meet the following requirements.

(A) Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.

(B) No light, sign or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal or device or use any words, phrases, symbols or characters implying the existence of danger, or the need to stop or maneuver the vehicle.

(C) No sign shall be attached to or painted on the surface of any tree, utility pole or street light.

(D) Projecting signs shall have at least seven feet of clearance above a road or sidewalk;

(E) Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures or ornamental features;

(F) No sign, except for government signs, shall be located within the sight triangle of any intersection. Refer to design standards of the subdivision regulations;

(G) No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein;

(H) Freestanding, monument and projecting face sign area shall be computed as follows:

(1) Double-faced signs shall have only one face counted in calculating the area;

(2) Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two;

(3) The area enclosing the perimeter of each cabinet shall be calculated to determine the area;

(4) The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing); provided there is no written copy on such embellishments; and

(5) Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.

(I) Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.153 PROHIBITED SIGNS IN ALL ZONES.

The following signs and/or sign features shall be prohibited in all zones:

(A) Mobile signs;

(B) Roof signs that extend higher than the top of the roof;

(C) Rotating or moving signs;

(D) Abandoned signs;

(E) Streamers, pennants and tag signs or similar signs or devices except when attached to a permitted temporary sign;

(F) Any sign which emits any noise or odor;

(G) Freestanding signs which overhang any part of a building;

(H) Flashing or blinking signs;

(I) Billboards with an electronic message display system;

(J) Signs in a public right-of-way; and

(K) Handbills.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.154 SIGNS REQUIRING A CONDITIONAL USE PERMIT IN ALL ZONES.

(A) Signs painted directly on a building require a conditional use permit in all zones.

(B) Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless the request is made to the Planning Commission in conjunction with a development plan. Applications for these signs shall be submitted and processed as outlined in §§ 156.130 and 156.131.

(Ord. 2024-004, passed 12-23-2024)

§ 156.155 SIGNS PERMITTED BY SPECIFIC ZONE.

Any sign not specifically permitted shall be prohibited.

(A) *Mobile Home Park (MHP) Zone.*

(1) One freestanding sign per park entrance. Sign shall not exceed 32 square feet in area, eight feet in height and shall have a minimum setback of 20 feet from any street.

(2) One nameplate wall sign per mobile home that shall not exceed one square foot in area.

(B) *Low-Density Residential Zone (R-1).*

(1) *Residence.*

(a) One nameplate wall sign not exceeding one square foot in area;

(b) One wall sign not exceeding one square foot in area; and

(c) Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:

1. On the front of every building, residence or structure;
2. One each side of an authorized U.S. Postal Service mailbox; and
3. On one post which measures no more than 48 inches in height and four inches in width.

(2) *Home occupation.* One wall sign not exceeding six square feet in area.

(3) *Subdivision.* One freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight feet in height.

(4) *Buildings used for religious or educational activities.*

(a) One freestanding sign that shall not exceed 32 square feet in area and eight feet in height;

(b) One wall sign that shall not exceed 12 square feet in area;

(c) One bulletin board that shall not exceed 12 square feet in area and eight feet in height; and

(d) Incidental signs which shall not exceed two square feet in area nor require sign permits.

(5) *All other conditional uses.*

(a) One freestanding sign that shall not exceed 32 square feet in area and eight feet in height;

(b) One wall sign that shall not exceed 12 square feet in area; and

(c) Incidental signs which shall not exceed two square feet in area nor require sign permits.

(C) *High-Density Residential Zones (R-2 and R-3).*

(1) *Single-family residence.* All single-family homes within these zones shall comply with the signage regulations for Low-Density Residential Zones regulated under division (B) above.

(2) *Multi-family residence.* Multi-family residential buildings and conditional uses may have:

(a) One freestanding sign that shall not exceed 32 square feet in area and eight feet in height and shall have a front yard setback of 20 feet;

(b) One wall sign that shall not exceed 12 square feet in area; and

(c) Incidental signs which shall not exceed two square feet in area nor require sign permits.

(3) *Buildings used for religious or educational activities.*

(a) One freestanding sign that shall not exceed 32 square feet in area and eight feet in height;

- (b) One wall sign per building that shall not to exceed 12 square feet in area;
- (c) One bulletin board that shall not exceed 12 square feet in area and eight feet in height; and
- (d) Incidental signs, which shall not exceed two square feet in area nor require sign permits.

(D) *Standard signage permitted in all commercial and industrial zones (CC, CR, HC and I-1).*

- (1) One freestanding or monument sign per street frontage with a maximum of two signs per lot.

(a) Freestanding signs shall not exceed 75 square feet in area, 25 feet in height and shall have a minimum setback of ten feet. When street frontage permits two signs, the two freestanding signs may be combined into one freestanding sign that shall not exceed 110 square feet in area. For buildings with more than one occupying business, this freestanding sign may list all businesses within the building.

(b) Monument signs shall not exceed 60 square feet in area, eight feet in height and shall have a minimum setback of ten feet.

(2) One wall sign, canopy sign or awning sign per street frontage with a maximum of two signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15% of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.

- (3) One wall sign per tenant or lessee not exceeding two square feet in area.

(4) One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight feet in height.

(5) One menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight feet.

(6) Temporary signs shall include banners, streamers, tethered balloons and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:

- (a) Shall not exceed 50 square feet per sign where non-rigid materials are used;
- (b) Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used;
- (c) Shall comply with the applicable regulations for the zone in which they are located;
- (d) Shall not remain in place for a period of more than 14 continuous days;
- (e) Shall not be displayed for more than a total of eight times in any calendar year; and
- (f) Shall not be placed within the public right-of-way or the sight triangle at intersections.

(7) One marquee per theatre. A marquee shall not exceed 32 square feet in area, shall not project more than eight feet from the building face to which it is attached and shall have a minimum clearance of eight feet.

- (8) Incidental signs shall not exceed two square feet in area nor require sign permits.

- (9) Buildings used for religious or educational activities:

(a) In addition to signage permitted above, one bulletin board, not exceeding 32 square feet in area and eight feet in height.

(b) Signs with electronic message display systems shall be prohibited in the CC (Central Commercial) and CR (Commercial Restricted) Districts. Electronic message display systems may be incorporated into one freestanding or wall sign for each property located within the HC (General Highway Commercial) and I-1 (Industrial) Zones.

(E) *Additional signage permitted in specific commercial and industrial zones.*

(1) *Central Commercial (CC).* In addition to the signage permitted in division (D) above, the following signs shall be permitted:

(a) *Permanent sidewalk sign.* Where a building is located adjacent to the public right-of-way, one non-illuminated, freestanding sign may be permanently placed on the public sidewalk with the following restrictions:

- 1. Sign shall not exceed five and one-half square feet in area;
- 2. The edge of the sign shall not extend beyond the curb line;
- 3. The maximum dimensions of the support frame shall not exceed eight square feet in area (maximum 48 inches wide or 36 inches high); and
- 4. The bottom of such support shall be seven feet above the sidewalk and the vertical support shall be 24 inches from the curb.

(b) *Portable sign*. One shall be permitted for each business entrance subject to the following restrictions:

1. Maximum surface area of the sign shall be six square feet per face, maximum height of the sign shall be three feet and maximum width of the sign shall be two feet; and

2. A minimum 36 inches wide pedestrian travelway shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

(2) *Commercial Restricted (CR)*. In addition to the signage permitted division (D) above, the following signs shall be permitted:

(a) Shopping center malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face and a maximum height of 25 feet.

(b) One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in division (D) above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign or wall sign. Interstate signs shall be subject to the following restrictions:

1. Shall not have an electronic message display system;
2. Individual signs shall not exceed 250 square feet in area;
3. Height (from the base to the top of the sign) shall not exceed 90 feet;
4. The sign's base shall be at least 90 feet from any residential zoned property; and
5. In addition to a sign permit, a building permit shall be obtained prior to installation.

(3) *General Highway Commercial and Industrial Zones (HC and I-1)*. In addition to the signage permitted in division (D) above, the following signs shall be permitted:

(a) Shopping center malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face and a maximum height of 25 feet.

(b) One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in division (D) above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign or wall sign. Interstate signs shall be subject to the following restrictions:

1. Shall not have an electronic message display system;
2. Individual signs shall not exceed 250 square feet in area;
3. Height (from the base to the top of the sign) shall not exceed 90 feet;
4. The sign's base shall be at least 90 feet from any residential zoned property; and
5. In addition to a sign permit, a building permit shall be obtained prior to installation.

(c) One billboard shall be permitted subject to the following restrictions:

1. The sign shall not have an electronic message display system;
2. The property on which the billboard is located shall abut a federal or state highway;
3. The sign shall be the principal use; there shall be no other buildings, freestanding signs and the like on the lot;
4. Signage face shall not exceed 720 square feet in area;
5. The sign shall be located no closer than 300 feet to any other structure;
6. The sign shall be at least 150 feet away from any residential zone or residential use;
7. There shall be a 40-foot setback requirement from any right-of-way; and
8. Maximum height shall be 35 feet.

(F) *Planned development*. A permitted sign's height, size, location and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.156 ADVERTISING ON INTERSTATE HIGHWAYS.

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet and the

requirements of this chapter with respect to the zoning district involved.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 156.999

§ 156.157 MAINTENANCE STANDARDS.

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

(Ord. 2024-004, passed 12-23-2024)

§ 156.158 SUBSTITUTION CLAUSE.

The owner of any sign which is otherwise allowed by this chapter may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

(Ord. 2024-004, passed 12-23-2024)

§ 156.159 DEFINITIONS.

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

ABANDONED SIGN. Signage that has been neglected and fallen into disrepair.

ATTRACTION BOARD. Copy is changed manually or electronically on a regular basis.

AWNING SIGN. Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.

BANNER SIGN. Made of non-rigid material with no enclosing framework.

BILLBOARD. Signage intended for lease to a variety of businesses, organizations and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.

BULLETIN BOARD. Allows the manual or electronic change of copy and is used to notify the public of non-commercial events or occurrences such as church services, political rallies, civic meetings or similar events.

CANOPY SIGN. Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway or similar area. Canopies may be supported by a building, columns, poles, braces or a combination of both.

DOUBLE-FACED SIGN. Two faces either set parallel or up to a 45-degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two separate signs.

ELECTRONIC MESSAGE DISPLAY SYSTEM. Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs) or other digital devices and is changed by a central computer.

FARM. A tract of at least five contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards and wineries.

FLASHING or BLINKING. Intermittent or sequential illumination for the purpose of attracting attention to the sign.

FREESTANDING SIGN. Attached to the ground by columns, poles, braces or other means and not attached to any building.

GOVERNMENT SIGN. Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.

HANDBILL. Printed or written material, circular, leaflet, pamphlet or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities or services.

ILLEGAL SIGN. Does not meet the requirements of this chapter and has not been identified as a legal, non-conforming sign.

ILLUMINATED SIGN. Emits or reflects artificial light from any source.

(1) **DIRECTLY ILLUMINATED.** Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.

(2) **INDIRECTLY ILLUMINATED.** Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.

(3) **INTERNALLY ILLUMINATED.** Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.

INCIDENTAL SIGN. Not exceeding two square feet in area.

INTERSTATE SIGN. Sign that is designed to be seen from an interstate highway.

MARQUEE SIGN. Used in conjunction with a theatre, is attached to the building, and projects from the building.

MENU BOARD. Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.

MOBILE SIGN. Affixed to a frame having wheels or capable of being moved. **MOBILE SIGNS** do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted Building Code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

MONUMENT SIGN. Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post or similar upright.

NON-CONFORMING SIGN. Legally erected but does not comply with the current regulations for the zone in which it is located.

NON-ILLUMINATED SIGN. Does not emit or reflect artificial light from any source.

PORTABLE SIGN. Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame.

PROJECTING SIGN. Attached to a building, extends more than 24 inches.

ROOF SIGN. Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys or other projections above the roofline.

ROTATING OR MOVING SIGN. Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

SIGN. Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing or illustrating products, services and/or events.

SIGN CLEARANCE. The vertical distance between the lowest point of any sign and the grade at the base of the sign.

SIGN COPY. Any word, figure, number, symbol or emblem affixed to a sign.

SIGN HEIGHT. The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.

SIGN SETBACK. The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.

SIGN SURFACE. That part of the sign on which the message is displayed.

SQUARE FOOT. A unit of area equal to one foot by one foot square.

STREET FRONTAGE. Property line that lies adjacent to street right-of-way.

TEMPORARY SIGN. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 14 continuous days or more than eight times per calendar year.

VEHICLE SIGNAGE. Signage painted directly on a vehicle or attached magnetically.

WALL SIGN. Attached directly to a building; includes mansards, canopies, awnings and signs attached to a roof which do not project above the roofline.

WINDOW DISPLAY. Merchandise or other objects placed inside a building to be viewed from outside the building.

WINDOW SIGN. Attached to or located within three feet of the interior of a window and which can be seen through the window from the exterior of the structure.

(Ord. 2024-004, passed 12-23-2024)

§ 156.999 PENALTY.

(A) Violations of this chapter pursuant to KRS 100.991 shall be subject to the following:

(1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations of this chapter adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than \$10 but not more than \$500 for each conviction. Each day of violation shall constitute a separate offense. The city may also enforce these regulations as permitted by KRS 83A.065.

(2) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than \$100 nor more

than \$500 for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.

(3) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

(4) Civil injunctions per KRS Chapter 100 and other applicable enforcement remedies as provided in the law.

(B) Any person who violates any of the provisions of §§156.050 through 156.056 for which no other penalty is provided shall upon conviction be fined in an amount not less than \$20 nor more than \$250. Each day of the violation shall constitute a separate offense. Any person violating may also be found guilty of a civil offense. The civil fine shall be no less than \$20 no more than \$250. The civil fine shall be paid directly to the city. If the fine is not paid within 30 days from the date of notification, then the city may recover said fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to ensure compliance with this chapter or pursue administrative remedies when appropriate, including injunctions and abatement proceedings,

(Ord. 2024-004, passed 12-23-2024)

APPENDIX A: USE TABLE

Use Table								
P = Permitted use C = Conditional use HO = Home occupation A = Accessory use								
Use by Use Category	R-1	R-2	R-3	MHP	CC	CR	HC	I-1
Use Table								
P = Permitted use C = Conditional use HO = Home occupation A = Accessory use								
Use by Use Category	R-1	R-2	R-3	MHP	CC	CR	HC	I-1
Agriculture, Forestry and Fishing: Agricultural Production and Livestock and Animal Specialities								
Animal and livestock breeding, raising, training and grazing								
Apiary								
Cattle shed								
Chicken/poultry farm								
Fur farm								P
Medical cannabis cultivator							P	P
Stable							P	P
Agriculture, Forestry and Fishing: Agricultural Services								
Agricultural business office					P	P	P	P
Agricultural contractors						P	P	P
Animal boarding							P	P
Crop dusting							C	P
Dog pound and humane society							P	P
Kennel, commercial							P	P
Landscaping display, sales, nurseries and greenhouses							P	P
Lawn and garden services						P	P	P
Livery stable							P	P
Livestock sales and shipping							P	P
Livestock supplies					P	P	P	P
Medical cannabis safety compliance facilities							P	P
Veterinarian office and hospital					P	P	P	P

Construction: Building Contraction General Contractors and Operative Builders								
Building contractor equipment and material storage						P		
Building contractor offices				P	P	P		
Roofing contractor office				P	P	P		
Swimming pool installation						P	P	P
Construction: Construction Special Trades Contractors								
Carpentry equipment storage							P	P
Sheet metal shop							P	P
Construction: Heavy Construction, Other Than Construction Contractors								
Heavy construction contractors, except building							P	P
Paving contractor equipment and storage							P	P
Road building equipment storage yard							P	P
Construction: Special Trade Contractors								
Drilling company					P		P	P
Septic tank contractor					P		P	P
Finance, Insurance and Real Estate: Depository Institutions								
Banks and financial institutions					P	P	P	
Savings and loan associations					P	P	P	
Finance, Insurance and Real Estate: Insurance Agents, Brokers and Service								
Appraisers services	C	C	C		P	P	P	
Auctioneers and realtors services and office	C	C	C		P	P	P	
Insurance office					P	P	P	
Finance, Insurance and Real Estate: Non-Depository Credit Institutions								
Loan company					P	P	P	
Finance, Insurance and Real Estate: Real Estate								
Adjusters services and office					P	P	P	
Auctioneers and realtors services and office	C	C	C		P	P	P	
Manufacturing: Clothing and Related Products								
Cap and hat manufacturing							C	P
Clothing manufacturing							C	P
Garment manufacturing							C	P
Hosiery manufacturing							C	P
Knit goods manufacturing							C	P
Shirt factory							C	P
Woven goods manufacturing							C	P
Manufacturing: Chemicals and Allied Products								
Acetylene manufacturing								P
Ammonia manufacturing and storage								P
Bleaching compound manufacturing								P
Bottled gas manufacturing								P
Cellulose manufacturing								P
Charcoal manufacturing								P
Cosmetic manufacturing								P
Explosives manufacturing	Not permitted							
Fertilizer manufacturing								P
Gunpowder manufacturing								P
Hazardous chemical manufacturing	Not permitted							
Insecticides manufacturing								P
Lead oxide manufacturing	Not permitted							
Lime manufacturing and storage								P
Paint manufacturing								P

Soap and detergent manufacturing								P
Manufacturing: Electronic and Other Electrical Equipment and Components								
Battery manufacturing	Not permitted							
Business machine manufacturing								P
Business machines manufacturing, except computer equipment								P
Meter manufacturing								P
Office equipment manufacturing, except computers								P
Manufacturing: Fabricated Metal Products, Except Machinery and Transportation Equipment								
Boiler manufacturing								P
Bolts and nuts manufacturing								P
Firearms manufacturing								P
Furnace manufacturing								P
HVAC equipment manufacturing								C
Septic tank construction								P
Tower and antenna manufacturing								P
Manufacturing: Food and Kindred Products								
Bakery, industrial								P
Bakery, retail					P	P	P	C
Beer distribution manufacturing								P
Beverage manufacturing, including alcoholic beverages								P
Butter and cheese manufacturing								P
Candy manufacturing								P
Cider and vinegar manufacturing								P
Dairy and creamery								P
Distillery							C	P
Flour mill								P
Food processor								P
Gelatin manufacturing								P
Grease and tallow manufacturing								P
Grist mill								P
Hide and tallow manufacturing								P
Horse radish manufacturing								P
Ice cream manufacturing								P
Ice plant								P
Lindseed oil manufacturing								P
Meat packing plants								P
Medical cannabis cultivator							P	P
Medical cannabis processor							P	P
Medical cannabis producer							P	P
Milk bottling plant								P
Molasses manufacturing								P
Noodle manufacturing								P
Sausage manufacturing								P
Slaughterhouse								P
Slaughtering plants								P
Soft drink bottling								P
Manufacturing: Furniture and Fixtures								
Bathroom accessories manufacturing							P	P
Bedding/mattress manufacturing							P	P
Cabinetry manufacturing							P	P

Door and window screen manufacturing							P	P
Furniture manufacturing							P	P
Mattress manufacturing							P	P
Manufacturing: Industrial and Commercial Machinery and Computer Equipment								
Advertising display office and agency					P	P	P	P
Agricultural implements manufacturing							P	P
Computer equipment manufacturing							P	P
Machine shops and tool and dye								P
Tool and dye								P
Manufacturing: Leather and Leather Products								
Leather fabrication							P	P
Tannery							P	P
Manufacturing: Lumber and Wood Products, Except Furniture								
Creosote manufacturing	Not permitted							
Deck manufacturing								P
Door (wood) manufacturing							P	P
Lumber processing							P	P
Manufactured home manufacturing								P
Millwork and planing							P	P
Mobile home manufacturing								P
Modular home manufacturing								P
Sash and trim (wood) manufacturing								P
Sawmill								P
Wood barrel manufacturing								P
Woodworking							P	P
Manufacturing: Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks								
Artificial limb manufacturing							P	P
Medical appliance manufacturing							P	P
Optical display and sales					P	P	P	
Manufacturing: Miscellaneous Manufacturing Industries								
Brush manufacturing and sales							P	P
Accoustical material manufacturing							P	P
Accoustical material storage							P	P
Advertising display manufacturing								P
Athletic equipment manufacturing								P
Broom manufacturing								P
Candle manufacturing								P
Casket manufacturing								P
Chalk manufacturing								P
Clock factory								P
Luggage manufacturing								P
Organ and piano manufacturing								P
Pencil factory								P
Sign and display manufacturing								P
Sign painting shop								P
Toys and games manufacturing								P
Manufacturing: Paper and Allied Products								
Assembly							P	P
Paper bag manufacturing	Not permitted							
Paper products manufacturing	Not permitted							
Manufacturing: Petroleum Refining and Related Industries								

Asphalt plants and products								P
Blast furnaces								P
Forge plants								P
Foundry product manufacturing								P
Fuel distribution station, bulk plant								P
Iron and steel fabrication								P
Kerosene manufacturing								P
Metal casting and foundry								P
Oil refinery								P
Oil storage								P
Petroleum refining and storage								P
Manufacturing: Printing, Publishing and Allied Industries								
Lithography								P
Newspaper printing and publishing							P	P
Manufacturing: Rubber and Miscellaneous Plastics Products								
Hose manufacturing							P	P
Plastic molding manufacturing								P
Rubber products manufacturing								P
Manufacturing: Stone, Clay, Glass and Concrete Products								
Bottle manufacturing								P
Brick kilns							P	P
Concrete manufacturing							P	P
Glass manufacturing							P	P
Graphite manufacturing								P
Gypsum board manufacturing								P
Marble processing								P
Monument manufacturing								P
Mortar preparation								P
Sandpaper manufacturing								P
Shingle manufacturing								P
Stone processing								P
Manufacturing: Textile Mill Products								
Burlap bag manufacturing								P
Burlap processing								P
Rope manufacturing								P
Textile mill								P
Wool processing								P
Manufacturing: Tobacco Products								
Cigarette manufacturing								P
Snuff manufacturing								P
Tobacco curing								P
Tobacco manufacturing								P
Tobacco warehouse and sales								P
Manufacturing: Transportation Equipment								
Automobile assembly								P
Automobile parts manufacturing								P
Ball bearings manufacturing								P
Boat manufacturing								P
Brake lining manufacturing	Not permitted							
Motor test, internal combustion								P
Tire manufacturing	Not permitted							

Mining: Coal Mining								
Coal yard								
Oil and gas extraction								P
Rock crushing and rock quarry								P
Sand and gravel extraction								P
Private Households								
Accessory dwelling unit (ADU)	C	C	C					
Condominiums		P	P		C	C	C	
Four-family residential		P	P		C	P	C	
Multi-family (5 units or more)			P			P	C	
Parish house, manse	P	P	P		P	P	P	
Private garage not for dwelling (accessory)	A	A	A	A				
Private swimming pool, covered or fenced to prevent accidental access (accessory)	A	A	A					
Single-family residential	P	P	P					
Three-family residential		P	P		C		C	
Two-family residential		P	P		C		C	
Retail Trade: Automotive Dealers and Gasoline Service Stations								
Service station					P	P	P	P
Retail Trade: Apparel and Accessory Stores								
Cap and hat sales					P	P	P	
Children and infant clothing					P	P	P	
Clothing stores					P	P	P	
Dress shop sales					P	P	P	
Fur sales					P	P	P	
Hosiery sales					P	P	P	
Military surplus store					C	P	P	
Shoe store					P	P	P	
Uniform rental					P	P	P	
Retail Trade: Automotive Dealers and Gasoline Service Stations								
Automobile parts dealers, retail						P	P	C
Automobile sales lot					C	C	P	C
Convenience stores with gasoline						P	P	C
Filling stations					P		P	C
New car sales							P	C
Used car sales							P	C
Retail Trade: Building Materials, Hardware, Garden Supply and Mobile Home Dealers								
Garden seed retail					P	P	P	C
Glass sales and repair					P	P	P	C
Hardware store					P	P	P	P
Manufactured home sales, display and storage						C	C	C
Paint and varnish display and sales					P	P	P	C
Paint store					P	P	P	C
Plumbing and heating store						P	P	C
Roofing material storage and sales							P	C
Retail Trade: Eating and Drinking Places								
Alcohol beverage tasting rooms					C	C	C	C
Barbecue stand/restaurant					P	P	P	C
Bars and lounges					P	P	P	C
Café and restaurant					P	P	P	C
Catering (food preparation)					P	P	P	C
Fountain soda establishment					P	P	P	C

Ice cream shop					P	P	P	C
Night club and lounge					P	P	P	C
Restaurant					P	P	P	C
Tavern, bar, saloon and lounge					P	P	P	C
Retail Trade: Food Stores								
Butcher and meat shop					C	C	P	
Convenience stores without gasoline					P	P	P	
Drive-in market						P	P	
Food and agricultural products roadside stand					C	P	P	
Food and drink roadside stand	C	C	C	C	C	P	P	
Fruit store					P	P	P	
Grocery, retail					P	P	P	
Health food products and sales					P	P	P	
Meat and fish store						P	P	
Retail Trade: General Merchandise Stores								
Department store					P	P	P	P
Variety store, retail					P	P	P	P
Retail Trade: Home Furniture, Furnishings and Equipment Stores								
Appliance display and sales					P	P	P	
Bathroom accessories display and sales					P	P	P	
Carpet and rugs retail sales					P	P	P	
Ceramic shop and sales					P	P	P	
Deck sales						P	P	
Furniture display and sales					P	P	P	
Home furnishings					P	P	P	
Interior design display and storage					P	P	P	
Lawn mowers sales and service						P	P	
Linen display and sales					P	P	P	
Outdoor furniture sales					P	P	P	
Washing machine sales and display					P	P	P	
Retail Trade: Miscellaneous Retail Stores								
Adult bookstore								
Adult novelty store								
Adult video store							C	
Auction house							P	
Antiques display and sales					P	P	P	
Bicycle sales and service					P	P	P	
Bookstore and bookseller					P	P	P	
Bottled gas distribution and sales						P	P	
Camera shop					P	P	P	
Candy store					P	P	P	
Cigar and cigarette store					P	P	P	
Cigarette vending sales and service					P	P	P	
Coin dealer					P	P	P	
Computer equipment display and sales					P	P	P	
Costume rental					P	P	P	
Dress pattern shop					P	P	P	
Drugstores (with drive-through)					C	P	P	
Drugstores (without drive-through)					P	P	P	
Florist					P	P	P	
Gift shop, curio shop					P	P	P	
Gun sales					P	P	P	

Harness and saddle shop					P	P	P	
Herb production and sales					P	P	P	
Imported goods sales					P	P	P	
Medicinal cannabis dispensary (with drive-through)							P	
Medicinal cannabis dispensary (without drive-through)							P	
Jewelry store					P	P	P	
Leather display and sales					P	P	P	
Liquor store					P	P	P	
Loan and pawn shop					C	P	P	
Magazine sales and newsstand					P	P	P	
Monument sales and display					P	P	P	
Musical instrument sales and repair					P	P	P	
Newspaper dealers					P	P	P	
Newspaper stands					P	P	P	
Notions display and sales	C	C	C		P	P	P	
Novelties display and sales					P	P	P	
Office equipment display and sales					P	P	P	
Orthopedic display and sales					P	P	P	
Package liquor store (with drive-through)					C	P	P	
Pawn shop					P	P	P	
Pet shops					P	P	P	
Photographic shops					P	P	P	
Retail store and shop					P	P	P	
Sewing machine sales and repair					P	P	P	
Sound system retail and service					P	P	P	
Souvenirs roadside stand					P	P	P	
Specialties shop					C	P	P	
Sporting goods store					P	P	P	
Stamp dealer shops					P	P	P	
Taxidermist					P	P	P	P
Used bookstore					P	P	P	
Vacuum cleaner sales and services					P	P	P	
Services: Amusement and Recreation Services								
Adult cabaret								
Amusement park							C	
Arcade					P	P	P	
Athletic fields, private and public	C	C	C			P	P	C
Auditorium					P	P	P	
Billiard parlors and pool halls					P	P	P	
Bowling alley					P	P	P	
Carnival								
Circus								
Country club						P	P	
Dance hall					P	P	P	
Dancing school					P	P	P	
Golf course, private	Not permitted							
Golf course, public								
Golf driving range							P	C
Gymnasium					P	P	P	
Health and fitness center					P	P	P	
Health spa					P	P	P	

Horse racing track	Not permitted							
Ice skating rink					P	P	P	
Miniature golf						P	P	
Parks and playgrounds	C	C	C		C	C	C	
Race track	Not permitted							
Riding school and academy							P	
Rifle, pistol and skeet range							C	P
Roller skating rink					P	P	P	
Shooting gallery							P	
Shooting range								P
Skating rink					P	P	P	
Sporting arenas					C	C	C	
Tennis court, private	A	A	A		P	P	P	
Tennis court, public	C	C	C		P	P	P	
YMCA/YWCA					P	P	P	
Services: Automotive Repair, Services and Parking								
Automobile paint and body shop					C	C	P	
Automobile repair					C	C	P	
Automobile wash						P	P	
Diesel engine service							P	P
Motorcycle repair and sales							P	
Parking lots, commercial							P	
Parking lots, public					P	P	P	
Public parking garage					P	P	P	
Tire recapping							P	P
Tire sales and repair					P	P	P	
Wrecker services and yards								P
Services: Business Services								
Billboard and outdoor advertising service						P	P	
Blueprinting					P	P	P	
Book publisher					P	P	P	
Business machines sales and service					P	P	P	
Collection agency					P	P	P	
Newspaper offices					P	P	P	
Newspaper service					P	P	P	
Oxygen equipment rental and sales					P	P	P	
Printing and lithographic store					P	P	P	P
Termite control office					P	P	P	
Vending machine distribution and repair						P	P	P
Window glass installation					P	P	P	
Services: Educational Services								
Art school (greater than 15 students simultaneously)	C	C	C		P	P	P	
Art school (less than 15 students simultaneously)	C	C	C		P	P	P	
Barber school					P	P	P	
Barber shop	C	C	C		P	P	P	
Beauty school					P	P	P	
Beauty shop	C	C	C			P	P	
Business college	C	C	C		P	P	P	
Business school	C	C	C		P	P	P	
College or university	C	C	C			P	P	
Dancing school (greater than 15 students simultaneously)	C	C	C		P	P	P	
Dancing school (less than 15 students simultaneously)	C	C	C		P	P	P	

Health school					P	P	P	
Industrial school						C	P	P
Kindergarten	C	C	C		P	P	P	
Library, public	C	C	C	C	C	C	C	C
Modeling school	C	C	C		P	P	P	
Music instruction (greater than 15 students simultaneously)	C	C	C		P	P	P	
Music instruction (less than 15 students simultaneously)	C	C	C		P	P	P	
Nursery school	C	C	C		P	P	P	
School, private	C	C	C		P	P	P	
School, public	C	C	C		P	P	P	
Seminary and Bible institute	C	C	C		C	P	P	
Trade school						C	P	
Vocational school	C	C	C			C	P	
Vocal school (greater than 15 students simultaneously)	C	C	C		P	P	P	
Vocal school (less than 15 students simultaneously)	C	C	C		P	P	P	
Services: Engineering, Accounting, Research, Management, and Related Services								
Accounting services and office	C	C	C		P	P	P	
Architectural office	C	C	C		P	P	P	
Construction services offices	C	C	C		P	P	P	
Interior design office	C	C	C		P	P	P	
Land surveying office	C	C	C		P	P	P	
Landscape architectural offices	C	C	C		P	P	P	
Research and experimental laboratory							P	C
Services: Government Services								
Government buildings, offices and services	C	C	C	P	P	P	P	P
Services: Health Services								
Blood bank							P	
Chiroprapist	C	C	C			P	P	
Chiropractor	C	C	C			P	P	
Dentist office	C	C	C		P	P	C	
Doctor's office	C	C	C		P	P	C	
Hospital, private	C	C	C		C	C	P	
Hospital, public	C	C	C		C	C	P	
Infirmity, private	C	C	C			C	P	
Medical clinic	C	C	C		P	C	P	
Medical offices	C	C	C		P	P	P	
Mental hospital			C		P	C	P	
Nursing home			C			C	C	
Sanatorium			C		P	C	P	
Wheelchair rental						P	P	
Services: Hotels, Rooming Houses, Camps, and Other Lodging Places								
Short term rental (residential)/air BNB/bed and breakfast	Follow residential guidelines							
Boarding house	C	C	C			P		
Campground/RV park							C	
Hotel and motel					P	P	P	
Manufactured home park				P			P	
Mobile home park				P			P	
Services: Legal Services								
Attorney and lawyer office	C	C	C		P	P	P	
Services: Membership Organizations								
Association, clubs, and lodge					P	P	P	

Christian science reading and practitioner	C	C	C	C	C	C	C	C
Christian science rooms	C	C	C	C	C	C	C	C
Church	C	C	C	C	C	C	C	C
Mission, religion	C	C	C	C	C	C	C	C
Services: Miscellaneous Repair Services								
Agricultural implements repair and service							P	P
Furnace cleaning and storage							P	C
Furniture refinishing	C	C	C	C			P	C
Gunsmith	C	C			P	P	P	
Harness repair					P	P	P	
HVAC equipment installation and repairs						C	P	P
Key shop	C	C	C	C	P	P	P	
Leather repair					P	P	P	
Locksmith shop	C	C	C	C	P	P	P	
Machine shop equipment repair							C	P
Septic tank service and cleaning equipment							P	P
Upholstery	C	C	C		P	P	P	
Vacuum cleaner service	C	C	C		P	P	P	
Watch repair	C	C	C		P	P	P	
Welding shop						P	P	P
Services: Motion Pictures								
Adult indoor and outdoor motion picture theater							C	
Adult mini motion picture theater							C	
Cinema and indoor motion picture theater					P	P	P	
Outdoor theater or drive-in							P	
Services: Museums, Art Galleries and Botanical and Zoological Gardens								
Art gallery, commercial sales					P	P	P	
Art museum, private					P	P	P	
Art studio	C	C	C		P	P	P	
Botanical garden					P	P	P	
Glass blowing studio					P	P	P	
Museum					P	P	P	
Zoo								
Services: Personal Services								
Adult bathhouse						C		
Adult body painting studio						C		
Adult massage parlor						C		
Adult modeling studio						C		
Barber shop	C	C	C		P	P	P	
Carpet and rugs cleaning	C	C	C			P	P	
Cemetery	C	C	C					
Diaper supply service					P	P	P	
Dry cleaners					P	P	P	C
Embroidery, screenprint - retail					P	P	P	
Full-service laundry						P	P	
Funeral home and parlor					P	P	P	
Hem stitching	C	C	C		P	P	P	
Massage therapy	C	C	C		P	P	P	
Mausoleums	C	C	C					
Millinery and dress making	C	C	C		P	P	P	
Mortuary						P	P	
Palmistry	C	C	C			P	P	

Photographic studios, portrait	C	C	C		P	P	P	
Rug cleaners						P	P	
Self-service laundry					P		P	
Shoe repair	C	C	C		P	P	P	
Tailor shop	C	C	C		P	P	P	
Tattoo and body piercing parlor						C	P	
Tax return preparation	C	C	C		P	P	P	
Undertaker					P	P	P	
Services: Social Services								
Assisted living facilities		C	C					
Child and day care center (less than 15 children simultaneously)	C	C	C					
Child and day care center (greater than 15 children simultaneously)								
Children's group home	C	C	C					
Community center		C	C					
Halfway house							C	
Salvation Army and Goodwill								
Transportation, Communication, Electric, Gas and Sanitary Service: Air Transportation								
Heliport								
Transportation, Communication, Electric, Gas and Sanitary Service: Communications								
Broadcasting station	C	C	C	C	P	P	P	C
Cellular telecommunication tower	C	C	C	C	C	C	C	C
Radio tower and antenna	C	C	C	C	C	C	C	C
Telecommunications (radio, television, telephone) tower	C	C	C	C	C	C	C	C
Tower and antenna display and service	C	C	C	C	C	C	C	C
Transmission lines, pipes and other infrastructure for non-local public utility	P	P	P	P	P	P	P	P
Transportation, Communication, Electric, Gas and Sanitary Services: Electric, Gas and Sanitary Services								
Animal incineration								
Ash dumps								
Automobile salvage								P
Electric power generation and substation plant								C
Garbage incineration	Not permitted							
Junkyard	Not permitted							
Sanitary landfill and dump	Not permitted							
Sewage disposal plants					C	C	C	C
Utility offices	C	C	C	C	C	C	C	C
Utility substation	C	C	C	C	C	C	C	C
Transportation, Communication, Electric, Gas and Sanitary Service: Local/Suburban Transit and Interurban Highway Passenger Transportation								
Ambulance service					C	P	P	
Public transportation terminal					C	P	P	
Transportation, Communication, Electric, Gas and Sanitary Service: Motor Freight Transportation Warehousing								
House movers office						P	P	
Imported goods warehousing							P	P
Refrigerator and food locker storage							P	
Transportation, Communications, Electric, Gas and Sanitary Services: Motor Freight Transportation and Warehousing								
Cold storage							P	P
Department store, warehousing							P	C
Freight depot							C	P
Fur warehouse							P	C

Gas bulk storage							C	C
Grocery, warehouse							P	C
Moving garage							P	P
Moving warehouse							P	P
Self-storage warehousing						P	P	P
Storage and warehousing							P	P
Stockyard	Not permitted							
Transportation, Communications, Electric, Gas and Sanitary Services: Transportation Services								
Bus depot						P	P	
Bus shop, garage and repair							P	C
Railroad expansion and appurtenances	C	C	C	C	C	C	C	C
Taxi service					P	P	P	
Trucking company							C	P
Wall boards wholesale and storage							P	P
Wood storage yard						C	P	P
Wholesale Trade: Durable Goods								
Agricultural implements sales							P	
Automobile parts dealers, wholesale							P	P
Ball bearings display and sales						P	P	
Barber shop equipment and supplies						P	P	
Boiler sales and service							P	
Bolts and nuts storage						P	P	P
Building contractor equipment and material sales and service						C	P	P
Building materials wholesale and storage							P	C
Carpet and rugs wholesale sales							P	C
Clothing wholesale and distributing							P	C
Electrical supply store						P	P	
HVAC equipment sales						P	P	C
Irrigation sales and equipment						P	P	
Lumber storage yard						C	P	P
Milling equipment sales						C	P	
Mining machinery supplies							P	P
Mining machinery wholesale and storage								P
Road building equipment sales							P	P
Woodworking equipment display and sales							P	
Wholesale Trade: Non-Durable Goods								
Beer distribution and wholesale							P	P
Beverage distribution and wholesale							P	P
Box sales							P	P
Distillery distribution and wholesale							P	P
Garden seed wholesale							P	
Grocery, wholesale							P	
Ice sales							P	
Meat storage and wholesale							P	
Milk distribution center							P	
Mineral water distribution							P	
Notions wholesale							P	
Novelties wholesale							P	
Office supplies							P	
Paint and varnish wholesale							P	
School equipment and sales							P	

Soft drink distribution and wholesale							P	P
Tobacco wholesale and storage							P	
Wholesale house and distribution							P	
* Any use not identified shall be addressed as a conditional use unless expressly labeled as "Not permitted"								

(Ord. 2024-004, passed 12-23-2024)

CHAPTER 157: SUBDIVISIONS

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GENERAL PROVISIONS

§ 157.001 PURPOSE.

These subdivision regulations are designed to encourage the development of residential, commercial and industrial subdivisions according to recognized standards which provide for sound, efficient and economical development; to provide for safe, convenient and efficient traffic circulation; to coordinate land development to ensure that future growth will be orderly and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas; to minimize fire hazards; to provide adequate light and air in inhabitable structures; and to provide sound and efficient guidelines for the overall development of the area where these subdivision regulations are in force.

(Ord. 2024-004, passed 12-23-2024)

§ 157.002 SHORT TITLE.

The full title of these subdivision regulations shall be "The Land Subdivision Regulations of Springfield, Kentucky." The short title of these regulations shall be known, and may be cited, as the "subdivision regulations" or "this chapter."

(Ord. 2024-004, passed 12-23-2024)

§ 157.003 AUTHORITY AND ADMINISTRATION.

These regulations are adopted by the City Planning Commission and the City Council under the authority granted by the KRS Chapter 100. The regulations shall be administered by the City Planning Commission.

(Ord. 2024-004, passed 12-23-2024)

§ 157.004 AREA OF JURISDICTION.

The City Planning Commission, by virtue of adoption of these regulations, shall have jurisdiction and control over the subdivision of all land within the corporate limits of the city and within the unincorporated area adjacent to the city for a distance of one mile from the corporate boundary.

(Ord. 2024-004, passed 12-23-2024)

MAJOR AND MINOR CLASSES OF SUBDIVISIONS

§ 157.015 PURPOSE.

(A) The purpose of this subchapter is to establish different classes of land subdivisions on the basis of their importance to the overall development of the community.

(B) The classification of land subdivisions will expedite the processing of certain classes of subdivisions and permit the establishment of requirements for subdivision plan preparation and approval which may vary for the different classes of subdivisions.

(Ord. 2024-004, passed 12-23-2024)

§ 157.016 PROCESSING CLASSES FOR SUBDIVISIONS.

(A) For the purpose of this section, KRS Chapter 100 defines a **SUBDIVISION** as the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land; provided, that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a **SUBDIVISION**. The term includes a re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

(B) (1) The state statutes further provide that no land shall be subdivided, transferred or sold, or agreed to be sold, until after a plat of such land is prepared and approved in conformance with the requirements established by the Planning

Commission.

(2) Metes and bounds descriptions shall not be used for the above purposes to replace the required platting procedures, and no plat shall be accepted for recording by the County Clerk until it has been approved in writing by the Planning Commission.

(C) In order to proceed towards establishing such requirements, subdivisions shall be classified as follows.

(1) *Major subdivision.* Subdivisions of land which are generally of major significance to the future development of the community, and shall include all subdivisions which do not conform to the definitions established for minor subdivisions. Generally, major subdivisions would be those which create five or more lots for sale or building development for the establishment of residential, commercial or industrial activities. If the Commission determines that a minor subdivision is of significant importance to the development of an area, the subdivision may be treated as a major subdivision.

(2) *Minor subdivision.* Subdivisions of land which are generally of secondary planning significance to the community's future development. Such minor subdivisions are described below, and shall conform to the requirements established in this subchapter.

(3) *Consolidation of minor subdivision.* Subdivisions characterized by the following.

(a) *Adjoining properties.* The subdivision shall be solely for the purpose of transferring a portion of a parcel or tract of land to an adjoining property with which it is to be consolidated. Such adjoining property shall have a common boundary with the parcel of land intended for transfer.

(b) *Conformance to community plans.* The subdivision shall be in conformance with community development plans, implementation devices and other applicable regulations or ordinances, including, among other considerations, any necessary dedication for adequate street rights-of-way.

(4) *Building site minor subdivision.* Subdivisions characterized by the following.

(a) *Number of divisions.* There shall be a maximum of five lots in a building site minor subdivision.

(b) *Access.*

1. All lots shall abut for at least 50 feet upon a street dedicated for public use. Lots may abut upon private access easement when all of the following conditions are met:

- a. The private street will serve no more than four lots;
- b. The minimum width of access easement shall be 30 feet;
- c. The length of private street shall not exceed 150 feet;
- d. The minimum pavement width shall be 16 feet;
- e. The slope of the street shall not exceed 12%;
- f. All setbacks established for the zone in which the property is located shall be observed from the easement line;
- g. All utilities must agree to serve any lots fronting on a private street;
- h. The private street shall not adversely impact neighboring properties; and
- i. A deed of restrictions outlining maintenance responsibilities for the private street shall be filed with the plat.

2. If a new street dedicated to the public is involved, the subdivision shall be considered a major subdivision. If a new private street is involved, the subdivision shall be considered a minor subdivision.

(c) *Conformance to community plans.* The subdivision shall be in conformance with community development plans, implementation devices and other applicable regulations or ordinances, including, among other considerations, any necessary dedication for adequate street rights-of-way.

(Ord. 2024-004, passed 12-23-2024)

§ 157.017 ADMINISTRATIVELY APPROVABLE PLATS.

If all of the following apply, the respective plat may be approved for recording by the Zoning Enforcement Officer:

(A) The plat reflects a change in lot lines that do not increase the number of lots/tracts or where the division of property results in only one additional lot and there has been no more than one such division in the prior five years, the minor subdivision may be approved by the Zoning Enforcement Officer for recording;

(B) The use of the property is to remain the same or is a use allowed in the current zoning classification for the property; and

(C) The Zoning Enforcement Officer may at his or her sole discretion refer any plat, subject to approval under this section, to the Planning Commission for its approval.

(Ord. 2024-004, passed 12-23-2024)

MINOR SUBDIVISION PLATS

§ 157.030 PURPOSE.

The purpose of this subchapter is to establish special requirements to expedite the preparation and processing of minor subdivision plats.

(Ord. 2024-004, passed 12-23-2024)

§ 157.031 PROCEDURE.

Where a proposed subdivision can be classified as a minor subdivision according to §§157.015 through 157.017, the procedure for submission of a preliminary plat for approval may be waived by the Planning Commission after the advisory meeting. However, the procedure for approval of the final plat remains the same.

(Ord. 2024-004, passed 12-23-2024)

MAJOR SUBDIVISION PLATS

§ 157.045 PURPOSE.

The purpose of this subchapter is to establish the procedure which shall be followed by the developer and the Planning Commission in preparing, reviewing and approving all subdivision plans. (Except that minor subdivisions may skip the preliminary plat phase with approval of the Planning Commission.)

(Ord. 2024-004, passed 12-23-2024)

§ 157.046 PRE-APPLICATION CONFERENCE.

The developer should arrange a conference with the Planning Commission before a preliminary plat is submitted. The purpose of the conference is to afford the developer an opportunity to avail himself or herself the assistance of the Commission and its staff before he or she prepares a preliminary plan and makes formal application for its approval. This procedure will reduce the number of unnecessary and costly changes which are often required when a plat is submitted for review before the Commission has had an opportunity to review it.

(A) *Sketch plan.* The developer should have a rough sketch plan prepared before the pre-application conference to show the boundaries of the tract, location and sidewalks, the proposed street and lot arrangement and other pertinent information.

(B) *Office visit.* The developer should then visit the Commission's office and informally discuss his or her ideas with the Commission or its staff. This informal discussion shall not constitute a formal application and will be considered confidential. The developer should also consult with the utility companies and other local agencies at this time.

(Ord. 2024-004, passed 12-23-2024)

§ 157.047 PRELIMINARY PLAT PROCEDURE.

All subdivision plats shall receive their first official consideration as preliminary plats. No developer shall proceed with any construction work, including grading, before a plat has been given preliminary approval. The following procedures shall be required during the preliminary plat procedure.

(A) *Design plans.* The developer shall have a registered surveyor, registered engineer, landscape architect, architect or community planner (provided that engineering data is supplied by a registered engineer, or surveyor for landscape architects, and community planners) prepare the preliminary plat in conformance with the format, design and improvement requirements of these regulations. Utility companies and other concerned city and county agencies should be consulted before the preliminary plat is prepared.

(B) *Formal application and submission.*

(1) A completed application secured from the Commission's office and six 11" x 17" copies of the preliminary plat folded to 8-1/2" x 11" submitted to the Planning Commission shall constitute an application for formal action on the preliminary plat. For maximum assurance that a plat will receive Commission consideration at a certain meeting, the plats should be submitted at least 20 days before such meeting.

(2) A letter addressing the availability of utilities shall be filed with the preliminary plat.

(C) *Distribution and review of plats.* The Commission shall make copies of the preliminary plats available to all concerned city and county agencies. The Commission will consider all comments from these agencies before making recommendations on the plats.

(D) *Notification of action.* After Commission action, two copies of the plat will be marked in conformance with the Commission's actions and the developer shall be notified of the Commission's action and requested to pick up his or her plat.

(1) *Approval.*

(a) The developer is authorized to proceed with physical improvements in the proposed subdivision and to proceed

with the preparation of the final plats. Lots shall not be sold until a final plat has been approved.

(b) Preliminary approval grants a developer a maximum time limit of 12 months during which he or she shall submit a final plat, unless a time extension is granted by the Commission. During this 12-month period, no changes shall be made unless they are for the purpose of correcting obvious errors or omissions.

(2) *Conditional approval.* The developer may proceed as outlined in division (E) above but only after corrected preliminary plats have been submitted to the Commission's Chairperson.

(3) *Postponement.* Action is delayed for definite reasons which shall be noted by the Commission.

(4) *Disapproval.* The denial of approval for the submitted plat. Before further action can occur, the developer must revise his or her plat to conform to the Commission's requirements.

(Ord. 2024-004, passed 12-23-2024)

§ 157.048 FINAL PLAT PROCEDURE.

All subdivision plats shall receive their second and last consideration as final plats. No developer shall sell or agree to sell any lot until after a final plat has been approved. The following procedure shall be required for all final plats.

(A) *Design plans.* The developer shall have a registered surveyor or engineer prepare a final plat in conformance with the format, design and improvement requirements of these regulations. The final plat is a legal record of the subdivision as surveyed in the field and must agree with the approved preliminary plan, except that final plans covering a portion of the approved preliminary plat may be submitted.

(B) *Time lapse.* Unless a time extension has been requested by the developer and granted by the Commission, all final plats shall be submitted within 12 months of the approval date of the preliminary plat. If a time period in excess of 12 months elapses, the preliminary plat must be re-submitted and approved before final plat approval can be considered.

(C) *Material to be submitted.* The following final plat materials must be submitted by the developer. For maximum assurance that a plat will be considered at a certain Commission meeting for the plat, materials should be submitted at least ten days prior to such meeting.

(1) *Subdivision plats.* Six prints of the plat showing the manner in which the land is proposed to be subdivided and legally recorded shall be presented to the Commission. The plats shall be in conformance with specifications outlined in § 156.156.

(2) *Bond for physical improvements.* The Commission shall have no obligation to allow developers to post surety bonds in lieu of completed physical improvements, but it may permit said bonds if it so desires. When bonds are permitted, the developer shall submit cost estimates to the Commission to cover the full cost of all physical improvements. The developer shall then post a surety bond with the Commission, running to the Planning Commission for and on behalf of the city. A time period of one year will be allowed for construction of improvements.

(3) *Utility approval.* A copy of a letter approving the location and size of all easements and rights-of-way must be obtained from the following utilities: the City Water and Sewer Commission, electric utility companies, gas utility companies, telephone utility companies, internet utility companies and cable television utility companies.

(D) *Distribution and review of plats.* The Commission shall make copies of the final plat available to all concerned city and county agencies. The Commission will consider all comments from these agencies before making recommendations on the plats.

(E) *Notification of action.* After Commission action, two copies of the plat will be marked in conformance with the Commission's action and the developer shall be notified of the Commission's action and requested to pick up his or her plat.

(1) *Approval.* The final plat has been signed by the Chairperson of the Commission and may be recorded. After recording, the developer may sell or agree to sell lots by reference to the approved and recorded final plat. Commission approval shall not be deemed to constitute or effect an acceptance by the city or county of the dedication of any street or other proposed space offered for dedication, since such acceptance is the prerogative of the city and county legislative bodies.

(2) *Conditional approval.* The developer may proceed as outlined in division (E)(1) above but only after he or she has met the conditions attached to the approval.

(3) *Postponement.* The Commission has deferred action until some future Commission meeting in order that certain clarification can be made in regard to the plat.

(4) *Disapproval.* Complete denial of the final plat. To request review and action, the developer must revise the plat to conform to Commission requirements and re-submit a new set of final plats.

(F) *Recording final plat.* Within 90 days of the Commission's approval, unless a time extension has been granted by the Commission previous to the expiration date, a certified copy of the final plat shall be filed for recording in the County Clerk's office. The Commission's action becomes null and void if this requirement is not met. The Commission's action is also voided if the certified plat is altered in any manner (except for Commission requirements) between the date of Commission approval and recording.

(G) *Release of bond.* If a surety performance bond has been permitted by the Commission, its release shall be approved by the Commission after all improvements, in the opinion of the Commission, have been satisfactorily completed, except a certain percentage that may be withheld for a period of one year after date of approval of improvements to ensure that any roadway construction remain in satisfactory condition after one year of use. Release of the final portion of said bond shall be approved by the Commission after inspection of the roadway is completed by the City Engineer or Zoning Official.

(H) *Private engineer's inspection.* Before the surety performance bond is released, the developer's engineer must certify that all physical improvements have been completed and are in full conformance with the Commission's regulations.

(Ord. 2024-004, passed 12-23-2024)

SPECIFICATIONS FOR PLATS

§ 157.060 PURPOSE.

(A) The purpose of this subchapter is to describe the content and format of required plat materials and the information which the plats must contain. Conformance to these requirements will provide for the expedient processing of plats.

(B) All plans shall adhere to these specifications unless the Commission grants permission for modifications due to unusual or special circumstances. Plans which are flagrantly or repeatedly lacking the required data shall be returned to the developer by the Commission immediately after the absence of data is apparent.

(Ord. 2024-004, passed 12-23-2024)

§ 157.061 PLAN MATERIALS FOR PRE-APPLICATION CONFERENCE.

As previously described in § 157.046, the minimum plat materials for the pre-application conference should be a sketch plan showing the boundaries of the tract, a rough street and lot layout, the sidewalk plans and other information concerning pertinent physical features. The sketch is not required to be to any definite scale, drawn on any special material or meet any other specifications.

(Ord. 2024-004, passed 12-23-2024)

§ 157.062 PRELIMINARY PLAT MATERIALS.

The preliminary plat material shall consist of three categories of materials as explained below. Other material may be submitted by the developer may be required by the Planning Commission.

(A) *Restrictive covenants.* When the developer proposes to regulate land use in a subdivision and otherwise protect a development, one draft copy of such covenants shall be submitted as part of the preliminary plat materials.

(B) *Land subdivision plat.* Six prints of the proposed subdivision shall be submitted on sheet sizes of 18 inches by 24 inches or 24 inches by 36 inches unless the Commission grants permission for other sizes because of unusual or special circumstances. If necessary, more than one sheet may be used if a key map is prepared to relate each sheet to the entire subdivision. The information required on the preliminary plats shall be positioned in the following manner.

(1) *Title block.* The title block should be placed on the bottom of the sheet and shall contain the following information:

(a) *Subdivision name.* The name of the proposed subdivision, which shall not duplicate or approximate the name of any other subdivision in the city or the county;

(b) *Property identification.* The record name and mailing address of the property being subdivided;

(c) *Identification.* The name and mailing address of the property owner and the developer's engineer; and

(d) *Legend information.* Graphic scale, written scale, north point, date of preparation and any other pertinent legend data.

(2) *Location sketch.* A sketch showing the general location of the subdivision shall be placed in the upper right or left corner of the sheet. The location sketch shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing and proposed features, such as major traffic arteries, schools, recreation areas, shopping areas and industrial areas.

(3) *Lot design.* The design scheme shall be drawn at a scale of 100 feet or less to the inch and shall show the following existing conditions and proposed development features.

(a) *Existing conditions.* The following information of existing conditions shall be illustrated:

1. Boundary lines: the location, distance and bearings of the boundary lines;
2. Streets: street names, right-of-way widths and approximate grades shall be shown on all streets adjacent to and within the proposed subdivision;
3. Utilities: the location and size of all utilities and easements adjacent to and within the proposed subdivision;
4. Topography: contours with five foot intervals, referenced to U.S.G.S. datum;

5. Subsurface conditions: when required, result of tests made to ascertain soil percolation quality if individual sewage disposal systems are proposed;

6. Other conditions on the tract, such as watercourses, marshes, wooded areas, isolated preservable trees and houses or barns and other significant features which will be retained or removed; and

7. Conditions on adjacent land, such as: approximate direction and gradient of ground slope; railroads, commercial areas and other nearby nonresidential land uses or adverse influences; owners of adjacent, unplatted land; subdivision names adjacent platted land; perimeter lotting; and typical lot size in adjacent subdivision.

(b) *Proposed development on tract.* The following information on proposed development shall be shown:

1. Streets: the proposed names, right-of-way and pavement widths and approximate grades and direction thereof;

2. Other rights-of-way or easements: the location, width and purpose;

3. Lots and setback lines: the location and approximate distances of all lot lines. Lot numbers shall also be shown;

4. Setback lines: the location of proposed building setback lines with dimensions showing the setback from the street rights-of-way;

5. Public sites: the name, acreage and use of any sites proposed for public use, such as parks, playgrounds and school sites;

6. Multi-family and nonresidential uses: the acreage and use of non-public uses, such as multi-family dwellings, shopping centers, church and the like; and

7. Sidewalks: the location of sidewalks, cross-sections showing width of sidewalks, materials, location and other pertinent information.

(C) *Other materials.* When the tract shown on the subdivision plan represents only a portion of the developers holding, an additional sketch shall be required to illustrate the proposed street layout for the remainder of the tract.

(Ord. 2024-004, passed 12-23-2024)

§ 157.063 FINAL PLAT MATERIALS.

The final plat materials shall consist of three groups of material: restrictive covenants; plat for recording; and as-built improvement construction drawings. Other materials may be submitted by the developer or required by the Commission.

(A) *Restrictive covenants.* When the developer intends to regulate land use in a subdivision and otherwise protect the development, two copies of the restrictive covenants shall be submitted as part of the final plat materials.

(B) *Plat for recording.* A legible plat suitable for recording with an overall sheet size of 18 inches by 24 inches or 24 inches by 36 inches shall be prepared. If necessary, more than one sheet may be used if a key map is shown to relate each sheet to the entire platted area. Six prints of this plat shall be submitted by the developer when he or she makes application for final approval. The information required on this sheet should be positioned in the title block, certificate block, location sketch or on the lot design scheme.

(1) *Title block.* The title block should be placed on the bottom of the sheet and shall contain the following information:

(a) *Subdivision name.* The name of the subdivision and, where the proposed final plat is a portion of a larger subdivision bearing the same name, the section number of other positive identification. A subdivision name shall not duplicate or closely approximate any other subdivision name in the city or county;

(b) *Person identification.* The names and mailing addresses of the following:

1. The property owner;

2. Developer; and

3. Developer's engineer.

(c) *Legend information.* The graphic scale, written scale, north point, date of preparation and other pertinent legend information.

(2) *Certification block.* The certification block should be placed on the bottom of the sheet at the end of the title block, and shall contain the following certification with signatures.

(a) *Owner's certification.*

OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property shown and described hereon which is recorded in Deed Book ___, page ___, in the County Clerk's office; do hereby adopt this plan of lots for this property; do hereby dedicate the streets and any other spaces so indicated to public use; and do establish and reserve the indicated easements for public utilities and drainage purposes.

Date Owner(s)

(b) *Engineer's certification.*

ENGINEER CERTIFICATION - THIS CERTIFICATION MAY BE MODIFIED TO MEET CURRENT ENGINEERING STANDARDS

I do hereby certify that the construction plans and/or as-built plans for this subdivision were prepared by me or under my direction; and are in conformance with all appropriate rules and regulations; and that to the best of my knowledge and belief all requirements of the subdivision regulations, stormwater ordinance and zoning ordinance have been fully complied with.

Date Engineer's Name Engineer's Seal

(c) *Surveyor's certification.*

SURVEYOR CERTIFICATION - THIS CERTIFICATION MAY BE MODIFIED TO MEET CURRENT ENGINEERING STANDARDS

I do hereby certify that this plat was prepared by me or under my direction; that all monuments indicated hereon actually exist and their locations, size and material are correctly indicated; the information shown hereon is correct to the best of my knowledge and belief; and that to the best of my knowledge and belief all requirements of the subdivision regulations have been fully complied with.

Date Surveyor's Name Surveyor's Seal

(d) *Certification of streets.*

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify: (1) that streets and other improvements have been installed in an acceptable manner and according to city specifications in the subdivision entitled: _____ and/or, (2) that a security bond in the amount of \$ _____ has been posted with the city legislative body to assure completion of all streets and related improvements in case of default.

Date City Engineer or Approving Agent

(e) *Utilities certification.*

CERTIFICATION OF APPROVAL OF ELECTRIC UTILITIES

I hereby certify: (1) that the electric utility improvements have been installed in an acceptable manner and according to relevant specifications in the subdivision entitled: _____ and/or, (2) that a security bond in the amount of \$ _____ has been posted with the utility provider to assure completion of utility improvements in case of default.

Date Utility Agent or Approving Agent

CERTIFICATION OF APPROVAL OF TELECOMMUNICATIONS UTILITIES

I hereby certify: (1) that the telecommunications utility improvements have been installed in an acceptable manner and according to relevant specifications in the subdivision entitled: _____ and/or, (2) that a security bond in the amount of \$ _____ has been posted with the utility provider to assure completion of utility improvements in case of default.

Date Utility Agent or Approving Agent

CERTIFICATION OF APPROVAL OF WATER LINE IMPROVEMENTS

I hereby certify: (1) that the water line utility improvements have been installed in an acceptable manner and according to relevant specifications in the subdivision entitled: _____ and/or, (2) that a security bond in the amount of \$ _____ has been posted with the utility provider to assure completion of utility

improvements in case of default.

Date Water and Sewer Commission Approving Agent

CERTIFICATION OF APPROVAL OF SEWER LINE IMPROVEMENTS

I hereby certify: (1) that the sewer line utility improvements have been installed in an acceptable manner and according to relevant specifications in the subdivision entitled: and/or, (2) that a security bond in the amount of \$_____ has been posted with the utility provider to assure completion of utility improvements in case of default.

Date Water or Sewer Commission Approving Agent

CERTIFICATION OF APPROVAL OF STORMWATER IMPROVEMENTS

I hereby certify: (1) that the stormwater management improvements have been installed in an acceptable manner and according to relevant specifications in the subdivision entitled: and/or, (2) that a security bond in the amount of \$_____ has been posted with the utility provider to assure completion of utility improvements in case of default.

Date Approving Agent

(f) *Commission's certification.*

COMMISSION'S CERTIFICATION

I hereby certify this record plat was approved by the Springfield Planning Commission on _____, 20_____, and is now eligible for recording.

Date Planning Commission Chairperson

(g) *Commissions certification for administratively approvable plats.*

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of Washington County, Kentucky, with the exception of such variances, if any, as are noted on the plat and/or in the minutes of the Planning Commission, and that it has been approved for recording in the office of the County Clerk.

Chairperson or Administrative Official Date

(3) *Location sketch.* A sketch showing the general location of the subdivision in relation to the surrounding area should be placed in the upper right- or left-hand corner of the sheet. The location sketch shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing and proposed community features, such as major traffic arteries, schools, recreation area, shopping areas and industrial areas.

(4) *Lot design.* The design scheme shall be drawn at a scale of 100 feet or less to the inch and shall show the following information for the proposed subdivision and adjacent land:

(a) *Street on adjacent land.* The exact location of streets on adjacent land and the width along the property lines for all existing or recorded streets intersecting or paralleling and boundaries of the proposed subdivision;

(b) *Owners of adjacent land.* For adjacent land which is platted, show the boundaries with dashed lines, the record name, date of recording and plat book and page number. For adjacent land which is unplatted, show the name(s) of record;

(c) *Boundary lines of tract.* In a line style and weight which will distinguish the developer's property from all adjacent property, show the tract boundary lines with lengths to hundredths of a foot and bearings to the nearest minutes. These boundaries shall be determined from an accurate survey in the field;

(d) *Monuments.* Show the accurate location and material of all permanent reference monuments;

(e) *Streets, easements and lot lines.* For street rights-of-way, show the names, bearings, angles of intersection, right-of-way and pavement widths; for all easements or other rights-of-way, show the locations, widths and purposes; for lot lines show dimensions in feet to hundredths of a foot and bearings to the nearest minute;

(f) *Lot numbers.* Lot numbers shall be shown and numbered in numerical order;

(g) *Reservations and dedications.* Show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose plainly printed thereon; and

(h) *Building setback lines.* Show the minimum building setback line which shall be at least one-half of the total width of the street right-of-way on which the building fronts.

(5) *Construction drawings.* Two copies of these drawings shall be submitted to the City or County Engineer (whichever has jurisdiction) on a sheet size of 18 inches by 24 inches or 24 inches by 36 inches. The drawings shall be referenced to the name and unit number of the proposed subdivision and shall show the following information:

(a) *Street profiles.* The profile of each street indicating the existing ground surface and the grade of the new street surfaces at a horizontal scale equal to the horizontal scale of the record plat and a vertical scale of one-tenth of the horizontal scale, with final grades indicated; and

(b) *Street cross-sections.* A cross-section of each new street shall be shown at a scale of ten feet or less to the inch and shall include the width of pavement, the location and width of sidewalks and the location of utilities.

(6) *Other materials.* In addition to other sketches or material which may be required by the Planning Commission, the following shall apply to surety performance bonds and recording of plats: release of surety performance bond. When the Commission has approved a final plat and permitted bonding to ensure completion of required improvements, and the developer has completed such improvement, the following procedure shall apply.

(a) *City (County) Engineer's inspection.* After completing all improvements, the developer shall notify the City (County) Engineer that the improvements are ready for final inspection.

(b) *Engineer's notification to Commission.* If the City (County) Engineer finds the improvements are complete in conformance with Commission requirements, he or she shall notify the Commission by letter and recommend the release of the bond. Conversely, if the date of completion has passed and the improvements are not completed in accordance with Commission requirements, the Engineer shall notify the Commission and recommend that the bonding company be notified to complete the required work within a specified period of time.

(c) *Planning Commission action.* The Planning Commission shall then act on the Engineer's recommendation and either release the bond and/or call for completion of the required improvements.

(Ord. 2024-004, passed 12-23-2024)

DESIGN AND PHYSICAL IMPROVEMENTS

§ 157.075 PURPOSE.

The purpose of this subchapter is to establish the minimum design standards and the minimum standards to which developers shall conform in providing and constructing physical improvements within a subdivision.

(Ord. 2024-004, passed 12-23-2024)

§ 157.076 COMPLETION OF IMPROVEMENTS.

(A) Unless the Planning Commission approves a surety performance bond, all required improvements shall be completed prior to final plat approval.

(B) With the Commission's approval the developer, in lieu of completing the improvements as stated above, shall furnish the Commission with a surety performance bond running to the City Planning Commission for and on behalf of the city. The bond shall be sufficient to cover the cost of all required improvements to be installed by the subdivider.

(C) All physical improvements shall be installed under the direction and supervision of the developer's engineer.

(Ord. 2024-004, passed 12-23-2024)

§ 157.077 CLASSIFICATION OF STREETS.

(A) Streets within or adjacent to a proposed subdivision shall be classified according to one or more of the classifications noted below and physical improvements and design standards shall be required in accordance with each classification.

(B) The required improvements shall be installed by the developer at his or her expense in accordance with the specifications of the official or agencies having jurisdiction. Improvements exceeding these minimum requirements may be provided by the developer or required by the Commission.

(C) Design and improvement requirements for expressways and arterial streets will be determined by the Planning Commission with the advice of the City Engineer and the State Department of Highways.

(Ord. 2024-004, passed 12-23-2024)

§ 157.078 STREET DESIGN STANDARDS.

(A) *Introduction.* The purpose of this section is to establish the minimum standards required for the design and

construction of public roadways in the city. This section is intended to assist a private developer in the design and construction of subdivision roadways which will be dedicated (once properly constructed) to the city for public use, repair and maintenance.

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

CITY. The local government agency which shall be responsible for all current and future repair and maintenance of existing and newly developed city roadways.

CITY ENGINEER. The engineer employed by the city. The **CITY ENGINEER** shall be responsible for the design review and construction review of any public roadway owned and maintained by the city. The **CITY ENGINEER'S** Office is located at Springfield City Hall, 127 West Main Street, Springfield, KY 40069 and has phone number (859)336-5440.

PUBLIC WORKS DEPARTMENT. The Public Works Superintendent or other designated representative of the **PUBLIC WORKS DEPARTMENT**. The **PUBLIC WORKS DEPARTMENT** shall be responsible for construction review and inspection of any public roadway. The **PUBLIC WORKS DEPARTMENT** is located at Springfield City Hall, 127 West Main Street, Springfield, KY 40069 and has phone number of (859)336-5440.

STANDARD SPECIFICATIONS. The *Kentucky Standard Specifications for Road and Bridge Construction* commonly used for all new, repair and maintenance work associated with state highways and bridges in the state. The edition of this book to be utilized shall be that edition which is in effect when the design/construction plans for a new proposed city roadway has been submitted to the city for approval. When the term "Engineer" or phrase "as approved by the Engineer" is used in the **STANDARD SPECIFICATIONS**, it shall be construed to mean the City Engineer. The **STANDARD SPECIFICATIONS** shall be the minimum standard utilized for construction and inspection of the city public roadways. Any developer who intends to utilize different specifications than the **STANDARD SPECIFICATIONS** shall specifically identify the difference in the construction plans.

(C) *Procedures.*

(1) All developers/contractors who wish to construct a new road or extend an existing road, and of which that developer intends to dedicate ownership of that road to the city once constructed, shall accomplish the following:

- (a) Comply with all zoning regulations required by the city;
- (b) Comply with this chapter developed by the Planning Commission;
- (c) Submit preliminary construction plans (with or after the preliminary plat submittal) to the City Engineer for review. No construction of a proposed public roadway shall begin until the City Engineer has reviewed the construction plan;
- (d) Review the site with the City Engineer. Be prepared to discuss locations of borrow material, sample locations and number of proctors (to be used for soil densities), cross drain culverts, easements and rights-of-way;
- (e) Revise preliminary construction plans to comply with the City Engineer's comments and concerns. Re-submit final construction plans for final approval by the City Engineer; and
- (f) Once the final construction plans have been approved by the City Engineer, construction may begin; provided the preliminary plat and other requirements of the Planning Commission have been complied with.

(2) Any construction activities which begin prior to construction plan review and approval shall be at the owner's own risk.

(D) *Roadway design and construction.*

(1) *Construction plans.*

- (a) All newly developed roadways, either in subdivisions or extensions of existing roads, which are intended to be dedicated to the city at a later date, shall be required to have construction plans. These construction plans shall be submitted to, reviewed by and approved by the City Engineer prior to construction.
- (b) To assure proper review and approval of the construction plans prior to final plat approval, the construction plans shall be submitted to the City Engineer a minimum of 20 working days prior to the Planning and Zoning subdivision plat review committee meeting.
- (c) These plans shall be in sufficient detail to properly inform the City Engineer of all fills, cuts, ditches, culverts, bridges, preliminary lot layout and any other information necessary which may be required for a city-owned roadway. The plans shall comply with the following:
 1. Roads shall be designed and constructed in accordance with this document and this chapter; and
 2. The minimum requirements for construction plans shall be:
 - a. Plan, profile, curve data, etc. of the roadway showing roadway cuts, fills, alignment, and road grades;
 - b. Existing contour lines at a minimum of five feet (or closer for hilly sites). Contour lines shall be of sufficient detail to depict all hills, creeks, sink holes, ponds and other features which might impact roadway construction;

- c. Typical roadway cross-sections showing pavement structure, width and side drainage ditches;
- d. Roadway location with respect to subdivision lot layouts, adjacent property owners, connection roads (names), new phases (proposed) and the like;
- e. Cross drain culverts, including sizes, lengths, locations and materials (including headwalls). Culverts shall be sized for a 25-year storm event and certified by a professional engineer. Show all retention structures if required;
- f. Roadway side ditches and proposed driveway culverts;
- g. Roadway right-of-way to be dedicated to the city;
- h. Utility easements with proposed utilities;
- i. Construction or maintenance easements if needed;
- j. If septic tanks/lateral fields are to be used for sewage disposal, provide a copy of the preliminary on-site evaluation provided by the County Health Department;
- k. All plans shall be prepared, sealed, and signed by a licensed professional engineer of the state who routinely prepares such design assuring that all features such as culverts, bridges and any other structures are properly designed to carry intended loads; and
- l. All variances to the above requirements shall be specifically noted or requested.

(2) *Specifications.* All materials and procedures utilized in the design and construction of a new city roadway shall comply with the appropriate section in the Standard Specifications such as concrete, asphalt, dense graded aggregate, pipe materials and the like. Typical details such as culvert headwalls shall be as specified in the *Standard Drawings Manual* developed by the Kentucky Department of Highways. Reference to this Manual shall be made when designing such structures. Any variance to this Manual shall be noted.

(3) *Roadway construction (to subgrade).*

(a) All roadway fills and cuts shall be shown on the plans. In areas that require embankments to be constructed, the developer shall understand they will be required to comply with Section 206 Embankment of the Standard Specifications. Soil proctors (target densities) may be required as determined in the construction plan review. This will depend on the soil type at the proposed development site. Proctors will involve soil samples to be collected and sent off to an acceptable laboratory with target densities (with acceptable moisture contents) developed for the soil to be used in the embankment construction. Field densities will be routinely checked by using nuclear density meters operated by an approved construction inspection company. These field densities will be the responsibility of the developer/contractor when required by the City Engineer.

(b) Density reports shall be routinely provided to the City Engineer during construction. Embankment materials which fail the field density check will be required to be excavated, refilled, and compacted with suitable material in accordance with the Standard Specifications.

(c) The minimum in place dry density of subgrade soils utilized for subgrade construction shall be as described in Section 205 of the Standard Specifications. Specifically, all subgrade construction shall obtain 95% of the maximum density (based on the proctor) or 98 pounds per cubic foot (whichever is greater).

(d) Most soils within the city and county have a California Bearing Ratio (CBR) less than six. Subgrade stabilization is recommended for any soil with a CBR less than seven.

(e) As a means to provide a barrier between the subgrade and pavement base materials, geotextile fabrics should be used in accordance with the Standard Specifications in saturated foundation areas and in embankment benching areas or as required by the City Engineer.

(f) Subgrade drainage systems shall be installed so as to drain any subsurface water from the pavement structure. Either porous aggregate underdrains or perforated and non-perforated pipe underdrains shall be used in accordance with the Standard Specifications. Underdrain systems shall be installed at a minimum of 100 feet center-to-center spacing along the degrees of the roadway and may be required as directed by the City Engineer.

(4) *Roadway construction (pavement structure).*

(a) *Generally.*

1. City streets shall be designed according to the following minimum pavement sections for the specified street classification. Designs are based on soils with a CBR of three or less and a design life of 15 years. Alternate pavement designs may be submitted to the Office of the City Engineer for approval by a licensed Engineer with an accompanying geotechnical report. Alternate designs shall be in accordance with the current edition of KYTC's Pavement Design Guide and Standard Specifications.

Street Classification	Minimum Pavement Section
Commercial	12" DGA, 4.5" asphalt base, 1.25" asphalt surface
Industrial	14" DGA, 6" asphalt base, 1.5" asphalt surface

Light industrial (LIP)	12" DGA, 5.5" asphalt base, 1.5" asphalt surface
Residential cul-de-sac (<1,000 feet)	9" DGA, 3" asphalt base, 1.25" asphalt surface
Residential collector (>1,000 feet)	9" DGA, 3.5" asphalt base, 1.25" asphalt surface

2. Use of concrete roads or any other variance from this minimum standard shall be prepared and submitted by a licensed professional engineer to the City Engineer for approval.

(b) *Dense graded aggregate (DGA)*. The DGA to be used shall comply with the Standard Specifications in that the DGA shall be run through a pugmill and water added to achieve a moisture content of plus or minus 2% of optimum. The DGA may be placed in one lift no thicker than six inches compacted. The DGA shall be spread with a stone spreader capable of obtaining a uniform depth. For roads less than 300 feet in length, tailgate spreading may be used; provided it is graded to the correct depths. The DGA shall be compacted while still wet to 84% of solid volume. The contractor shall be responsible for testing compaction which shall comply with the Standard Specifications.

(c) *Asphalt bituminous base course*. The asphalt base shall be laid in one lift and compacted. The initial compaction pass shall be with a static roller and at least two more passes of a roller in the vibratory mode or as specified in Section 403.03.10 Compaction of the Standard Specifications. Finish roiling shall be accomplished with a static roller.

(d) *Asphalt tack coat*. Asphalt tack coat shall be applied to any asphalt base course prior to surface placement. The tack coat shall comply with and be applied as specified in Section 406 Asphalt Curing Seal and Asphalt Prime and Tack Coats of the Standard Specifications.

(e) *Asphalt bituminous surface course*.

1. The surface course shall be placed and compacted as required by the Standard Specifications.

2. Both the bituminous base and bituminous surface courses shall meet the current Standard Specifications for gradation and asphalt content for work on similar projects by the State Department of Transportation. The bituminous base shall be compacted to within 95% of the job mix formula for the material being used as specified in the Standard Specifications Section 403 Production and Placement of Asphalt Mixtures. The contractor shall provide density reports on the compaction.

3. The pavement width shall be as described in this chapter. No DGA shoulders will be required unless determined necessary by the City Engineer. See Appendix A for typical roadway sections intended for use in the city. Any variance to this section shall be shown on the construction plans when practical.

(5) *Slopes, ditches and culverts*.

(a) *Slopes*. The grades of the proposed roadway shall be specifically shown on the profile sheet. Roadway side slopes (embankment fill areas, including over culverts) shall be a maximum (steepest) of a three horizontal to one vertical - 3H:1V.

(b) *Ditches*.

1. Parallel roadway ditches shall typically be a "V" type ditch with a 3H:1V side slope designed to a depth to properly channel surface drainage away from the pavement structure. Ditches shall be a minimum of six inches below the bottom of the pavement stone base layer so as to allow the subgrade drainage system to function properly. Typical ditches shall be shown on the plan and profile sheets. When the roadway grade is greater than 5%, side ditches shall be rip rap lined two feet up each side slope.

2. All other ditches shall be seeded and strawed with a Seed Mix Type I, of Section 212.03.03 Permanent Seeding and Protection of the Standard Specifications. Any variance of this mixture shall be identified in the construction plans. The rates of application shall be as detailed in Section 212 Erosion Control of the Standard Specifications.

3. All disturbed right-of-way areas shall be seeded at a rate of 80 pounds per acre. Within 48 hours of seeding, the area shall be mulched with straw at rates detailed in Section 212 Erosion Control of the Standard Specifications.

(c) *Culverts*.

1. Culverts shall be sized to carry the flow rates expected for a 25-year storm event. In the design, the HW/D ratio shall be as close to 1.0 as is practical, however, shall not exceed 1.5, or cause unnecessary ponding. A 100-year storm event should not reach an elevation of one foot below the roadway surface so as to prevent overtopping during extreme storm events.

2. Culvert material shall be, as a minimum, aluminized corrugated metal pipe (ACMP), 16 gage thickness complying with ASTM A819 and AASHTO M274 and the Standard Specifications. Alternative pipe materials may be utilized provided the owner/developer specifically identifies and request a variance on the construction plans. All materials to be used shall comply with the Standard Specifications.

3. Cross drain round culverts 24 inches or larger shall require concrete headwalls. All concrete box culverts require headwalls. The culvert length shall be what is necessary for the 3H:1V embankment slope to toe out at the culvert flowline. Rip-rap (shot limestone rock) shall be required at culvert inlets/outlets. The minimum size for a roadway cross drain culvert shall be 18 inches.

4. All culverts (box or pipe), and utility structures (pipelines) within the pavement structure area shall be constructed and properly backfilled in accordance with Section 611 Precast Reinforced Concrete Box Culvert Sections of the Standard Specifications.

(6) *Right-of-way.* Right-of-way to be dedicated to the city shall be a minimum width identified in this chapter. Permanent right-of-way markers shall be installed at all roadway change of direction. These right-of-way marker locations shall be shown on the construction plans.

(7) *Easements.* All utility construction and/or maintenance easements shall be shown on the construction plans. Typically, no utility easements shall be located in the right-of-way unless specifically requested and identified on the plans. All underground utilities which cross the roadway (i.e., electric lines) shall be specifically shown on the construction plans. All utilities which are to be installed in the city's right-of-way shall have utility identification tape installed during backfill of the utility trench. This identification tape shall be placed at approximately 18 inches above the utility. All utilities which are installed within the pavement structure area shall be properly backfilled and compacted in accordance with Section 603 Foundation Preparation and Backfill of the Standard Specifications.

(8) *Curb and gutters/sidewalks.*

(a) Curb, gutters and sidewalks shall be installed when required by this chapter. The minimum sizes/configuration for the curb/gutters and sidewalks are shown in Appendix B and Appendix C. Any variance from this detail shall be identified in the construction plans.

(b) Adequate surface drain structures (i.e., curb box inlets with clean out manholes) shall be installed along the curb and gutters (at all low points in roadways or at sufficient intervals along relatively flat roadways as designed by the Engineer) to allow surface water to drain off from the pavement structure. Catch basin clean out manhole spacing shall not exceed 150 feet.

(c) The Design Engineer shall take into account any subsurface drainage problems that could result from curb/gutter installation due to the site's soil/clay material and/or terrain. The requirement for subsurface drainage is a designer decision.

(9) *Street lighting.* Street lighting shall be installed to meet city requirements.

(10) *Street signs.* A list of the streets' names shall be provided to the city for a particular development. It shall be the responsibility of the city to purchase and install all street signs for new and old developments.

(11) *Stormwater management and drainage plan and encroachments on city roads.* Streets shall be designed with respect to topography to produce the most usable and properly situated lots; provided proper drainage for stormwater and produce proper grades. See Chapter 154 and any amendments for city requirements.

(Ord. 2024-004, passed 12-23-2024) Penalty, see § 157.999

§ 157.079 BLOCK DESIGN STANDARDS.

The following standards shall be observed in the design of blocks.

(A) *Residential block length.* Intersecting streets shall be provided at such intervals as necessary to meet existing street patterns, topography and standards required for safe and convenient vehicular and pedestrian circulation. Blocks should not, however, exceed 1,600 feet in length, nor be less than 500 feet in length.

(B) *Residential block width.* The width of blocks shall be sufficient to provide for two tiers of lots of appropriate depth.

(C) *Nonresidential blocks.* Blocks intended for nonresidential uses shall be of such length, width and other design as the Commission finds necessary for the prospective use, including adequate provision for off-street parking, loading and unloading and limitation and control of vehicular access points to adjacent streets.

(Ord. 2024-004, passed 12-23-2024)

§ 157.080 LOT DESIGN STANDARDS.

The following standards shall be required in the design of lots.

(A) *Corner lots.* Corner lots shall be of sufficient width to permit compliance with the required minimum setback line. In order to comply with the additional width requirement and continue the same size homes as are on adjoining lots, corner lots shall be increased to whatever width is necessary.

(B) *Lot lines.* Side lot lines shall be at right angles to straight street centerlines and radial to curved street centerlines. Rear lot lines should consist of straight lines with a minimum number of deflections.

(C) *Access.* All lots shall abut a public street for at least 60 feet. Lot frontage on curved streets and cul-de-sac may be reduced to a minimum of 35 feet, but such lots shall be at least 60 feet wide at the minimum building setback line.

(D) *Lot dimensions.*

(1) Lots located in areas where a zoning ordinance is in effect shall conform to the zoning regulations. Where no zoning ordinance is in effect, zoning classification is required to be obtained prior to public sewer use.

(2) A greater lot area may be required if, in the opinion of the City Engineer or Zoning Official, there are factors of

drainage, soil conditions or other conditions to cause potential health problems.

(E) *Building setback line.* The minimum building setback line from the right-of-way shall be at least one-half of the total width of the street right-of-way. In no instance shall this distance be less than 25 feet nor be required to be more than 40 feet.

(F) *Development of hazardous areas.* When lots are located on land which is subject to flooding, subsidence or other hazards injurious to the health and safety of potential users; and when such hazards cannot be eliminated or adequate safeguards provided to protect the health and safety of potential users, the Planning Commission may declare such land to be unsuitable for subdividing and disapprove such plans or portions thereof.

(Ord. 2024-004, passed 12-23-2024)

§ 157.081 EASEMENT DESIGN STANDARDS.

(A) *Utilities.* Easements 12 feet in width may be required between, at the rear or across lots whenever necessary. Easements of greater width may be required if necessary for the extension of water and sewer lines or other utilities.

(B) *Stormwater drainage easement.* Stormwater easements or drainage rights-of-way may be required by the Planning Commission if necessary for proper drainage within or through a subdivision.

(C) *Connection to existing easements.* When necessary, utility and drainage easements shall connect with existing easements on adjoining properties.

(Ord. 2024-004, passed 12-23-2024)

§ 157.082 COMMUNITY FACILITIES DESIGN STANDARDS.

(A) *Assessing the need for community facilities.* During the review of subdivision plats, the Planning Commission shall consider the adequacy of existing or proposed community facilities which will serve the additional population to be housed in a proposed subdivision. Subdividers shall also give consideration to dedicating or reserving land for facilities which will be needed in a subdivision, such as public buildings, recreational areas and shopping facilities.

(B) *Adequacy of such areas.* Areas provided or reserved for such community facilities shall be adequate for building sites, landscaping and off-street parking.

(Ord. 2024-004, passed 12-23-2024)

§ 157.083 OTHER REQUIRED IMPROVEMENTS.

(A) *Water supply system.* Every subdivision shall be provided with a complete water distribution system adequate to serve the proposed subdivision. The entire water system shall be provided by the developer and shall be designed to meet the approval of the agency having jurisdiction.

(B) *Stormwater drainage system.* Provision shall be made for the satisfactory drainage of stormwater by means of underground pipes and/or surface ditches. The stormwater drainage system shall be provided by the developer and shall be designed to meet the approval of the agency having jurisdiction.

(C) *Sanitary sewage disposal system.* Provision shall be made for the satisfactory disposal of sanitary sewage in all subdivisions. When the Planning Commission determines that a public sanitary sewer main is reasonably accessible, the developer shall provide a complete sanitary sewer system according to specifications of the agency having jurisdiction.

(D) *Electric supply system.* Provision shall be made in every subdivision for a satisfactory electric supply system. Every consideration should be given to the possibility of underground installation of all necessary wires.

(E) *Monuments.* Developer and developer's engineer shall adhere to regulations set forth by the state. The City Engineer or Zoning Official reserves the right to set specific parameters if found necessary.

(Ord. 2024-004, passed 12-23-2024)

ADMINISTRATION

§ 157.095 VARIANCES.

(A) These land subdivision regulations are adopted as minimum requirements, and all developers should consider developing their subdivisions at higher standards. Thus, the developer is encouraged to go beyond the requirements of these regulations, and the Planning Commission may require standards above the minimum contained herein whenever it feels that public health, safety or welfare purposes justify such increases.

(B) The Planning Commission may also reduce or otherwise vary the requirements of these regulations whenever it encounters the situations described below. In granting such variances, the Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the regulations.

(1) *Exceptional conditions.* When the Commission finds that strict application of these regulations would result in extreme practical difficulties because of exceptional and unique topographic or other physical conditions, the Commission may modify these regulations to the extent necessary to provide relief for the undue hardship; provided, however, that such

relieve may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of these regulations. In granting such variances or modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is no proof of hardship within the purpose of these regulations.

(2) *Design innovation and large scale development.* These regulations may be modified by the Planning Commission in the case of plans for cluster development, planned unit development or other design innovations which, in the Commission's opinion, achieve the basic objectives of these regulations. The Commission may require such conditions as it deems necessary to secure the objectives of these regulations.

(Ord. 2024-004, passed 12-23-2024)

§ 157.096 AMENDMENTS TO THIS CHAPTER.

The Commission may revise, modify or amend these regulations by appropriate action taken at a regularly scheduled meeting after the required notice and public hearing as specified in KRS Chapter 160.

(Ord. 2024-004, passed 12-23-2024)

§ 157.097 VIOLATIONS.

The following violations and penalties are hereby cited from KRS 100.277, 100.283, 100.291 and 100.991.

(A) *No subdivision of land before approval.* No person or his or her agent shall subdivide any land before securing the approval of the Planning Commission of a plat designating the areas to be subdivided.

(B) *No selling of land before approval.* No person owning land composing a subdivision, or his or her agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and been recorded by the County Clerk. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded.

(C) *Metes and bounds descriptions.* The description of lots or parcels by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any right or remedies he or she may otherwise have.

(D) *No recording before approval.* No plat of a subdivision of land shall be recorded by the County Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chairperson of the Commission.

(E) *Injunctions.* The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by a subdivider or a landowner where the subdivision regulations have been violated.

(Ord. 2024-004, passed 12-23-2024)

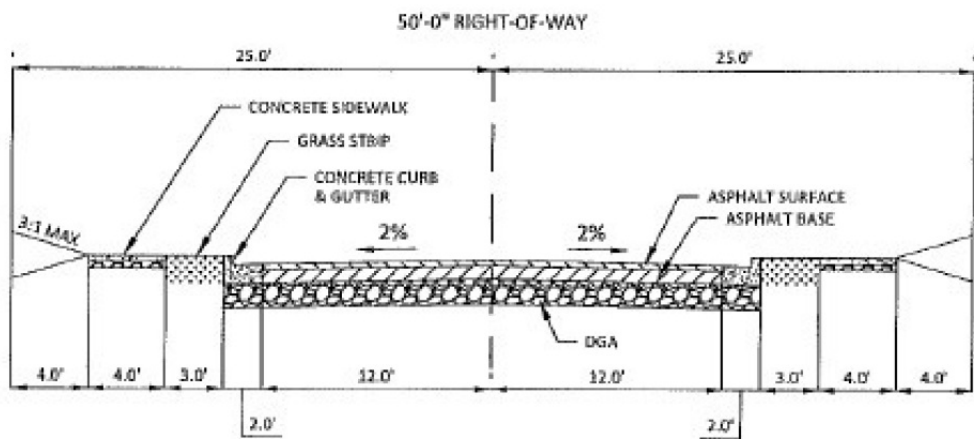
§ 157.999 PENALTY.

Any person or entity who violates any of these provisions, or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall, upon conviction, be fined not less than \$10 but no more than \$500 for each conviction. Each day of violation shall constitute a separate offense. The city may also enforce these regulations allowed by KRS 83A.065.

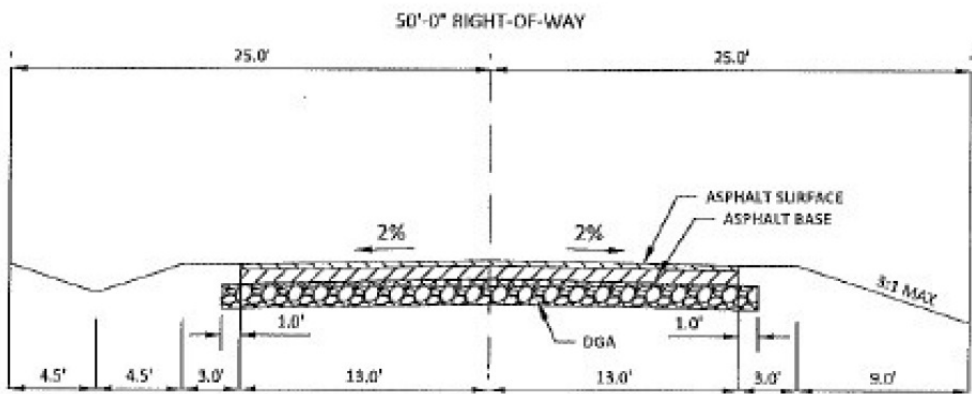
(Ord. 2024-004, passed 12-23-2024)

APPENDIX A: TYPICAL STREET SECTIONS

APPENDIX A: TYPICAL STREET SECTIONS



TYPICAL CITY STREET SECTION
(CURB/GUTTER & SIDEWALK)



TYPICAL CITY STREET SECTION



CITY OF
SPRINGFIELD

TYPICAL STREET
SECTIONS

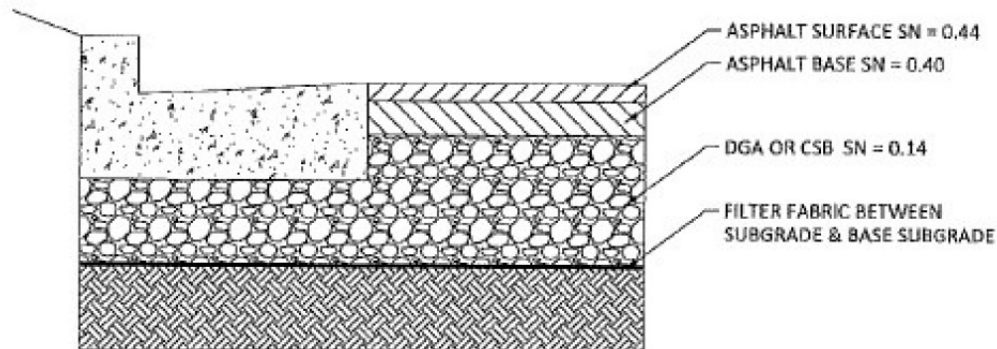
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(Ord. 2024-004, passed 12-23-2024)

APPENDIX B: PAVEMENT DESIGN DETAIL

APPENDIX B: PAVEMENT DESIGN DETAIL

TYPICAL PAVEMENT SECTION



MINIMUM PAVEMENT SECTIONS

STREET CLASSIFICATION	MINIMUM LAYER THICKNESS*
RESIDENTIAL CUL-DE-SAC (<1,000 FT.)	9" DGA, 3" ASPHALT BASE, 1.25" ASPHALT SURFACE
RESIDENTIAL COLLECTOR (>1,000 FT.)	9" DGA, 3.5" ASPHALT BASE, 1.25" ASPHALT SURFACE
COMMERCIAL	12" DGA, 4.5" ASPHALT BASE, 1.25" ASPHALT SURFACE
LIGHT INDUSTRIAL (LIP)	12" DGA, 5.5" ASPHALT BASE, 1.5" ASPHALT SURFACE
INDUSTRIAL	14" DGA, 6" ASPHALT BASE, 1.5" ASPHALT SURFACE

*MINIMUM PAVEMENT DESIGN BASED ON 15-YEAR DESIGN LIFE AND A CBR OF 3 OR LESS.

NOTES:

ALTERNATE PAVEMENT DESIGNS MAY BE SUBMITTED TO THE OFFICE OF THE CITY ENGINEER FOR APPROVAL BY A LICENSED ENGINEER WITH AN ACCOMPANYING GEOTECHNICAL REPORT

ALTERNATE DESIGNS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF KYTC'S PAVEMENT DESIGN GUIDE AND STANDARD SPECIFICATIONS.

SUBGRADE STABILIZATION IS RECOMMENDED FOR ANY SOIL WITH A CBR LESS THAN 7.

USE GEOTEXTILE FABRICS IN ACCORDANCE WITH KYTC STANDARDS IN SATURATED FOUNDATION AREAS AND IN EMBANKMENT BENCHING AREAS OR AS REQUIRED BY THE CITY ENGINEER.

ROADSIDE DITCHES SHALL BE A MINIMUM OF SIX (6) INCHES BELOW THE BOTTOM OF THE PAVEMENT STONE BASE LAYER.

A SUBGRADE DRAINAGE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS WITH UNDERDRAINS AT A MINIMUM SPACING OF 100 FEET CENTER-TO-CENTER ALONG THE EDGES OF THE ROADWAY OR AS REQUIRED BY THE CITY ENGINEER.



CITY OF
SPRINGFIELD

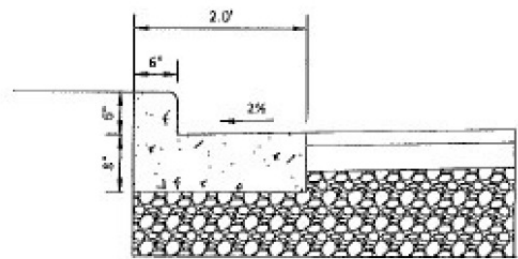
PAVEMENT
DESIGN DETAIL

JANUARY 2025

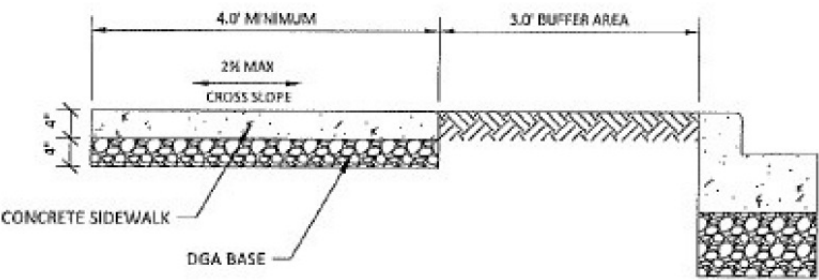
(Ord. 2024-004, passed 12-23-2024)

APPENDIX C: TYPICAL STREET DETAILS

APPENDIX C: TYPICAL STREET DETAILS



CURB & GUTTER DETAIL
(MINIMUM REQUIREMENTS)



CONCRETE SIDEWALK DETAIL



CITY OF
SPRINGFIELD

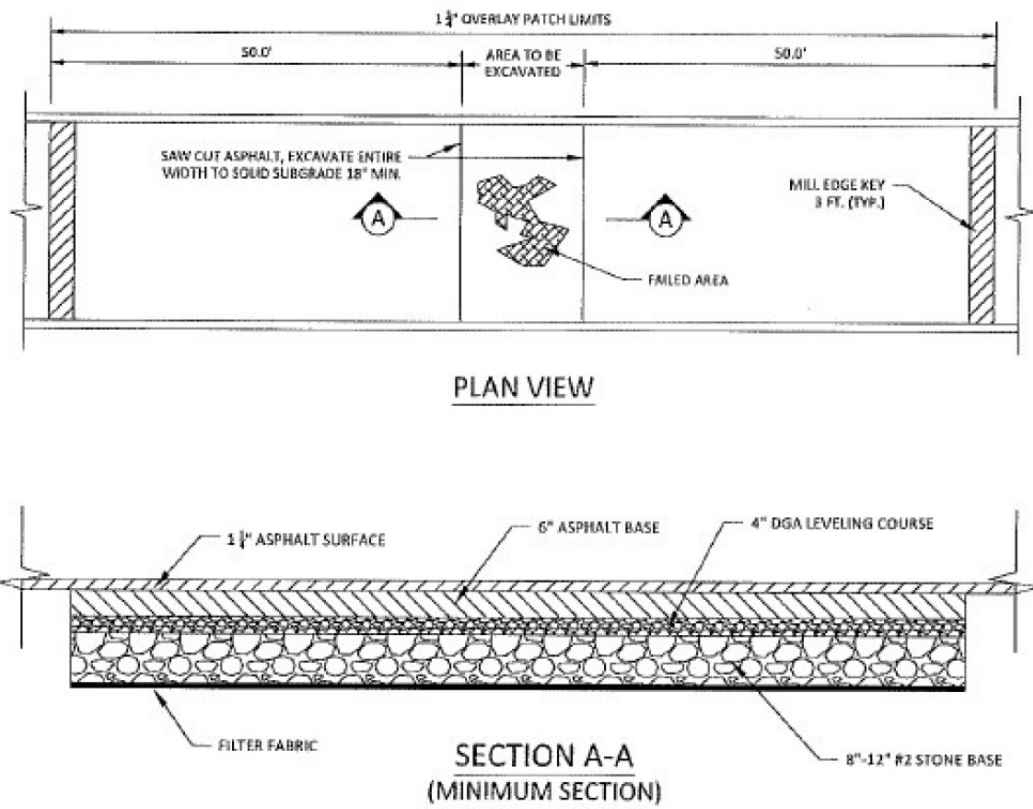
TYPICAL STREET
DETAILS

JANUARY 2025

(Ord. 2024-004, passed 12-23-2024)

APPENDIX D: ROADWAY FAILURE REPAIR DETAIL

APPENDIX D: ROADWAY FAILURE REPAIR DETAIL



NOTES

- 1 1/2" OVERLAY PATCH IS NOT REQUIRED IF THE FINAL ASPHALT SURFACE HAS NOT BEEN PLACED.
- IF NUMEROUS FAILURES EXIST, THE ENTIRE ROAD MAY BE REQUIRED TO BE OVERLAID.
- #2 STONE BASE LAYER SHALL BE PLACED TO "DAY LIGHT" TO NEAREST DITCH OR CROSS DRAIN.
- SUBGRADE UNDERDRAINS OR "BLEEDERS" MAY BE INSTALLED USING MIN. 4" DIAMETER PERFORATED PIPE WITH MIN. 6" ENVELOPE OF SIZE #57 STONE.

	CITY OF SPRINGFIELD	ROADWAY FAILURE REPAIR DETAIL	
			JANUARY 2025

(Ord. 2024-004, passed 12-23-2024)

APPENDIX E: COMMON GEOMETRIC PRACTICES

APPENDIX E: COMMON GEOMETRIC PRACTICES

Highway Design Guidance Manual

Common Geometric Practices Rural Local Roads

Exhibit 700-01

EXHIBIT 700-01

COMMON GEOMETRIC PRACTICES

RURAL LOCAL ROADS

		TRAFFIC VOLUME											
	TERRAIN	UNDER 50 A.D.T.	50-250 A.D.T.	250-400 A.D.T.	400-1500 A.D.T.	1500-2000 A.D.T.	OVER 2000 A.D.T.						
MINIMUM DESIGN SPEED (M.P.H.)	⑥ LEVEL	30		40		50							
	⑦ ROLLING	20	30		40								
	MOUNTAIN	20			30								
LANE WIDTH (FEET) ④ ⑧	DESIGN SPEED	UNDER 400 A.D.T.			400-1500 A.D.T.	1500-2000 A.D.T.	OVER 2000 A.D.T.						
	15 MPH	9			10 ⑨	10	11 ⑪						
	20 MPH					11							
	25 MPH												
	30 MPH												
	40 MPH	10			11	12 ⑩							
	45 MPH												
	50 MPH	11											
	55 MPH	11				12 ⑩							
	60 MPH												
MIN. USABLE SHOULDER WIDTH (FEET) ⑤		ALL SPEEDS			5 ⑨ ⑩	6	8						
MIN. CLEAR ROADWAY WIDTH OF NEW AND RECONSTRUCTED BRIDGES		ALL SPEED	TOTAL WIDTH OF LANES + 2' (EACH SIDE)		TOTAL WIDTH OF LANES + 3' (EACH SIDE)		TOTAL WIDTH OF LANE + USABLE SHOULDER WIDTHS ⑫						
MINIMUM RADIUS (FEET)	DESIGN SPEED	eMAX. 4%		eMAX. 6%		eMAX. 8%							
	20 MPH	86		81		76							
	25 MPH	154		144		134							
	30 MPH	250		231		214							
	35 MPH	371		340		314							
	40 MPH	533		485		444							
	45 MPH	711		643		587							
	50 MPH	926		833		758							
NORMAL PAVEMENT CROSS SLOPES ③		RATE OF CROSS SLOPE = 2%											
NORMAL SHOULDER CROSS SLOPES		EARTH = 8%				PAVED = 4%							
MAXIMUM GRADE (PERCENT)	M.P.H.	20	25	30	35	40	45	50					
	LEVEL	8	7				6						
	ROLLING	11		10			9	8					
	MOUNTAIN	16	15	14		13	12	10					
MINIMUM STOPPING SIGHT DISTANCE ①		(FEET)	115	155	200	250	305	360	425				
MINIMUM PASSING SIGHT DISTANCE ②		(FEET)	400	450	500	550	600	700	800				

① MINIMUM STOPPING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 2.0 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

② MINIMUM PASSING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 3.5 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

③ NORMAL PAVEMENT CROSS SLOPES ON BRIDGES IS 2%.

④ CONSIDER CURVE WIDENING ON PROJECT WHEN TRUCKS AND/OR HORIZONTAL CURVATURE INDICATE A NEED.

⑤ GRADED SHOULDER = USABLE SHOULDER + 2 FT. WIDEN GRADED SHOULDER 1 FT FOR GUARDRAIL.

⑥ WHERE SELECTED DESIGN SPEED IS > 50 MPH, USE COMMON GEOMETRIC PRACTICES EXHIBIT 700-02 FOR RURAL COLLECTOR ROADS.

⑦ JUSTIFICATION FOR THE CHOSEN DESIGN SPEED SHOULD BE DOCUMENTED IN THE DESIGN EXECUTIVE SUMMARY.

⑧ FOR ROADS < 400 ADT, REFER TO AASHTO'S "GEOMETRIC DESIGN GUIDELINES FOR VERY LOW-VOLUME LOCAL ROADS (ADTs<400)".

⑨ FOR ROADS IN MOUNTAINOUS TERRAIN WITH DESIGN VOLUME OF 400 TO 600 VEH/DAY, USE 9 FT LANE WIDTH AND 2 FT SHOULDER WIDTH.

⑩ MAY BE ADJUSTED TO ACHIEVE LANES + USABLE SHOULDER WIDTH OF 30 FT FOR DESIGN SPEEDS > 40 MPH.

⑪ WHERE THE LANE WIDTH IS SHOWN AS 12 FT, THE WIDTH MAY REMAIN AT 11 FT ON RECONSTRUCTED HIGHWAYS WHERE SAFETY RECORDS AND ALIGNMENT ARE SATISFACTORY.

⑫ FOR BRIDGES IN EXCESS OF 100 FT IN LENGTH, THE MINIMUM WIDTH OF LANES + 3 FT (ON EACH SIDE) MAY BE ACCEPTABLE.

EXHIBIT 700-02

COMMON GEOMETRIC PRACTICES RURAL COLLECTOR ROADS

		TRAFFIC VOLUME								
MINIMUM DESIGN SPEED (M.P.H.)	TERRAIN	UNDER 400 A.D.T.			400-2000 A.D.T.			OVER 2000 A.D.T.		
		40			50			60		
		30			40			50		
MINIMUM USABLE SHOULDER WIDTH (FEET)	DESIGN SPEED	UNDER 400 A.D.T.			400-1500 A.D.T.			1500-2000 A.D.T.		
		10			10			11		
		10			11			12		
MIN. CLEAR ROADWAY WIDTH OF NEW AND RECONSTRUCTED BRIDGES	ALL SPEEDS	2			5			6		
		2			5			6		
		2			5			6		
MINIMUM RADIUS (FEET)	DESIGN SPEED	eMAX. 4%			eMAX. 6%			eMAX. 8%		
		86			81			76		
		154			144			134		
NORMAL PAVEMENT CROSS SLOPES	M.P.H.	20			30			40		
		10			9			8		
		12			11			10		
MINIMUM STOPPING SIGHT DISTANCE	(FEET)	115			155			200		
		400			450			500		
		400			450			500		
MINIMUM PASSING SIGHT DISTANCE	(FEET)	400			450			500		
		400			450			500		
		400			450			500		

① WIDEN PAVEMENT ON CURVES IN ACCORDANCE WITH APPROVED DESIGN STANDARDS. REFER TO CURRENT STANDARD DRAWING FOR ADDITIONAL DETAIL.

② MINIMUM STOPPING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 2.0 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

③ MINIMUM PASSING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 3.5 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

④ NORMAL PAVEMENT CROSS SLOPES ON BRIDGES IS 2%.

⑤ MAY USE ONE PERCENT STEEPER MAXIMUM GRADES ON SHORT LENGTHS (LESS THAN 500 FT) AND ON ONE-WAY DOWN GRADES; FOR LOW-VOLUME RURAL COLLECTORS, THE MAXIMUM GRADE MAY BE 2% STEEPER.

⑥ GRADED SHOULDER = USABLE SHOULDER +2 FT. WIDEN GRADED SHOULDER 1 FT FOR GUARDRAIL.

⑦ JUSTIFICATION FOR THE CHOSEN DESIGN SPEED SHOULD BE DOCUMENTED IN THE DESIGN EXECUTIVE SUMMARY.

⑧ ON ROADWAYS TO BE RECONSTRUCTED, 11 FT LANES MAY BE RETAINED WHERE SAFETY RECORDS AND ALIGNMENT ARE SATISFACTORY.

⑨ 18 FT MINIMUM WIDTH (9 FT LANES) MAY BE USED FOR ROADWAYS WITH DESIGN VOLUMES UNDER 250 A.D.T.

⑩ SHOULDER WIDTH MAY BE REDUCED FOR DESIGN SPEEDS GREATER THAN 30 MPH PROVIDED A MINIMUM WIDTH OF LANES + USABLE SHOULDER OF 30 FT IS MAINTAINED.

⑪ FOR BRIDGES IN EXCESS OF 100 FT IN LENGTH, THE MINIMUM WIDTH OF LANES + 3 FT (ON EACH SIDE) MAY BE ACCEPTABLE.

EXHIBIT 700-03

COMMON GEOMETRIC PRACTICES

RURAL ARTERIAL ROADS (OTHER THAN FREEWAYS) ④ ⑦

DESIGN SPEED (M.P.H.) ⑥	TERRAIN																									
	LEVEL		60 - 70																							
	ROLLING		50 - 60																							
	MOUNTAIN		40 - 50																							
LANE WIDTH (FEET) ⑧	DESIGN SPEED		TRAFFIC VOLUME																							
			UNDER 400 A.D.T.			400-1500 A.D.T.			1500-2000 A.D.T.			OVER 2000 A.D.T.														
	40 MPH		11			11			11			12														
	45 MPH								12																	
	50 MPH																									
	55 MPH																									
	60 MPH																									
	65 MPH		12			12																				
	70 MPH																									
MIN. USABLE SHOULDER WIDTH (FEET) ⑤ ⑨	ALL SPEEDS		4			6			6			8														
MIN. CLEAR ROADWAY WIDTH OF NEW AND RECONSTRUCTED BRIDGES	ALL SPEED		TOTAL WIDTH OF LANES + USABLE SHOULDER WIDTHS ⑩																							
MINIMUM RADIUS (FEET)	DESIGN SPEED		eMAX. 4%			eMAX. 6%			eMAX. 8%																	
	30 MPH		250			231			214																	
	35 MPH		371			340			314																	
	40 MPH		533			485			444																	
	45 MPH		711			643			587																	
	50 MPH		926			833			758																	
	55 MPH		1190			1060			960																	
	60 MPH		1500			1330			1200																	
	65 MPH		—			1660			1490																	
	70 MPH		—			2040			1810																	
NORMAL PAVEMENT CROSS SLOPES ③	RATE OF CROSS SLOPE = 2%																									
NORMAL SHOULDER CROSS SLOPES	EARTH = 8%						PAVED = 4%																			
MAXIMUM GRADE (PERCENT)	M.P.H.	30	35	40	45	50	55	60	65	70	75	80														
	LEVEL	—		5		4		3																		
	ROLLING	—		6		5		4																		
	MOUNTAIN	—		8		7		6		5																
MINIMUM STOPPING SIGHT DISTANCE ①	(FEET)	200	250	305	360	425	495	570	645	730	820	910														
MINIMUM PASSING SIGHT DISTANCE ②	(FEET)	500	550	600	700	800	900	1000	1100	1200	1300	1400														

① MINIMUM STOPPING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 2.0 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

② MINIMUM PASSING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 3.5 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

③ NORMAL PAVEMENT CROSS SLOPES ON BRIDGES IS 2%.

④ FOR GUIDANCE ON FREEWAYS, REFER TO AASHTO, "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS", CURRENT EDITION.

⑤ GRADED SHOULDER = USABLE SHOULDER +2 FT. WIDEN GRADED SHOULDER 1 FT FOR GUARDRAIL.

⑥ JUSTIFICATION FOR THE CHOSEN DESIGN SPEED SHOULD BE DOCUMENTED IN THE DESIGN EXECUTIVE SUMMARY.

⑦ FOR GUIDANCE ON INTERSTATES, REFER TO AASHTO, "A POLICY ON DESIGN STANDARDS INTERSTATE SYSTEM", CURRENT EDITION.

⑧ ON ROADWAYS TO BE RECONSTRUCTED, EXISTING 11 FT LANES MAY BE RETAINED WHERE THE SAFETY RECORDS AND ALIGNMENT ARE SATISFACTORY.

⑨ PREFERABLY, USABLE SHOULDERS ON ARTERIALS SHOULD BE PAVED; HOWEVER, WHERE VOLUMES ARE LOW OR IN AREAS WHERE WIDE PAVED SHOULDERS ARE UNDESIRABLE, THE PAVED PORTION MAY BE A MINIMUM OF 2 FT, PROVIDED BICYCLE ACCOMMODATIONS ARE NOT BEING PROVIDED.

⑩ ON BRIDGES IN EXCESS OF 200 FT IN LENGTH, OFFSETS TO PARAPET, RAIL, OR BARRIER MAY BE AT A MINIMUM OF 4 FT FROM EDGE OF TRAVELED WAY ON BOTH SIDES.

EXHIBIT 700-04

COMMON GEOMETRIC PRACTICES
URBAN ROADWAYS (OTHER THAN FREEWAYS AND INTERSTATES) ⑬ ⑯

		URBAN LOCAL STREETS ①③			URBAN COLLECTOR STREETS ②③					URBAN ARTERIAL STREETS ②③					
DESIGN SPEED ⑭		20 M.P.H. – 30 M.P.H.			MIN. 30 M.P.H.					30 M.P.H. – 60 M.P.H.					
NUMBER OF LANES		DESIRABLE 2			MINIMUM 2 ④					MINIMUM 2 ④					
LANE WIDTH	RESIDENTIAL	MIN. 10'			MIN. 10'					10': < 35 MPH SPEEDS AND LOW TRUCK AND BUS VOLUME 11': ≤ 45 MPH (INTERRUPTED FLOW CONDITIONS) 12': > 45 MPH DESIRABLE ON HIGH SPEED, FREE FLOWING, PRINCIPAL ARTERIALS					
	COMMERCIAL	MIN. 10'			MIN. 10'										
	INDUSTRIAL	MIN. 12'			MIN. 12'										
SIDEWALK		MINIMUM 4' DESIRABLE 8' ⑮													
MIN. CLEAR ROADWAY WIDTH OF NEW AND ⑪ RECONSTRUCTED BRIDGES		MINIMUM CURB TO CURB WIDTH													
BORDER AREA ⑤		5' - 11'				8' - 12'									
MINIMUM RADIUS (FEET)		100'				⑥									
MAXIMUM GRADE (PERCENT)	RESIDENTIAL: 15 COMMERCIAL: 8 ⑫ INDUSTRIAL: 8	⑬	M.P.H.					⑨ M.P.H.							
			30	35	40	45	50	30	35	40	45	50	55	60	
			LEVEL					LEVEL							
			ROLLING	11	10	9	8	ROLLING	9	8	7	6			
				MOUNTAIN		12	11	10	MOUNTAIN	11	10	9	8		
NORMAL PAVEMENT CROSS SLOPES ⑧		2%													
NORMAL SHOULDER CROSS SLOPES		EARTH = 8%						PAVED = 4%							
SUPERELEVATION		⑩ 4% MAX.			6% MAX.					⑥					
MINIMUM STOPPING SIGHT DISTANCE ⑦ (FEET)	M.P.H.	20	25	30	35	40	45	50	55	60					
	MIN.	115	155	200	250	305	360	425	495	570					

① TURNING LANES: 9' MINIMUM-12' DESIRED; PARKING LANES: RESIDENTIAL- 7' MINIMUM; COMMERCIAL & INDUSTRIAL- 8' MINIMUM.

② TURNING LANES: 10' MINIMUM-12' DESIRED; PARKING LANES: RESIDENTIAL- 7' – 8'; COMMERCIAL & INDUSTRIAL- 8' – 11'.

③ VERTICAL CURBS WITH HEIGHTS OF 4" OR GREATER ADJACENT TO TRAVELED WAY SHOULD BE OFFSET A MINIMUM OF 1 FOOT. WHEN A CURB AND GUTTER SECTION IS PROVIDED, THE GUTTER PAN WIDTH, NORMALLY 2 FEET, SHOULD BE USED AS THE OFFSET DISTANCE.

④ THE NUMBER OF LANES TO BE PROVIDED ON STREETS WITH A CURRENT ADT OF 2000 OR GREATER SHOULD BE DETERMINED BY A HIGHWAY CAPACITY ANALYSIS OF THE DESIGN TRAFFIC VOLUMES. SUCH ANALYSIS SHOULD BE MADE FOR FUTURE DESIGN TRAFFIC. (DESIRABLE)

⑤ THE BORDER AREA, MEASURED FROM THE FACE OF CURB, BETWEEN THE ROADWAY AND THE RIGHT-OF-WAY LINE SHOULD BE WIDE ENOUGH TO SERVE SEVERAL PURPOSES, INCLUDING SERVING AS A BUFFER SPACE BETWEEN PEDESTRIANS AND VEHICULAR TRAFFIC; A SIDEWALK; AND AN AREA FOR UTILITIES.

⑥ REFER TO CHAPTER 3 OF AASHTO'S "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS" CURRENT EDITION.

⑦ MINIMUM STOPPING SIGHT DISTANCE BASED ON HEIGHT OF EYE OF 3.5 FT AND HEIGHT OF OBJECT OF 2.0 FT. CONSIDER BOTH HORIZONTAL AND VERTICAL ALIGNMENT.

⑧ NORMAL PAVEMENT CROSS SLOPES ON BRIDGES SHALL BE 2%.

⑨ ARTERIALS WITH LARGE NUMBER OF TRUCKS AND OPERATING NEAR CAPACITY SHOULD CONSIDER GRADES FLATTER THAN THOSE IN RURAL SECTIONS TO AVOID UNDESIRABLE REDUCTIONS IN SPEED.

⑩ SUPERELEVATION MAY NOT BE REQUIRED ON LOCAL STREETS IN RESIDENTIAL AND COMMERCIAL & INDUSTRIAL AREAS.

⑪ THE BRIDGE WIDTH FOR URBAN ROADWAYS WITH SHOULDERS SHOULD NOT BE LESS THAN WIDTHS SHOWN FOR RURAL ROADS APPROVED ROADWAY WIDTHS.

⑫ MAXIMUM GRADES OF SHORT LENGTHS (LESS THAN 500') AND ON ONE-WAY DOWN GRADES MAY BE TWO PERCENT STEEPER.

⑬ FOR GUIDANCE ON FREEWAYS, REFER TO AASHTO'S, "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS."

⑭ INTERMEDIATE DESIGN SPEEDS (5 MPH INCREMENTS) MAY BE APPROPRIATE WHERE TERRAIN AND OTHER ENVIRONMENTAL CONDITIONS DICTATE.

⑮ REFER TO AASHTO'S "GUIDE FOR DEVELOPMENT OF BICYCLE FACILITIES", CURRENT EDITION, WHEN COMBINING A PEDESTRIAN SIDEWALK WITH A BICYCLE PATH.

⑯ FOR GUIDANCE ON INTERSTATES, REFER TO AASHTO'S "A POLICY ON DESIGN STANDARDS INTERSTATE SYSTEM", CURRENT EDITION.

(Ord. 2024-004, passed 12-23-2024)

I. ANNEXATIONS

II. STREET VACATIONS, DEDICATIONS AND NAMING

III. FUNDS

IV. ZONING MAP CHANGES

V. FRANCHISES

VI. AGREEMENTS

TABLE I: ANNEXATIONS

Ord./Res. No.	Date Passed	Description
Ord./Res. No.	Date Passed	Description
-	- -	Proposal to annex to the city the following described property:
		Annexation 1: beginning at a culvert in the Springfield and Perryville Highway at the property of Gilbert Moore; thence leaving said highway with a line crossing the properties of Gilbert Moore and Mrs. Brady Hall, to a point in the fence line of E.S. Goatley; thence with fence line of E.S. Goatley, to a new point in the fence line of E.S. Goatley and Mrs. Brady Hall; thence across the lands of Mrs. Brady Hall and Mrs. R.D. Goodlett, to a stone on the northeast side of the Springfield and Perryville Highway at the property line of Mrs. Dan West and Mrs. R.D. Goodlett; thence along the northeast side of the Springfield and Perryville Highway, to the point of beginning.
		Annexation 2: beginning at a stone on the west side of the Springfield and Perryville Highway in the fence line of Mrs. Ollie Eddleman and J.A. Ball; thence with west side of the Springfield and Lebanon Highway along the lands of J.A. Ball, to a stone on the west side of said highway at the fence line of J.A. Ball and S.C. Milburn and Mrs. Edwin Smith; thence across the lands of J.A. Ball to an iron post in the original survey at the south end of the old reservoir; thence with the original city limits line to the stone on the west side of the Springfield and Lebanon Highway at the point of beginning.
		(Prior Code, § 110.1)
-	- -	Annexing to the city the following described property:
		Annexation 1: beginning at a culvert in the Springfield and Perryville Highway at the property line of Gilbert Moore; thence leaving said highway with a line crossing the properties of Gilbert Moore and Mrs. Brady Hall, to point in the fence line of E.S. Goatley; thence with fence line of E.S. Goatley to a new point in the fence line of E.S. Goatley and Mrs. Brady Hall; thence across the lands of Mrs. Brady Hall and Mrs. R.D. Goodlett, to a stone on the northeast side of the Springfield and Perryville Highway at the property line of Mrs. Dan West and Mrs. R.D. Goodlett; thence along the northeast side of the Springfield and Perryville Highway to the point of beginning.
		Annexation 2: beginning at a stone on the west side of the Springfield and Lebanon highway in the fence line of Mrs. Ollie Eddleman and J.A. Ball; thence with west side of the Springfield and Lebanon Highway along the lands of J.A. Ball, to a stone on the west side of said highway at the fence line of J. A. Ball and S.C. Milburn; thence leaving said highway with fence line between J.A. Ball and S.C. Milburn and Mrs. Edwin Smith, to stone in fence, corner to Mrs. Edwin Smith and J, A. Ball; thence across the lands of J.A. Ball, to an iron post in the old original survey at the south end of the old reservoir; thence with the original city limits line, to the stone on the west side of the Springfield and Lebanon Highway at the point of beginning.
		(Prior Code, § 110.2)
-	- -	Annexing to the city the following described property:
		a certain tract or parcel of land, lying and being on the northern boundary of the present city limits, and on the west side of the Lincoln Park Highway. Said boundary is a major portion of the new Springfield High School grounds not included in the present city limits.
		(Prior Code, § 110.4)
-	- -	Annexing to the city the following described property:

		a certain tract or parcel of land, lying and being on the northern boundary of the present city limits, and on the west side of the Lincoln Park Highway. Said boundary is a major portion of the new Springfield High School grounds not included in the present city limits.
		(Prior Code, § 110.5)
-	--	Annexing to the city the following described property:
		beginning at a point in the present boundary line in a field formerly owned by Alice M. Thurman and now owned by John Pile; thence to a stone at the garage door of M.A. Boswell; thence with reverse bearings from the original survey from said stone at Boswell's corner with the line of Albert Goatley, to a stone corner to Goatley, said line running parallel with and 100 feet north of the Springfield and Mackville Highway; thence to a stone at the school lot; thence to the beginning, containing 7.9 acres, according to survey made by James Goatley, on June 4, 1964.
		(Prior Code, § 110.6)
-	--	Annexing to the city the following described property:
		beginning at a point in the present boundary line in a field formerly owned by Alice Thurman and now owned by John Pile; thence to a stone at the garage door of M.A. Boswell; thence with reverse bearings from the original survey from said stone at Boswell's corner with the line of Albert Goatley, to a stone corner to Goatley, said line running parallel with and 100 feet north of the Springfield and Mackville Highway; thence to a stone at the colored school lot; thence to the beginning, containing 7.9 acres, according to survey made by James Goatley, on June 4, 1964.
		(Prior Code, § 110.7)
-	--	Annexing to the city the following described property:
		beginning at a cement marker on the west side of the Lincoln Park Highway at the northeast corner of the New High School (which is the corner of the present city limits) and continuing with the west side of said Lincoln Park Highway along the lands of the Mayes lands to a point in the western edge of the right-of-way of the Lincoln Park Highway; thence crossing said highway and passing a utility pole on the east side of said highway and across the lands of Roy Coyle, to a hackberry stump in a rock fence line of the County Poor House Farm; thence continuing with the rock fence line of said county farm to the northeastern edge of the bridge on the Willisburg Highway across the Poor House Branch; thence crossing the lands of Zoy Milburn, to the old original stone in Thurman's field; thence with the original city limits line to a point on the western edge of the Lincoln Park Highway at the new high school property; thence with the eastern edge of said highway to the beginning, containing 91.93 acres, according to a survey made by James Goatley on October 4, 1965,
		(Prior Code, § 110.8)
-	--	Annexing to the city the following described property:
		Annexation 1: beginning at a cement marker on the west side of the Lincoln Park Highway at the northeast corner of the new High School (which is the corner of the present city limits) and continuing with the west side of said Lincoln Park Highway along the lands of the Mayes heirs; thence to a point in the western edge of the right-of-way of the Lincoln Park Highway; thence crossing said highway and passing a utility pole on the east side of said highway and across the lands of Roy Coyle, to a hackberry stump in a rock fence line of the County Poor House Farm; thence continuing with the rock fence line of said county farm to the northeastern edge of the bridge on the Willisburg Highway across the Poor House
		Branch; thence crossing the lands of Zoy Milburn, to the old original stone in Thurman's field (now John Pile) thence with the original city limits line to a point on the western edge of the Lincoln Park Highway at the new High School property; thence with the eastern edge of said highway to the beginning, containing 91.93 acres, according to a survey made by James Goatley on October 4, 1965.

		Annexation 2: beginning at a point on the western edge of the Lebanon Highway at the northeast corner of the Ball Subdivision which is a corner of the present city limits; thence crossing said highway with the present city limits line to a point in the present city limits line in the property line of Dick Cheatham and J.C. Nally; thence leaving the present city limits line to a stake in the fence line of James O'Daniel and Tommy Osborne; thence to an iron post in fence behind the residence of Mrs. E.H. Campbell; thence to a locust tree three feet from the southeast corner of the residence of Jack A.; thence crossing the Lebanon Highway to a stake 18 feet south of the residence of Paul Fraysure; thence to an iron post on the north side of the Booker Highway in the line of the Walker heirs; thence leaving the Booker Highway and crossing the lands of the Walker heirs behind the residence, to a post in the present city limits line at the corner of the property of Charles Votaw, N.A. Smith, J.A. Ball and Sid Milburn; thence with the present city limits line, to the edge of the Lebanon Highway; thence to the beginning, containing 94.35 acres, according to survey made by James Goatley on October 4, 1965.
		(Prior Code, § 110.9)
-	- -	Annexing to the city the following described property:
		beginning at a point on the western edge of the Lincoln Park Highway at the present city limits corner, and continuing with the west edge of said highway; thence crossing said highway and lands of Roy Coyle to a fence in line of Coyle where Walter Clements and the County Poor Farm corners; thence continuing with line of Walter Clements and county farm at the lands of Mrs. John Hall, Sr; thence continuing with fence line of said county farm to a point opposite end of said fence on the eastern edge of Highway 53 being the line of Jack McElroy, to the northeastern edge of a bridge across Poorhouse Branch; thence crossing said highway with line of county farm in rock fence to hackberry stump in line of county farm and Roy Coyle; thence crossing lands of Coyle to the point of beginning, containing 46.17 acres, according to survey made by James Goatley in June, 1966.
		(Prior Code, § 110.10)
-	- -	Annexing to the city the following described property:
		beginning at a point on the present city limits line as it crosses U.S. Highway 150 at the L & N Railroad crossing; thence with the northern edge of the surface of U.S. Highway 150 in the following courses. At the point of intersection of U.S. Highway 150 with State Highway 55; thence with the center of Highway 55 to the center of the bridge across the town branch; thence with the centerline of the highway to center of a culvert; thence with center of highway to a point in the center of the highway at a corner to the Plastic Plant and Catherine Gowdy; thence leaving the highway with line of Gowdy to the Industrial Foundation; thence with line of Gowdy to a post, corner to Gowdy and the Mayes heirs; thence with line of Mayes heirs to intersect with the present city limits line in the old fairgrounds property; thence with the present city limits line to the point of beginning, containing 156.9 acres.
		(Prior Code, § 110.11)
-	- -	Annexing to the city the following described property:
		beginning at a point in the center of the Springfield and Mackville Highway at a corner to the High School Court Subdivision, and corner to Goatley's Grocery lot; thence leaving highway with line of Goatley and others in line of the High School Courts, to a cement marker in line of Mrs. Brady Hall; thence leaving line of Hall with a new line across the lands of Calvin Reed to a post at the corner of the property of Calvin Reed and Fred Grigsby; thence with line of Grigsby to a point in the center of the Springfield and Mackville Highway at the southwest corner of the yard of Fred Grigsby; thence with the center of the highway to the point of beginning, containing 10.044 acres.
		(Prior Code, § 110.12)
-	- -	Annexing to the city the following described property:
		beginning at a point on the present city limits line as it crosses U.S. Highway 150 at the L & N Railroad crossing; thence with the northern edge of the surface of U.S. Highway 150 in the following courses. Beginning at a point of intersection of U.S. Highway 150 with State Highway 55; thence with the center of Highway 55 to center of a culvert; thence with center of said highway to a point in the center of the highway at a corner to the Plastic Plant and Catherine Gowdy; thence leaving highway with line of Gowdy to corner to Gowdy and Industrial Foundation; thence with line of Gowdy to a post, corner to Gowdy and the Mayes heirs; thence with line of the Mayes heirs to intersect with the present city limits line in the old Fairgrounds property; thence with the present city limits line to the point of beginning, containing 156.9 acres.
		(Prior Code, § 110.13)

-	--	Annexing to the city the following described property:
		beginning at a point in the center of the Springfield and Mackville Highway at a corner to the High School Court Subdivision, and corner to Goatley's Grocery lot; thence leaving highway with line of Goatley and others in line of the High School Court to a cement marker in line of Mrs. Brady Hall; thence leaving line of Hall with a new line across the lands of Calvin Reed to a cement marker, to a post at the corner of the property of Calvin Reed and Fred Grigsby; thence with line of Grigsby to a point in the center of the Springfield and Mackville Highway at the southwest corner of the yard of Fred Grigsby; thence with the center of the highway to the point of beginning, containing 10.044 acres.
		(Prior Code, § 110.14)
-	--	Annexing to the city the following described property:
		Annexation 1: A certain tract of land lying in being on the north side of Highway 150 adjacent to the eastern boundary of the present city limits.
		Annexation 2: A certain tract of land lying in being east of Grundy Avenue at the northeast boundary of the present city limits.
		Annexation 3: A certain tract of land lying in being between U.S. Highway 150 and Kentucky Highway 55, and known as Briartown at the western boundary of the present city limits.
		(Prior Code, § 110.15)
-	--	Annexing to the city the following described property:
		a certain tract of land west of and adjacent to the present property boundary and located north of U.S. Highway 150, and west of State Highway 55.
		(Prior Code, § 110.16)
-	--	Annexing to the city the following described property:
		A certain tract of land, west of and adjacent to the present city boundary and located on the north side of U.S. Highway 150 and west of State Highway 55.
		(Prior Code, § 110.17)
-	--	Annexing to the city the following described property:
		a certain tract of land west of and adjacent to a present boundary line of said city located north of U.S. Highway 150 and west of State Highway 55.
		(Prior Code, § 110.18)
-	--	Annexing to the city the following described property:
		Two certain tracts of land located between the Willisburg and Perryville Highways.
		(Prior Code, § 110.19)
-	--	Annexing to the city the following described property:
		Two certain tracts of land located between the Willisburg and Perryville Highways.
		(Prior Code, § 110.20)
-	--	Annexing to the city the following described property:
		beginning at a point in the center of the Springfield and Bardstown Highway at the railroad crossing.
		(Prior Code, § 110.21)
-	--	Annexing to the city the following described property:
		A certain tract of land located on the Lincoln Park Highway 528.
		(Prior Code, § 110.23)
-	--	Annexing to the city the following described property:
		Two certain tracts of land located between the Willisburg and Perryville Highways.
		(Prior Code, § 110.24)
88-001	2-1-1988	Annexing to the city the following described property: lying and being on the west side of Highway 555, known as the Western District warehouse property and a portion of the H & W Industries property.
88-004	2-29-1988	Annexing to the city the following described property: lying and being on the west side of Highway 555, known as the Western District warehouse property and a portion of the H & W Industries property.
90-003	4-9-1990	Annexing to the city the following described property: a tract of real estate lying and being on the west side of Highway 555, known as the Western District warehouse property and a portion of the H & W Industries property.

90-010	9-10-1990	Annexing to the city the following described property: a tract of real estate lying and being on the west side of Highway 555, known as the Western District warehouse property and a portion of the H & W Industries property.
96-001	2-22-1996	Annexing to the city the following described property: one tract of real estate lying and being in the intersection of U.S. Highway 150 and State Highway 55, being a portion of the same property which Thomas S. Haydon and Company, Inc., acquired from C.J. Haydon, et al., by deed dated July 26, 1963, which appears of record in Deed Book 103, Page 411.
96-003	3-11-1996	Annexing to the city the following described property: one tract of real estate lying and being at the intersection of State Highway 555 and U.S. 150, being a portion of the same property which Thomas S. Haydon and Company, Inc., acquired from C.J. Haydon, et al., by deed dated July 26, 1963, which appears of record in Deed Book 103, Page 411.
00-001	5-9-2000	Annexing to the city the following described property:
		property of TSR, LLC located on State Highway 528, on the west side of State Highway 555, adjoining the west city limits.
2001-005	5-22-2001	Annexing to the city the following described property:
		Tract 1: property of Pat and Elaine Mattingly, a parcel of land located on Highway 152 containing approximately 55.06 acres.
		Tract 2: Springfield/Washington County Economic Development Authority (SWEDA), a parcel of land located lying south at the intersection of Spaulding Lane and Highway 555 containing 453.22 acres.
		Tract 3: Department of Transportation (D.O.T.) Being a parcel of land joining the existing city limit line in the eastern edge of old Willisburg Road, along the utility corridor to the intersection of Spaulding Lane and Highway 555, containing approximately 9.25 acres.
2001-009	8-14-2001	Annexing to the city the following described property:
		Tract 1: land owned by River of Life Community Church, Inc. located north of Highway 555.
		Tract 2: land owned by William H. and Kathleen Tingle located north of Highway 555.
		Tract 3: land owned by Andy and Denita Clements located east of Highway 152.
		Tract 4: land owned by Michael C. and Ella Elliott located east of Highway 152.
2003-010	1-12-2004	Annexing to the city the following described property:
		Tract 1: the Bill Fowler tract located on Booker Road.
		Tract 2: the William Fowler tract located at the end of Hammer Head cul-de-sac on Booker Road.
		Tract 3: the J. Murray Walker, Jr. tract located east of the intersection of Booker Road and State Highway 555.
2006-003	4-11-2006	Annexing to the city the following described property: a certain tract of land located at the end of Walnut Street off Highway 555, conveyed to Baker, Thomas and Hamm, Inc. Deed Book 298, Page 253.
2007-002	3-13-2007	Annexing to the city the following described property: property of Standard Commercial Tobacco Company, Inc. Deed Book 253, Page 472.
2008-007	9-23-2008	Annexing to the city the following described property: property conveyed to Norma Bradley, dba Wright Way Inc.
2009-001	8-11-2009	Annexing to the city the following described property: The Pat and Elaine Mattingly tracts in the Carolina Heights Subdivision as recorded in Plat Cabinet, Slide 533.
2010-001	4-13-2010	Annexing to the city the following described property: Tract 5 of Carolina Heights Subdivision as recorded in Plat Cabinet A, Slide 533.
		Tract 6 of Carolina Heights Subdivision as recorded in Plat Cabinet A, Slide 533.
2011-010	12-22-2011	Annexing to the city the following described property:
		Parcel #1: St. Catharine College, Inc. land, 34.963 acres as recorded in Deed Book N, Page 507.
		Parcel #2: A ridge area and continuous to 34.963-acre College Tract #1: 6.926 acres as recorded in Deed Book 319, Page 399.
		Parcel #3: Parking area and acreage off Lourdes and Spaulding Hall Road continuous to the 34.963-acre tract #1 and Lourdes Hall, daycare building and parking areas. 2.201 acres as recorded in Deed Book N, Page 507.

		Parcel #4: St. Catharine College Lourdes Hall. 6.3020 acres as recorded in Deed Book N, Page 507.
		Parcel #7: Advancement Office, Nagge House. 0.5685 acres. Deed Book 321, Page 411.
		Parcel #8: Sisters of Peace St. Catharine Motherhouse and Sansbury. 33.499 acres. Deed Book N, Page 507.
		Parcel #9: Department of Transportation 28.279 acres Project #FD52 115 0150 009-002 and U.S. Project #115-129 On file with Kentucky Transportation Cabinet, Frankfort, Kentucky. Also included is the U.S. 150 Connector Road described as a part of U.S. 150 bypass. The connector Road to St. Catharine for access corridor to annex Tract #1 and #2 from DB
		326 Page 750 containing 02.768 acres.
		Parcel #10: Lakeview Landing Property, Tract 1, 1.16444 acres and Tract 2, 2.0024 acres. Deed Book 227, Page 489.
		Parcel #11: Beam Property, 39.75 acres, Deed Book 238, Page 015.
Res. 2012-006	12-11-2012	Adopting legal description of annexed territory.
2015-002	6-9-2015	Annexing to the city the following described property: Alex Montgomery/Wesley Smith property to be annexed and zoned R-2 per the recommendation of the Planning Commission to the City Council at the April 21, 2015 meeting.
2020-006	9-15-2020	Annexing to the city the following described property: Washington County Parcel #1-3: A part of A & W Developments, LLC- Located about 900 feet west of Highway 555 - U.S. 150 Bypass; on the south right-of-way of Highway 555 and adjacent to Idle Hour Park, from DB 357 Page 283.
2022-001	4-12-2022	Annexing to the city the following described property: A certain tract or parcel of land located 0.25 miles north of SR 152 junction on the west side of U.S. 150.
2022-008	11-7-2022	Annexing 15.839 acres conveyed to SBB Properties, LLC of Record in Deed Book 373, Page 333 and a tract of land conveyed to Springfield-Washington County Economic Development Authority, Inc. of record in Deed Book 259, Page 736 and Deed Book 259, Page 738 in the Office of the County Clerk.
2022-010	12-12-2022	Annexing 4.013 acres of land on the south side of Kentucky Highway 555, approximately 0.15 miles west of the intersection with U.S. Highway 150 bypass.
2023-002	3-14-2023	Annexing to the city the following described property: 15.839 acres, corner to a tract of land conveyed to SBB Properties, LLC, in Deed Book 373, Page 333.
2023-003	3-14-2023	Annexing to the city the following described property: a tract of land located on the south side of State Highway 555, approximately 0.15 miles west of the intersection with U.S. Highway 150 bypass.
2023-005	6-13-2023	Annexing to the city the following described property:
		Field 1: 6.81 acres located along Lincoln Drive approximately 1,000 feet northwest of the junction of Lincoln Park Road and Lincoln Drive.
		Field 2: 12.41 acres located along Lincoln Drive approximately 950 feet west of the junction of Lincoln Park Road and Lincoln Drive.
2023-014	6-13-2023	Annexing to the city the following described property: a property on the south right-of-way line of Mackville Road and more particularly described in this ordinance.
2023-013	7-13-2023	Annexing to the city the following described property:
		Field 1: 6.81 acres located along Lincoln Drive approximately 1,000 feet northwest of the junction of Lincoln Park Road and Lincoln Drive.
		Field 2: 12.41 acres located along Lincoln Drive approximately 950 feet west of the junction of Lincoln Park Road and Lincoln Drive.
2023-017	11-14-2023	Annexing certain tracts of land located on the south side of Mackville Road (Highway 152), approximately 0.8 miles east of the junction of Mackville Road (Highway 152) and Highway 150, conveyed to Thomas G. and Sybil F. Ward, parcel ID: 25-018, as recorded in Deed Book 227, Page 302 and Deed Book 215, Page 22 in the County Clerk's Office.
2024-003	3-12-2024	Annexing to the city the following described property: a total area of 27.206 acres commencing at a common corner to Tract 6 of the Clearview Commerce Complex Division Conveyed to Springwater Kentucky Realty, LLC. of record in Deed Book 355, Page 545 and Plat Cabinet C, Slide 189 and Revised Lot 5e of Clearview Commerce Complex Division Conveyed to J & D Distilling Company, LLC. of record in Deed Book 378, Page 284 and Plat Cabinet C, Slide 189.

2024-010	3-12-2024	Annexing to the city the following described property: 119.22 acres beginning at the right-of-way of Highway 152 (Mackville Road) having the State Plane Single Zone Coordinates of N: 3,775,365.3955 E: 5,083,864.6577 and being a corner common with Thomas G & Sybil Ward (Deed Book 367, Page 308, D. B.227, Page 302 and Deed Book 215, Page 22).
2024-006	4-9-2024	Annexing to the city the following described property: 4.013 acres of the property commonly referred to as Elizabeth Park Extension annexed by the city on March 14, 2023 in the revised survey description and plat map prepared by Licensed Professional Land Surveyor Jeffrey Wolf #3742 attached hereto and made a part hereof, Exhibits A and B.
2024-007	4-9-2024	Annexing to the city the following described property: 7.33 acres of the property commonly referred to as Elizabeth Park annexed by the city on June 9, 2015 in the revised survey description and plat map prepared by Licensed Professional Land Surveyor Timothy Woodcock #3124 attached hereto and made a part hereof; Exhibits A and B.
2024-008	4-9-2024	Annexing to the city the following described property: 9.64 acres of the property commonly referred to as city property annexed by the city on September 15, 2020 in the revised survey description and plat map prepared by Licensed Professional Land Surveyor Timothy Woodcock #3124 attached hereto and made a part hereof, Exhibits A and B.
2024-009	4-9-2024	Annexing to the city the following described property: 1.42 acres of the property commonly referred to as Goatley property annexed by the city on April 12, 2022 in the revised survey description and plat map prepared by Licensed Professional Land Surveyor Timothy Woodcock #3124 attached hereto and made a part hereof, Exhibits A and B.
2024-011	4-9-2024	Annexing to the city the following described property: 119.22 acres beginning in the right-of-way of Highway 152 (Mackville Road).
2024-012	4-9-2024	Annexing to the city the following described property: A total area of 27.206 acres, commencing at a corner to Tract 6 of the Clearview Commerce Complex Division; conveyed to Springwater Kentucky Realty, LLC, of record in Deed Book 355, Page 545 and Plat Cabinet C, Slide 189 and revised lot southeast of Clearview Commerce Complex Division Conveyed to J & D Distilling Company, LLC. of record in Deed Book 378, Page 284 and Plat Cabinet C, slide 189.

TABLE II: STREET VACATIONS, DEDICATIONS AND NAMING

Ord./Res. No.	Date Passed	Description
Ord./Res. No.	Date Passed	Description
-	- -	Accepting for maintenance and all other public purposes the streets located in Mayes Subdivision 1 and Ball Subdivision.
		(Prior Code, § 110.3)
-	- -	Closing an alley beginning on Walnut Street and running parallel with Virginia Avenue and also parallel with Parrott alley, and extending in a western direction to the Lincoln Park Road or Highway.
		(Prior Code, § 620.2)
-	- -	Closing the northernmost portion of Doctor Street extending from the southern boundary of the County High School property in a southerly direction, a distance of 285 feet and being that portion of Doctor Street abutting on the east and on the west, the property above mentioned owned by the County Board of Education.
		(Prior Code, § 620.4)
93-003	6-14-1993	Closing the portion of an alley that begins at Doctor Street and lies at approximately a right angle to Doctor Street between the properties owned by Robert and Connie Osbourne and Thomas W. Keene from Doctor Street to the rear property line of the Thomas W. Keene property.
2003-004	7-8-2003	Alley name change.
2003-018	12-11-2003	Closing the extension of West Grundy Avenue.

2005-008	1-10-2005	Closing a portion of McLane Street.
2007-004	6-26-2007	Closing a portion of Ballard Street.
2008-002	5-30-2008	Dominic Drive, also known as Church Alley is closed as a public way.

TABLE III: FUNDS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
2001-017	1-8-2002	Revolving Loan Fund and Facade Grant Fund.
2022-009	12-12-2022	Amending Revolving Loan Fund in conjunction with the Main Street Board for funding the Renaissance Funding.

TABLE IV: ZONING MAP CHANGES

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	--	Changing the following described property from Industrial to Commercial: the south side of downtown Springfield bounded by portions of Ballard Street on the north, Cross Main on the east, the former Miller Redrying Company on the south and Locust Street on the west.
		(Prior Code, § 920.06)
-	--	Changing the following described property from Residential 1 to Commercial Restricted: beginning at a post on the edge of the right-of-way of the Springfield-Lebanon Highway at a corner to Thomas S. Haydon (formerly J.A. Ball), containing 2.55 acres more or less.
		(Prior Code, § 920.07)
-	--	Changing the following described property from Residential 2 to Commercial Restricted: property which was conveyed to Leon F. Simms, Jr. and Patricia G. Simms, by deed dated January 2, 1971, from Rebecca T. Wharton.
		(Prior Code, § 920.08)
-	--	Changing the following described property from Residential 1 to Commercial Restricted: beginning at a stake on the curb line of Main Cross Street, which point is as measured along the curb line 278.5 feet from the intersection of the curb and the south side of the sidewalk on High Street; thence to the intersection of Virginia Avenue; thence with the south side of Virginia Avenue to the point of intersection with Doctor Street; thence with the east side of Doctor Street to a stake in the retaining wall on the edge of said street at a corner to Joe S. O'Daniel; thence leaving the street to stake.
		(Prior Code, § 920.9)
88-005	5-23-1988	Changing the following described property from Highway Commercial to Single-Family Residential: a tract of land bounded by Elizabeth Graves' western boundary on U.S. 150 west and the city limits on the east.
88-006	5-23-1988	Establishing a Zoning District for the Hamilton Development Property located at the intersection of Highway 555 and U.S. 150.
88-007	6-13-1988	Changing the following described property from Highway Commercial to Industrial: a tract of land located between Lincoln Park Road and Progress Road to the southern side of Highway 555.

95-001	2-13-1995	Changing the following described property from Commercial Restricted to Single-Family Residential: a tract of land owned by Steve Half located on Virginia Avenue and Doctor Street.
98-002	4-14-1998	Establishing a Zoning District for the Tony S. Royalty Property located at the intersection of Highway 555 and Lincoln Park Road.
2001-001	2-13-2001	Changing the following described property from Residential 1 to Highway Commercial: two tracts of land located on Perryville Road, the first owned by Dean Cook and the second owned by Thomas E. Johnson.
2001-003	5-22-2001	Establishing a zoning district for the following properties: Springfield/Washington County Economic Development Authority, located on Spaulding Lane and State Highway 555 as Industrial, Pat and Elaine Mattingly, Mackville Road as Highway Commercial and Department of Transportation on Highway 152, with no zoning classification.
2001-008	8-14-2001	Zoning newly annexed property as follows:
		1: River of Life Community Church, Inc. property zoned Residential 1.
		2: William H. Tingle and Kathleen Tingle property zoned Highway Commercial.
		3: Andy and Denita Clements property zoned Residential 1
		4: Michael C. and Ella Elliot property zoned Residential 1.
2001-014	11-13-2001	Changing the following described property from Central Commercial to Residential 1: a house and lot located at 500 East High Street.
2006-002	2-14-2006	Changing the following described property from Residential 1 to Residential 3: land owned by Billy and Bettylene Mudd, on the north right-of-way of U.S. 150 at Jimtown Road junction.
2009-002	7-14-2009	Changing the following described property from Industrial to Residential 3: property at the northwest junction of Bob-O-Link Drive and Bonnie Boulevard, belonging to TSR, Inc.
2011-001	4-12-2011	Changing the following described property from Industrial to Residential 2: Property north of Rosary Heights, belonging to Wesley Smith.
2023-009	7-11-2023	Changing the following described property from Residential 1 to Residential 2: 2.53 acres located on Mackville Hill, belonging to Alex Montgomery.
2023-012	7-11-2023	Changing the following described property from Highway Commercial to Residential 2: 1.334 acres located on Rosary Heights, belonging to Alex Montgomery.
2024-005	4-9-2024	Changing the following described property from Residential 1 to Residential 2: 0.7449 acres of land located on Armory Hill.
2025-001	2-11-2025	Changing the following described property from Residential 1 to Residential 2: 0.6922 acres of land located on Booker Road, belonging to Fowl Investments, LLC and Michael McCain.
2025-002	2-11-2025	Changing the following described property from Residential 1 to Industrial: 32.25 acres of land located on the south side of Mackville Road (Highway 152), approximately 1,000 feet west of the junction of Mackville Road (Highway 152) and Highway 150 Bypass.

TABLE V: FRANCHISES

Ord./Res. No.	Date Passed	Description
Ord./Res. No.	Date Passed	Description
-	- -	Contract for electric franchise.
		(Prior Code, § 450.3)
87-06	6-8-1987	Franchise renewal, Centel Cable Television Company for the continued operation and maintenance of its cable communications system.
		(Prior Code, § 450.8)
93-007	8-9-1993	Invitation for franchise bids for a gas system.

98-007	7-13-1998	Invitation for franchise bids for a gas system.
2002-011	9-10-2002	Granting cable system franchise to Frontiervision Operating Partners, LP dba Adelphia Cable Communications.
2003-009	10-14-2003	Invitation for franchise bids for a gas system.
2013-001	2-12-2013	Electric facilities franchise agreement with Kentucky Utilities Company.
2018-001	3-20-2018	Invitation for franchise bids for the operation and maintenance of a telecommunications system.
2018-002	5-8-2018	Granting telecommunications system franchise to Bluegrass Network LLC.
2018-004	7-10-2018	Invitation for franchise bids for a natural gas system.
2018-006	9-11-2018	Granting natural gas franchise to Atmos Energy Corporation.
2018-009	11-13-2018	Cable franchise agreement with Insight Kentucky Partners, L.P.

TABLE VI: AGREEMENTS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. -	-	911 Board interlocal agreement.
-	--	Mayor empowered and directed to enter into contracts and agreements with Department of Highways.
		(Prior Code, § 130.1)
92-014	1-11-1993	Interlocal agreement; establishment of Public Safety Answering Point for emergency services.
93-004	5-24-1993	Interlocal agreement; establishment of Kentucky Municipal Risk Management Association.
2001-006	6-12-2001	Exemption of Akebono Corporation.
2002-005	7-9-2002	Exemption of Alltech Corporation.
2024-013	5-29-2024	Agreement with Kentucky Infrastructure Authority to provide up to \$635,000 of loan funds for Project Number B23-002.

TABLE VII: PUBLIC IMPROVEMENTS AND CONSTRUCTION

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	--	Terms of highway project.
		(Prior Code, § 620.3)
-	--	Authorizing a public improvement for the purpose of constructing sidewalks along the north side of East High Street in the City of Springfield extending from Covington Avenue to Melavin Circle for an approximate distance of 1,200 feet.
		(Prior Code, § 620.5)
-	--	Authorizing a public improvement for the purpose of constructing sidewalks on East High Street.
		(Prior Code, § 620.6)
-	--	Authorizing a public improvement for the purpose of constructing sidewalks on Mackville Hill.
		(Prior Code, § 620.7)

-	--	Declaring that each house erected in the Mayes Subdivision must be constructed of either stone, brick or frame with a concrete or brick or stone foundation.
		(Prior Code, § 930.1)

PARALLEL REFERENCES

References to Kentucky Revised Statutes

References to Prior Code

References to Resolutions

References to Ordinances

REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Section</i>	<i>Code Section</i>
<i>KRS Section</i>	<i>Code Section</i>
Chapter 13B	116.047
15.310 through 15.370	33.03
15.409	35.27
18A.225(2)	113.04
Chapter 31	35.27
Chapter 45A	35.27
Chapter 56	35.27
Chapter 61	32.25; 32.26
61.168	35.27
61.169	35.27
61.420	32.23
61.470	32.23
61.870 through 61.884	32.40; 32.43; Ch. 35; 35.28
61.870	30.17
61.870(1)	35.15
61.870(2)	35.15
61.870(3)	35.15
61.870(4)	35.15
61.870(5)	35.15
61.870(6)	35.15
61.870(7)	35.15
61.870(8)	35.15
61.870(9)	35.15
61.870(10)	35.15
61.872(1) through (3)	35.16
61.872(4)	35.17
61.872(5)	35.18
61.872(6)	35.19
61.874(1)	35.23
61.874(2)	35.23
61.874(3)	35.24

61.874(4)	35.24
61.874(5)	35.25
61.874(6)	35.26
61.878	35.15
61.878(1)	35.27
61.878(2)	35.27
61.878(3)	35.27
61.878(4)	35.27
61.878(5)	35.27
61.878(6)	35.27
61.880(1)	35.20
61.884	35.22
80.230	92.09
82.082	155.01
82.700 through 82.725	91.01
Chapter 83A	30.15
83A.010(5)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.020	30.01
83A.040	30.16
83A.045	30.15
83A.045(2)(b)	30.15
83A.060(3)	10.14
83A.065	10.99; 156.999; 157.999
83A.130	30.01
83A.130(5)	30.30
83A.130(11)	30.31
83A.165	32.41
83A.170	30.15; 32.41
83A.175	30.15; 32.41
91A.010(4)	10.02
91A.010(8)	10.02
91A.350 through 91A.390	114.05
91A.400	114.02
95.710	33.03
Chapter 100	34.04; 156.009; 156.010; 156.020; 156.036; 156.037; 156.110—156.112; 156.130—156.132; 156.999; 157.003; 157.016
100.131	34.04
100.133 through 100.182	156.020
100.147	34.04
100.157	34.04
100.201 through 100.347	156.999
100.201	156.003
100.217 through 100.271	156.020
100.271	156.020
100.277	157.097
100.283	157.097
100.291	157.097
100.523	156.020
100.982	156.009
100.991	156.010; 156.999; 157.097

100.3681 to 100.3684	156.999
Chapters 116 through 121	30.15
Chapter 118	30.15
118.105	32.41
118.115	32.41
118.325	32.41
118.760	32.41
131.010(6)	113.05
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