



The City Of  
**GOSHEN**

**ORDINANCES**



**September 2010**

GOSHEN, KENTUCKY

# **Recodification 2010**

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# TITLE I: GENERAL PROVISIONS

## 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 Goshen, Kentucky, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the *Goshen Code of Ordinances*, for which designation Acodified ordinances@ or Acode@ may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the code.

(KRS 446.140)

(B) All references to codes, titles, chapters and sections are to those components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the A traffic code@. Sections may be referred to and cited by the designation A ' @ followed by the number, such as A ' 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 the 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))

***CATTLE.*** Includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex.  
(KRS 446.010(6))

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

***COMMISSION.*** The City Commission.  
(KRS 83A.010(3))

***COMPANY.*** May extend and be applied to any corporation, company, person, partnership, joint stock company or association.  
(KRS 446.010(7))

***CORPORATION.*** Any corporation, company, partnership, joint stock company or association.  
(KRS 446.010(8))

***COUNTY.*** Oldham 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(9))

***DIRECTORS.*** When applied to corporations, includes managers or trustees.  
(KRS 446.010(10))

**DOMESTIC.** When applied to corporations, partnerships, limited partnerships or limited liability companies, means all those incorporated or formed by authority of the state.  
(KRS 446.010(11))

**DOMESTIC ANIMAL.** Any animal converted to domestic habitat.  
(KRS 446.010(12))

**EXECUTIVE AUTHORITY.** The Commission.  
(KRS 83A.010(6))

**FEDERAL.** The United States.  
(KRS 446.010(13))

**FOREIGN.** When applied to corporations, partnerships, limited partnerships or limited liability companies, includes all those incorporated or formed by authority of any other state.  
(KRS 446.010(14))

**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(18))

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

**LEGISLATIVE BODY MEMBER.** A City Commissioner.  
(KRS 83A.010(8))

**MAY.** The act referred to is permissive.  
(KRS 446.010(20))

**MONTH.** Calendar month.  
(KRS 446.010(21))

**MUNICIPALITY.** The City of Goshen, Kentucky.

**OATH.** Includes affirmation in all cases in which an affirmation may be substituted for an **OATH.**  
(KRS 446.010(22))

**PARTNERSHIP.** Includes both general and limited partnerships.  
(KRS 446.010(24))

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

(KRS 446.010(25))

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

(KRS 446.010(27))

**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(29))

**SHALL.** The act referred to is mandatory.

(KRS 446.010(30))

**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(33))

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

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

(KRS 446.010(35))

**VIOLATE**. Includes failure to comply with.

(KRS 446.010(36))

**YEAR**. Calendar year.

(KRS 446.010(38))

▪ **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 the City Commission.  
(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(2))

(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 the City Commission 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 the City Commission 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 the City Commission.

(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 the City Commission.

(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 the City Commission 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 the City Commission 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 the City Commission, as long as the repealing ordinance takes effect prior to the effective date of the original amendment.

(E) No other action of the City Commission 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 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 City Commission, 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 the City Commission shall adopt a new code of ordinances.

(B) The method of amendment set forth herein 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 word-for-word the same as the statute. Example: (KRS 83A.090)

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

▪ **39.01 PUBLIC RECORDS AVAILABLE.**

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

**Statutory reference:**

*Inspection of public records, see KRS 61.870 et seq.*

▪ **10.99 GENERAL PENALTY.**

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 \$250 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**

**30. GENERAL PROVISIONS**

**31. INCIDENT MANAGEMENT**

**32. CODE OF ETHICAL CONDUCT**

**33. PURCHASING**

**CHAPTER 30: GENERAL PROVISIONS**

Section

*General Provisions*

- 30.01 Compensation
- 30.02 Commission meetings

*City Officers*

- 30.20 Clerk/Treasurer

**GENERAL PROVISIONS**

**▪ 30.01 COMPENSATION.**

The compensation of city officials and employees shall be as set from time to time by ordinance adopted by the City Commission.

**▪ 30.02 COMMISSION MEETINGS.**

The location of future meetings of the City Commission shall be the North Oldham Fire Department, Goshen Station, 1660 South Highway 1793, Goshen, Kentucky. The meetings shall continue to be held on the third Monday of each month and shall begin at 7:00 p.m. prevailing time. (Order passed 1-23-2006)

*CITY OFFICERS*

▪ **30.20 CLERK/TREASURER.**

(A) The city hereby establishes the Office of City Clerk/Treasurer. The City Clerk/Treasurer shall maintain any and all permanent records and financial records of the city, including, but not limited to, payroll, accounts payable and accounts receivable, and shall be the official custodian of records. The City Clerk/Treasurer shall be under the supervision of the City Commission. Prior to taking office, the City Clerk/Treasurer shall take an oath to faithfully perform the duties of the office and that he or she possesses the requisite qualifications for the office. The duties of the City Clerk shall be as those outlined in the appropriate KRS statutes, including, but not limited to, KRS 83A.085.

(B) The City Clerk/Treasurer shall be bonded in an amount to be determined by the City Commission and paid by the city.

(C) The City Clerk/Treasurer shall be appointed by the City Commission.

(D) This section shall be effective upon publication.  
(Ord. 2, Series 1990, passed 6-18-1990)

## CHAPTER 31: INCIDENT MANAGEMENT

### Section

- 31.01 NIMS policy adopted
- 31.02 County Emergency Operations Plan

#### • **31.01 NIMS POLICY ADOPTED.**

(A) All response agencies and organizations of the city shall adopt and utilize the principles and policies of the National Incident Management System, including the Incident Command System as directed by Homeland Security Presidential Directive (HSPD) B 5.

(B) All response agencies and organizations of the city shall train personnel in the National Incident Management System (NIMS Awareness Course IS-700).

(C) All response agencies and organizations of the city shall train personnel in the Incident Command System.

(D) All response agencies and organizations of the city shall train personnel and exercise plans and procedures in the application of the Incident Command System.

(E) All response agencies and organizations of the city shall adopt and utilize the Incident Command System, pursuant to KRS 39A.230(2), and Homeland Security Presidential Directive (HSPD) B 5.

(F) All response agencies and organizations of the city shall adopt and utilize the Incident Command System as identified in the County Emergency Operations Plan, Annex A (Direction and Control), Appendix A-7 (Incident Management System Operating Procedures) and supporting sub-sections (Tab A-7-1 and Tab A-7-7) when responding to scene of day-to-day, routine emergency incidents and multi-agency or multi-jurisdictional emergency, declared emergency, disaster or catastrophe.

(G) All response agencies and organizations of the city shall establish a baseline and strategy to be compliant in the National Incident Management System by participating in the National Incident Management System Capability Assessment Support Tool.

(H) This section shall become effective upon passage by the City Commission and remain in effect until rescinded by the City Commission.

(Order passed 4-16-2007)



**31.02 COUNTY EMERGENCY OPERATIONS PLAN.**

(A) The County Emergency Operations Plan is officially approved and adopted effective the date of this section as shown herein.

(B) The conveyance of official approval and adoption of the County Emergency Operations Plan through the executive order shall remain continuously in effect from the date of this executive order as shown herein, or until superseded by a subsequent executive order promulgated in accordance with KRS 39B.030(3), KRS 39B.060(2), KRS 39C.050(3), applicable Kentucky Administrative Regulations and planning guidance issued by the state=s Division of Emergency Management.

(C) A copy of the officially approved and adopted County Emergency Operations Plan, including this executive order, shall be placed on file for public inspection during regular office hours in the County Emergency Management Office.

(Order passed 4-3-2007)

## CHAPTER 32: CODE OF ETHICAL CONDUCT

### Section

#### *General Provisions*

- 32.01 Title
- 32.02 Definitions
- 32.03 Nepotism
- 32.04 Effective date

#### *Standards of Conduct*

- 32.20 Conflicts of interest in general
- 32.21 Conflicts of interest in contracts
- 32.22 Receipt of gifts

#### *Financial Disclosure*

- 32.35 Who must file
- 32.36 Contents of the financial interests statement and filing requirements
- 32.37 Noncompliance with filing requirement

#### *Administration and Enforcement*

- 32.50 Board of Ethics
- 32.51 Filing and investigation of complaint
- 32.52 Notice of hearings
- 32.53 Hearing procedure
- 32.54 Appeals
- 32.55 Limitation of actions
  
- 32.99 Penalty

### **GENERAL PROVISIONS**

#### **32.01 TITLE.**

This chapter shall be known and may be cited as the ACity of Goshen, Kentucky, Code of Ethics@.  
(Ord. 3, Series 1994, passed 11-22-1994)

**32.02 DEFINITIONS.**

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

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

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

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

**CITY.** The City of Goshen, Kentucky.

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

**EMPLOYEE.** Any person, whether full time or part time, and whether paid or unpaid, who is employed by or provides service to the city, except those persons who perform professional services as physician, attorney, accountant, engineer or architect. The term **EMPLOYEE** shall not include any contractor or subcontractor or any of their employees.

**FAMILY MEMBER.** Spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

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

**OFFICER.** Any person, whether full time or part time, and whether paid or unpaid, who is one of the following: Mayor, Commissioner, City Clerk/Treasurer, any person who occupies a nonelected office created under KRS 83A.080, a member of the governing body of any city agency who has been appointed to the governing body of the agency by the city, except those persons who perform professional services as physician, attorney, accountant, engineer or architect.  
(Ord. 3, Series 1994, passed 11-22-1994)

▸ **32.03 NEPOTISM.**

No city officer or city employee shall act in his or her official capacity to hire or cause to be hired any member of his or her immediate family to any paid position at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements. (Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ' 32.99

▸ **32.04 EFFECTIVE DATE.**

This chapter shall take full force and effect on 1-1-1995 and publication shall be as required by KRS 83A.060. (Ord. 3, Series 1994, passed 11-22-1994)

*STANDARDS OF CONDUCT*

▸ **32.20 CONFLICTS OF INTEREST IN GENERAL.**

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

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

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

(C) No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family or a business organization in which he or she has an interest, has direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.

(D) No officer or employee shall undertake any employment or service, for compensation or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

(E) No officer or employee shall be deemed in violation of any provision in this section if, by reason of the officer=s or employee=s participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer or a business, as defined herein, 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.

(Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ' 32.99

**' 32.21 CONFLICTS OF INTEREST IN CONTRACTS.**

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

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

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

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

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

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

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

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

(Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ' 32.99

**‘ 32.22 RECEIPT OF GIFTS.**

No officer or employee of the city or any city agency shall directly, or indirectly through any other person or business, solicit or accept any gift, favor, loan or promise under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee in the performance of his or her public duties. This provision shall not apply to the solicitation or acceptance of campaign contributions for an elective public office, as governed by the Kentucky Revised Statutes.

(Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ‘ 32.99

***FINANCIAL DISCLOSURE***

**‘ 32.35 WHO MUST FILE.**

The following individuals shall be required to file a financial interests statement with the Board of Ethics: Elected officers; candidates for elected office; nonelected officers and employees of the city with procurement authority exceeding \$5,000 per purchase; and members of the Board of Ethics.

(Ord. 3, Series 1994, passed 11-22-1994)

**‘ 32.36 CONTENTS OF THE FINANCIAL INTERESTS STATEMENT AND FILING REQUIREMENTS.**

(A) The statement of financial interests shall be on a form prescribed by the Board of Ethics and include the following information for the preceding calendar year, with the first statement to be due on 4-15-1996:

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

(2) The title of the filer=s office, office sought or position of employment;

(3) The occupation of the filer and the filer=s spouse;

(4) Information that identifies each source of net income of the filer and filer=s immediate family members exceeding \$10,000 during the preceding calendar year and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution and the like);

(5) The name and address of any business 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 at fair market value of 5% ownership interest or more;

(6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city during the past three years, or which is anticipated to engage in any business transactions with the city, 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 at fair market value or 5% ownership interest or more;

(7) A designation as commercial, residential or rural, and the location of all real property within the county, other than the filer=s primary residence, in which the filer or any member of the filer=s immediate family had, during the preceding calendar year, an interest of \$10,000 or more;

(8) Each source, by name and address of gifts or honoraria, having an aggregate fair market value of \$100 or more from any single source (excluding gifts received from family members and inheritances), received by the filer or any member of the filer=s immediate family during the preceding calendar year; and

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

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

(C) The financial disclosure statement shall be filed annually by officers and employees no later than April 15, beginning 4-15-1996. Candidates shall be required to file the statement no later than 21 days after the filing date or the date of nomination. Newly-appointed officers and employees should be required to file their initial statement no later than 21 days after date of appointment or on 4-15-1996, whichever shall last occur.

(Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ' 32.99

**' 32.37 NONCOMPLIANCE WITH FILING REQUIREMENT.**

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

(Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ' 32.99

*ADMINISTRATION AND ENFORCEMENT*

▪ **32.50 BOARD OF ETHICS.**

(A) *Creation.*

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

(2) The Board of Ethics shall consist of three members who shall be appointed by the City Commission. The initial members of the Board of Ethics shall be appointed within 60 days of the effective date of this chapter. No member of the Board of Ethics shall hold any elected or other appointed office, whether paid or unpaid, or any position of employment with the city or any city agency. The members shall serve for a term of three years; except that, with respect to the members initially appointed, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years and one member 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 be a resident of the city and shall reside in the city throughout the term in office. The members may be re-appointed for any number of consecutive terms.

(3) A member of the Board of Ethics may be removed by the City Commission 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 Commission.

(4) Vacancies on the Board of Ethics shall be filled within 60 days by the City Commission. If a vacancy is not filled by the Commission 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.

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

(6) 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.

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

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



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

(B) *Power and duties of the Board of Ethics.* The Board of Ethics shall have the following powers and duties.

(1) The Board of Ethics is established to enforce the provisions of this Code of Ethics. The Board of Ethics shall, on the written request of any official, candidate, nominee or employee coming under the Code of Ethics, render advisory opinions concerning the provisions of this Code of Ethics. The Board may, at its discretion, publish its advisory opinion with such deletions as may be necessary to prevent disclosure of the individual or individuals involved or concerned.

(2) The Board shall receive, hear and investigate complaints concerning violations of this Code of Ethics. In any instance in which the Board of Ethics finds that a violation of the Code of Ethics exists, the Board may impose the appropriate penalty. In hearing and investigating complaints concerning violations of this Code of Ethics, the Board shall have the power to subpoena witnesses, administer oaths, take testimony and require other productions of evidence. The Board shall also control and maintain all statements of financial interests and make sure that they are available for public inspection in accordance with the Kentucky Open Records Act.

(3) Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Board of Ethics shall be guilty of a Class A misdemeanor.  
(Ord. 3, Series 1994, passed 11-22-1994)

▪ **32.51 FILING AND INVESTIGATION OF COMPLAINT.**

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

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

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

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

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

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

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

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

(2) Initiate a hearing to determine whether there has been a violation.  
(Ord. 3, Series 1994, passed 11-22-1994) Penalty, see ' 32.99

**• 32.52 NOTICE OF HEARINGS.**

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

(Ord. 3, Series 1994, passed 11-22-1994)

**• 32.53 HEARING PROCEDURE.**

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

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

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

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

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

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

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

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

- (1) Issue an order requiring the violator to cease and desist the violation;
  - (2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the City Commission;
  - (3) In writing, recommend to the City Commission that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal, or removal from office;
  - (4) Issue an order requiring the violator to pay a civil penalty of not more than \$1,000; and
  - (5) Refer evidence of criminal violations of this chapter or state laws to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.
- (Ord. 3, Series 1994, passed 11-22-1994)

▪ **32.54 APPEALS.**

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the Circuit Court of the county within 30 days after the date of the final action by the Board of Ethics by filing a petition with the Court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing. (Ord. 3, Series 1994, passed 11-22-1994)

▪ **32.55 LIMITATION OF ACTIONS.**

Except when the period of limitation is otherwise established by state law, an action for a violation of this chapter must be brought within one year after the violation is discovered. (Ord. 3, Series 1994, passed 11-22-1994)

▪ **32.99 PENALTY.**

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

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

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

(B) Any violation of ' 32.21 shall constitute a Class A misdemeanor and, upon conviction, the court may void any contract entered into in violation of ' 32.21. Additionally, a violation of ' 32.21 shall be grounds for removal from office or employment with the city in accordance with any applicable provisions of state law and ordinances, rules or regulations of the city.

(C) (1) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under ' 32.37 within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total civil fine of \$500. Any civil fine imposed by the Board under ' 32.37 may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time. Court costs and reasonable attorney fees may also be recovered.

(2) Any person who intentionally files a statement of financial interests, under ' 32.37, which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

(D) Any person who knowingly files with the Board, under ' 32.51, a false complaint alleging a violation of any provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.

(Ord. 3, Series 1994, passed 11-22-1994)

## CHAPTER 33: PURCHASING

### Section

- 33.01 Adoption of state law governing purchases
- 33.02 Small purchase procedures

#### ▪ **33.01 ADOPTION OF STATE LAW GOVERNING PROCUREMENT.**

(A) The City of Goshen hereby adopts the provisions of KRS 45A.345 to 45 A.460 to govern the purchases of the city.

(B) No other statutes governing purchasing shall apply to the city.  
(Ord. 04-2009, passed 5-8-2009)

#### ▪ **33.02 SMALL PURCHASE PROCEDURES.**

Pursuant to KRS 45A.385, which provides that local public agencies shall have small purchase procedures that are in writing and available to the public, the City of Goshen small purchase procedures are set forth below.

(A) The small purchase procedures stated herein shall apply to any city contract or purchase where the aggregate amount of the contract or purchase does not exceed \$20,000.

(B) A city purchase or contract shall not be divided into one or more parts for the sole purpose of bringing the amount of the contract or purchase to \$20,000 or less to avoid the requirements of the Municipal Procurement Code that have been adopted by the city.

(C) Any purchase or contract that qualifies as a small purchase shall not be required to be advertised for public bids.

(D) Before making any purchase the city shall take reasonable efforts to obtain a favorable price or rate for the purchase.

(E) Nothing in these small purchase procedures shall be deemed to prohibit the city from advertising for bids for any contract that is \$20,000 or less.  
(Ord. 04-2009, passed 5-8-2009)

## TITLE V: PUBLIC WORKS

### Chapter

#### 50. GARBAGE CONTAINMENT

#### CHAPTER 50: GARBAGE CONTAINMENT

### Section

50.01 Container required; location

50.99 Penalty

#### ‘ 50.01 CONTAINER REQUIRED; LOCATION.

(A) All city property owners and residents shall keep garbage in a container with a tight-fitting lid which must be kept behind a building or otherwise out of public view from the street that faces the front of the property on which the container is located, except when placed at the front of the property for garbage pick-up.

(B) No garbage container shall be placed at the front of the property for garbage pick-up more than 24 hours before the scheduled or expected garbage pick-up. Any garbage container shall be removed from the front of the property where it is placed for garbage pick-up within 24 hours after the actual garbage pick-up.

(Ord. 4, Series 2005, passed 4-18-2005) Penalty, see ‘ 50.99

#### ‘ 50.99 PENALTY.

Any person who violates ‘ 50.01 shall be fined \$10 for each violation, with each day constituting a separate violation.

(Ord. 4, Series 2005, passed 4-18-2005)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. TRAFFIC AND PARKING REGULATIONS**

**CHAPTER 70: TRAFFIC AND PARKING REGULATIONS**

Section

*Traffic Regulations*

70.01 Speed limits

*Parking Regulations*

70.20 Parking in residential areas

70.21 Pull-off areas

70.99 Penalty

***Cross-reference:***

*Obstructions and Obstacles, see ' ' 91.35 through 91.38*

*Public Ways; Usage, see ' ' 91.20 through 91.23*

***TRAFFIC REGULATIONS***

**' 70.01 SPEED LIMITS.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***MOTOR VEHICLE.*** Automobiles, motorcycles, mopeds, off-road vehicles, recreational vehicles, campers, trucks, construction vehicles, tractors and any other vehicle defined as a Amotor vehicle@ under KRS 189.010(19)(b).

(B) It shall be unlawful for any person to operate any motor vehicle on any residential or commercial street in the city limits at a speed in excess of 20 mph.

(C) This section shall become effective upon passage and publication.  
(Ord. 6, Series 1990, passed 6-18-1990; Ord. 4, Series 2001, passed 11-19-2001) Penalty, see ' 70.99



***PARKING REGULATIONS***

**70.20 PARKING IN RESIDENTIAL AREAS.**

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

***MOTOR VEHICLE.*** Automobiles, motorcycles, off-road vehicles, recreational vehicles, camping trailers, tractors, motor trucks, construction vehicles, motorboats, houseboats or other similar water born vehicles, and any vehicle defined as a motor vehicle under KRS 189.010(19)(b).

***RECREATIONAL VEHICLE.*** The same meaning as provided in KRS 227.550(12).

(B) Except as permitted by division (C) below, it shall be unlawful for any person to park, maintain or store any motor vehicle, whether operable or inoperable, on any property zoned for private, residential use within the city except within an enclosed garage, on a paved driveway or in a permanently fenced paved area on the property where the paved driveway is within the backyard of a residence.

(C) Division (B) above shall not apply to the parking of motor vehicles for special events at a residence where parking outside of a garage or paved driveway is needed to accommodate guests attending a special event(s).

(D) In addition to the requirements of division (B) above, it shall be unlawful for any person to park, maintain or store any boat or recreational vehicle, whether operable or inoperable, on any property zoned for private, residential use within the city, except on a nongravel paved surface where no portion of the boat or recreational vehicle is closer to the front property line than the front edge of the main dwelling. Notwithstanding the provisions of this section, a resident may park a boat or recreational vehicle in the driveway of his or her dwelling for a period not to exceed 72 hours for the purpose of loading, unloading, cleaning, repairing or servicing the boat or recreational vehicle.

(E) This section shall become effective upon passage and publication.  
(Ord. 4, Series 1998, passed 9-21-1998; Ord. 5, Series 2005, passed 7-18-2005) Penalty, see 70.99

▪ **70.21 PULL-OFF AREAS.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PULL-OFF PARKING AREA.*** Any area within ten feet of the public right-of-way that is used for parking, but does not include any part of a driveway that is regularly used for ingress and egress to and from the public right-of-way.

(B) There shall be no pull-off parking areas constructed in the city.

(C) Any person purchasing property in the city after 8-1-1999, on which a pull-off parking area is located, shall, within 60 days of purchasing the property, remove any surface on that pull-off parking area that is designed to facilitate the area's use or parking, which surface includes, but is not limited to, asphalt, concrete or gravel. If the property owner fails to remove the surface of a pull-off parking area and restore the property as required by this section, the city shall have the right to remove the surface of the pull-off parking area, restore the property and assess charges for the costs of removal of the surface and restoration to the owner of the property adjacent to the pull-off parking area. From 8-1-1999 through 10-31-1999, the city will bear the cost up to \$1,200 of removing the surface of any pull-off parking area and of restoring such area as described herein. After 10-31-1999, the city will only bear the cost up to \$1,200 of removal and restoration described herein for those property owners who remove and restore the parking pull-off area within 60 days of acquiring the property on which the parking pull-off area is located.

(D) The city shall cause a notice of ordinance to be filed with the County Clerk's Office which sets forth the terms of this section and which contains a legal description of every lot in the city that contains a pull-off parking area and identifies the owner(s) of the lots. At the time of filing, the city shall request the County Clerk to file the notice of ordinance in the appropriate public record and index the filing by property owner.

(Ord. 6, passed 1-31-2000) Penalty, see ' 70.99

▪ **70.99 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 ' 70.20 shall be subject to a fine of \$10 for each violation, with each day representing a separate violation.

(C) Any person who parks in a parking pull-off area on property purchased after 8-1-1999 and more than 60 days after the property was purchased shall be fined not less than \$10, nor more than \$50. Each day a person violates ' 70.21 shall be considered a separate and distinct offense. Any property owner who does not remove a pull-off parking area within the time period prescribed by ' 70.21 shall be fined not less than \$10, nor more than \$50. Each day the person is in violation of ' 70.21 shall constitute a separate and distinct offense.

(Ord. 4, Series 1998, passed 9-21-1998; Ord. 6, passed 1-31-2000; Ord. 5, Series 2005, passed 7-18-2005)

## TITLE IX: GENERAL REGULATIONS

### Chapter

#### 90. ANIMALS

#### 91. NUISANCES; HEALTH AND SANITATION

#### 92. AESTHETICS

### CHAPTER 90: ANIMALS

90.01 Dogs

90.99 Penalty

#### • 90.01 DOGS.

(A) No dog within the city shall be permitted off of the property of the dog=s owner unless the dog is being restrained by the owner through the use of a leash.

(B) Except as provided in division (C) below, no dog within the city shall be permitted to be kept any closer to its owner=s front property line than the front corner of the main residential structure on the lot.

(C) The restrictions in division (B) above shall not apply if the dog=s owner or member of the owner=s household who is capable of restraining the dog is also in the front yard and in the immediate presence of the dog during the time the dog is in the front yard.

(Ord. 6, Series 2006, passed 12-18-2006) Penalty, see ' 90.99

#### • 90.99 PENALTY.

(A) The City Commission may cause a warning letter to be sent to any person deemed to be in violation of ' 90.01, directing the person to correct the violation within ten days of the date of the letter. In the event the violation is not corrected, the person violating ' 90.01 shall be fined up to \$25 per day the violation continues to exist after the date of the warning letter advising the person of the violation of ' 90.01.

(B) In addition to enforcement through application of the penalty set forth in division (A) above, ' 90.01 may be enforced through injunctive relief by legal action initiated by the city in the County Circuit Court.  
(Ord. 6, Series 2006, passed 12-18-2006)

## **CHAPTER 91: NUISANCES; HEALTH AND SANITATION**

Section

### ***Nuisances on Private Property***

- 91.01 Definitions
- 91.02 Vehicles; abandoned, inoperable and the like
- 91.03 Nuisance allowance prohibited
- 91.04 Debris, garbage, litter and the like
- 91.05 Signs; abandoned or dangerous
- 91.06 Notice; abatement
- 91.07 Property lien
- 91.08 Proceedings
- 91.09 Antennas, receivers and transmitters

### ***Public Ways; Usage***

- 91.20 Definitions
- 91.21 Encroachment
- 91.22 Utilization
- 91.23 Parking

### ***Obstructions and Obstacles***

- 91.35 Prohibition
- 91.36 Mailboxes; applicability
- 91.37 Authority of city to remove
- 91.38 Effective date

- 91.99 Penalty

#### ***Cross-reference:***

*Dogs, see ' 90.01*

*Firearms; Weapons, see Chapter 130*

*Garbage Containment, see Chapter 50*

*Land Usage, see Chapter 152*

*NUISANCES ON PRIVATE PROPERTY*

• **91.01 DEFINITIONS.**

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

***ABANDONED VEHICLE.*** Any vehicle or parts thereof which are left on public or private property within the city under the circumstances indicating a desertion, relinquishment, nonuse or divestment of the vehicle.

***ENVIRONMENTAL NUISANCE.***

(1) Every unlawful, unwarrantable, dangerous or unreasonable use of property in such a way as to render the ground, air, water or food, a material annoyance, hazard or injury to human health, or which is detrimental to the property or others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the property is located. The term shall include, but is not limited to, the following:

(a) The keeping of waste, rubbish or appliances in such a manner as can be seen from any public or private way or properties;

(b) The keeping, placing or storage outside of any building or dwelling on any property owned or occupied by the person, or the keeping, placing or storage in any other place accessible to children of any abandoned, unattended, discarded icebox, ice chest or refrigerator;

(c) Any weeds, grass or unlawful plant growth other than growing crops, trees, bushes, flowers or other ornamental plants at a height of six inches or more on mowable lots, and at a height on unmowable lots which, in the reasonable exercise of the City Commission=s discretion, constitutes a hazard, nuisance, unsightly condition or any condition adverse to the public=s health, safety or welfare;

(d) The disposal or accumulation of any foul, decaying or putrescent substances or other offensive materials dangerous to public health in or on any lot, tract of land, street, highway or any sidewalk or alley abutting any of these which shall by reason of offensive odors become injurious to the health of any person;

(e) Any tree which is in danger of collapse or which poses a danger of contamination because of disease, decay, injury, infestation or damage;

(f) All outbuildings that are or hereafter may become unsafe, unsanitary, dilapidated, unkept or which constitute a fire hazard, or are otherwise dangerous to the public welfare; and

(g) An abandoned or dangerous sign. An on-premises or off-premises sign is deemed abandoned when a sign advertises any activity, business or service no longer conducted or available on the premises referred to in the off-premises business sign; and a temporary sign is deemed to be abandoned when the sign has not been removed within ten days after the event advertised has taken place. A sign is deemed dangerous when it becomes insecure, unsafe, dilapidated or in danger of falling or collapsing, or when it constitutes a fire hazard or otherwise endangers human life or the public welfare; or when it is deemed unsafe by reason of illegal or improper use or maintenance.

(2) (a) If, within five days after the notice is sent, a first time offender has not complied with the demand made by the letter attached to the ordinance codified herein as Exhibit A, the City Clerk/Treasurer shall direct the city's lawn mowing service to mow the lot. There shall be no exceptions to the above five-day rule without the consent of the Mayor or a majority of the Commission.

(b) If, at any time after the repeat offender is sent the letter attached to the ordinance codified herein as Exhibit B, the grass on the offender's lot exceeds six inches in height, the City Clerk/Treasurer shall direct the city's lawn mowing service to mow the lot. The Mayor or at least two City Commissioners shall have the authority to determine if the grass on any lot exceeds six inches in height.

(c) The City Commission shall make arrangements with a reputable lawn mowing service to mow the offender's lot and the City Clerk/Treasurer is responsible for taking immediate and responsive action to have the lot mowed.

(d) The City Clerk/Treasurer shall seek to obtain payment for the lot owner for a period of 30 days after the city is billed by the lawn mowing service for the amount of the lawn mowing service plus a \$20 administrative fee. In the event that such a payment is not received within the 30 days, the City Clerk/Treasurer shall place a lien on the offender's property.

**JUNKED VEHICLE.** Any vehicle or parts thereof which does not have lawfully affixed thereto an unexpired license plate, which, in the judgment of a reasonably prudent human observing community standards is in one or more of the following conditions: Rusted, wrecked, partially dismantled or otherwise nonfunctional. **JUNKED VEHICLES** may be deemed to include major parts thereof, including, but not limited to, bodies, engines, transmissions and rear ends.

**RUBBISH.** Any combustible or noncombustible waste material, except garbage, including, but not restricted to, paper, rags, boxes, cartons, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and the residue from the burning of combustible materials.

**SIGN.** Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial picture stroke, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that it is used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out-of-doors for recognized advertising purposes.

**TREES.** A woody perennial plant having a single, usually elongated main stem generally with few or no branches on its lower part.

**VEHICLE.** Every device in, on or by which any persons or property is or may be transported or drawn on a public highway, except vehicles moved by human power or used exclusively on stationary rails or tracks.

**VEHICLE OWNER.** Any individual, firm, corporation or unincorporated association with a claim, either individual or joint, or ownership, or any legal or equitable interest in a vehicle.

**WASTE.** Ashes, discarded wood, abandoned, discarded or unused objects or equipment such as furniture, appliances, cans or containers, garbage or refuse of any kind, whether liquid or solid, or any accumulation of any foul, decaying or putrescent substances.

**WEEDS.** Any unhealthful plant growth such as, but not limited to, jimson, burdock, ragweed, thistle, cocklebur or any other similar growth.  
(Res. passed - -; Ord. 8, Series 1990, passed 11-19-1990; Ord. 3, Series 2001, passed 7-16-2001)

• **91.02 VEHICLES; ABANDONED, INOPERABLE AND THE LIKE.**

(A) (1) It shall be unlawful for any person to park, store or leave or permit parking or storing of any vehicle of any kind or parts thereof, for a period of time in excess of seven days, which is rusted, wrecked, junked, partially dismantled or inoperative, or in an abandoned condition, whether attended or not, on any private or public property within the city limits.

(2) This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise or vehicle in an appropriate storage place or a depository maintained in a lawful place and manner by the city.

(B) The accumulation or storage of one or more abandoned or junked vehicles or parts thereof on private or public property shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city and it shall be the duty of the registered owner of the vehicle, the owner of record of the property or the person in possession of the private property upon which the vehicle or parts thereof is located, to abate the nuisance through removal of the vehicle from the city limits, or to have some housed in a building where it will not be visible from the street.

(Ord. 8, Series 1990, passed 11-19-1990) Penalty, see ' 91.99

**‘ 91.03 NUISANCE ALLOWANCE PROHIBITED.**

It shall be unlawful for any person, firm or corporation, in person or by his, her or its authorized agent, to cause an environmental nuisance or allow or permit an environmental nuisance to exist on any property owned or occupied or under the control of that person.  
(Ord. 8, Series 1990, passed 11-19-1990) Penalty, see ‘ 91.99

**‘ 91.04 DEBRIS, GARBAGE, LITTER AND THE LIKE.**

(A) It shall be unlawful for any person, firm or corporation, in person or by his, her or its authorized agent, to cast, throw, sweep, sift or to permit or acquiesce in the depositing or scattering in any manner in or on any private property or place in the city, any ashes, rubbish, garbage, litter, trash, refuse or waste of any kind, or other noxious matters, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the city limits in such a manner that is may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, so as to be scattered in any of the aforementioned places. Violation of this section involving substances in an amount less than or equal to the capacity of a standard 20-gallon container shall constitute littering; violations involving substances in greater amounts shall constitute dumping.

(B) Division (A) above shall not apply to goods, wares or merchandise deposited in any public way or any public place temporarily in the necessary course of trade and removed there from within two hours after being so deposited.  
(Ord. 8, Series 1990, passed 11-19-1990) Penalty, see ‘ 91.99

**‘ 91.05 SIGNS; ABANDONED OR DANGEROUS.**

It shall be unlawful for any person, firm or corporation who owns an abandoned or dangerous sign to allow the sign to remain on property owned, occupied or under the control of the person or any person, or any public or private property located within the public right-of-way.  
(Ord. 8, Series 1990, passed 11-19-1990) Penalty, see ‘ 91.99

**‘ 91.06 NOTICE; ABATEMENT.**

(A) It shall be the duty of the Mayor or such other person as the City Commission designates to the Environmental Enforcement Officer to serve or cause to be served a written notice upon the owner, authorized agent, occupant or person responsible, of any premises on which there exists a nuisance in violation of this subchapter.



(B) The notice shall describe the nuisance so maintained and shall demand abatement of the nuisance within five days of the notice, unless the nuisance constitutes and immediate danger to the health, safety and well being of the community, in which case notice shall demand abatement within 24 hours of notice.

(C) If the owner or occupant so served does not abate the nuisance within the prescribed time, the city may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense, including an administrative cost fee, shall be charged to and be paid by the owner or agent, occupant or responsible person.

(D) After the cutting, destroying or removal of the weeds, grass, unhealthful plant growth, or other noxious matter, by the city, the City Clerk/Treasurer shall cause to be prepared a demand for payment showing the cost and expense incurred for the work and the date and the place or property on which the work was done. The City Clerk/Treasurer shall bill the property owner or occupant of the premises at least once following abatement, and no notice of lien shall be filed against the property until two weeks have elapsed from the time the bill is sent.

(Ord. 8, Series 1990, passed 11-19-1990)

▪ **91.07 PROPERTY LIEN.**

(A) (1) The city shall have a lien against the property for the reasonable value of labor incurred in the nuisance abatement.

(2) This lien shall be evidenced by a notice or lien claim filed with the Clerk of the County Court.

(3) This notice shall include an affidavit from the Mayor or Environmental Enforcement Officer setting forth the address or description of the property in question, the amount of the city=s cost of abatement and the date of abatement and stating that the notice provisions of the section are complied with before abatement.

(B) The property subject to a lien for unpaid nuisance abatement charges shall be sold for nonpayment of the same and proceeds of the sale shall be applied to pay the charges after deducting costs, as in the case in foreclosure of statutory liens.

(Ord. 8, Series 1990, passed 11-19-1990)

▪ **91.08 PROCEEDINGS.**

The Mayor is authorized and directed to institute the 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 45 days after it has been rendered.

(Ord. 8, Series 1990, passed 11-19-1990)

• **91.09 ANTENNAS, RECEIVERS AND TRANSMITTERS.**

(A) No antennas or microwave equipment and other receivers or transmitters (including, without limitation, those currently referred to as Asatellite dishes@ and Adigital satellite systems@) shall be erected or placed on any lot unless the design and placement is first approved by the City Commission or its designated committee. No such item shall be permitted in the front or side yard of any residence.

(B) This section shall become effective upon proper passage and publication as required by law. (Ord. 3, Series 1996, passed 3-18-1996) Penalty, see ' 91.99

***PUBLIC WAYS; USAGE***

• **91.20 DEFINITIONS.**

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

***ENCROACHMENT.*** Any structure, wall, fence, pavement or other object, be it constructed by humans or resulting from the growth of vegetation, that obscures the vision of automobile operators or other users of a public way, or that connects to, extends over or necessitated and excavation under a public way so as to create the possibility of increased maintenance expense, or that widens or restricts the useable portion of a public way, constitutes an ***ENCROACHMENT.***

***PERSON.*** An individual, a corporation, partnership, joint venture or other entity.

***VEHICLE.*** All agencies for the transportation of persons or property over or upon the public way, including, but not limited to, motor vehicles, motor carriers, trailers, semi-trailers, house trailers, camping trailers, off-road vehicles, mobile homes, recreational vehicles, motorcycles, mopeds, motor trucks, truck tractors and construction vehicles.  
(Ord. 9, Series 1990, passed 12-17-1990)

• **91.21 ENCROACHMENT.**

(A) It shall be unlawful for any person, firm or corporation, in person or by its authorized agent, to cause, allow or permit an encroachment to exist on any property owned, occupied or under the control of the person.

(B) Notwithstanding the prohibition contained within division (A) above, each owner or user of property shall be allowed a reasonable means of ingress and egress to and from his or her property.

(C) Upon a determination by the City Commission that an encroachment exists, the City Commission shall notify the property owner/user that a hearing will be held at the next regularly

scheduled monthly meeting or a special meeting of the City Commission concerning the purported encroachment.

(D) At the hearing, the City Commission shall make a ruling as to whether or not the object in question constitutes an encroachment. If an encroachment is determined by the City Commission to exist, the property owner and/or user shall be notified by persons delivery or certified mail return receipt requested that the encroachment must be removed within 60 days.

(E) Should any encroachment not be abated within the prescribed 60 days, the city may proceed to abate the encroachment, the expense of the abatement to be paid by the property owner or user. After the abatement of the encroachment by the city, the City Clerk/Treasurer shall cause to be prepared a demand for payment, showing the expense incurred, the date of the abatement and the location of the property.

(F) The city shall have a lien on the property until the expense of the abatement has been paid in full. A notice or lien shall be filed in the office of the County Clerk.

(G) Property subject to such a lien may be sold for nonpayment of abatement costs and proceeds of the sale shall be applied to payment of the charges after deducting costs.  
(Ord. 9, Series 1990, passed 12-17-1990) Penalty, see ' 91.99

**' 91.22 UTILIZATION.**

(A) It shall be unlawful for any person to utilize any public way for any of the following:

- (1) Commercial solicitation, as opposed to route delivery service;
- (2) The riding or walking of horses, cattle or other livestock; and

(3) The transportation or utilization of a vehicle exceeding 10,000 pounds gross weight including any load carried. Vehicles actively engaged in pick-up or delivery from a location within the city shall be exempt from this provision.

(B) Notwithstanding the foregoing, the city shall be allowed to utilize a public way for the purpose of a city flea market, parade or other public function approved and operated by the city.  
(Ord. 9, Series 1990, passed 12-17-1990) Penalty, see ' 91.99

**' 91.23 PARKING.**

It shall be unlawful for any person to:

(A) Park any vehicle so as to obstruct the flow of traffic or to create a hazard for emergency vehicles;

(B) Park any abandoned or junked vehicle on public or private property within the city:

(1) A vehicle shall be deemed Aabandoned@ or Ajunked@ where the vehicle is left on public or private property under circumstances indicating a desertion, relinquishment, nonuse or divestment so as to indicate a discarded vehicle; and

(2) A vehicle shall be deemed Ajunked@ where, in the judgment of a reasonable prudent human observing community standards, the vehicle is wrecked, partially dismantled or otherwise nonfunctional as a vehicle.

(C) Park any vehicle on a public way unless any person is unable to get into his or her driveway due to inclement weather, repair work on the driveway or similar situations.

(1) If any resident has a gathering, on-street parking shall be permitted for a period not to exceed 24 hours.

(2) Any permitted on-street parking shall not restrict the safe passage of emergency vehicles or otherwise cause the existence of an unsafe condition.

(D) Notwithstanding division (C) above, park any vehicle that runs on more than ten wheels within the city limits.

(Ord. 9, Series 1990, passed 12-17-1990; Ord. 2, Series 1996, passed 3-18-1996) Penalty, see ' 91.99

### ***OBSTRUCTIONS AND OBSTACLES***

#### **' 91.35 PROHIBITION.**

Except as provided in ' 91.36, no object shall be placed or be allowed to remain in any right-of-way within the city, including, but not limited to, containers, boxes or other receptacles designed to collect mail or newspapers.

(Ord. passed 9-18-2000) Penalty, see ' 91.99

#### **' 91.36 MAILBOXES; APPLICABILITY.**

The prohibition contained in ' 91.35 shall not apply to mailboxes that comply with United States Postal Service regulations and are being used by the United States Postal Service as a receptacle for the delivery of mail, nor shall it apply to newspaper receptacles located on the same side of the right-of-way as mailboxes being used by the United States Postal Service as a receptacles for the delivery of mail.

(Ord. passed 9-18-2000) Penalty, see ' 91.99

• **91.37 AUTHORITY OF CITY TO REMOVE.**

The city shall have the authority to remove or cause to be removed any object that remains in a right-of-way in violation of this subchapter.  
(Ord. passed 9-18-2000)

• **91.38 EFFECTIVE DATE.**

This subchapter shall become effective upon publication.  
(Ord. passed 9-18-2000)

• **91.99 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 ' ' 91.01 through 91.08 shall be fined \$10 for each day the nuisance continues to exist after receiving the notice pursuant to ' 91.06; provided, however, that, the fine shall be suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within ten days of receipt of the notice.

(C) (1) Any person who violates ' 91.21 shall be served by an officer or agent of the city with written notice thereof and be required to abate the encroachment or be subject to the penalties in this division (C)(1).

(2) Any person who violates ' ' 91.22 and 91.23 shall be served by an officer or agent of the city with written notice thereof and fined no more than \$100 for each violation. Each day in which any violation of ' ' 91.22 and 91.23 occurs shall be deemed a separate violation. In addition to the penalties set forth in this division (C)(2), any person found in violation of ' ' 91.22 and 91.23 shall be liable to the city for any and all expenses, losses or damage to the city as a result of the violation.

(D) Any person who violates ' ' 91.35 through 91.37 shall be fined a total of \$50, with each day of violation constituting a separate offense.

(Ord. 8, Series 1990, passed 11-19-1990; Ord. 9, Series 1990, passed 12-17-1990; Ord. passed 9-18-2000)

## CHAPTER 92: AESTHETICS

### Section

- 92.01 Animals, livestock, pigeons and poultry
- 92.02 Commercial signs
- 92.03 Privies and outside toilets
- 92.04 Basketball goals, clotheslines, vegetable gardens and the like
- 92.05 Construction, lawn equipment and the like
- 92.06 Semitrailers
  
- 92.99 Penalty

#### ‘ 92.01 ANIMALS, LIVESTOCK, PIGEONS AND POULTRY.

No animals, livestock, pigeons or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats and/or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes. Pets must be kept under the control of their owners at all times, and shall not be allowed to roam through the city unsupervised. Dogs must be licensed and both dogs and cats must be vaccinated.

(Ord. 4, Series 2003, passed 4-21-2003) Penalty, see ‘ 92.99

#### ‘ 92.02 COMMERCIAL SIGNS.

No commercial signs shall be placed on any lot other than signs erected by a builder or contractor during construction or sale, or one Afor sale@ sign per lot to measure no more than one and one-half feet by two feet.

(Ord. 4, Series 2003, passed 4-21-2003) Penalty, see ‘ 92.99

#### ‘ 92.03 PRIVIES AND OUTSIDE TOILETS.

There shall be no privies or outdoor toilets permitted, nor shall there be any individual sewage-disposal system maintained on any lot subject to these restrictions. The sewage-disposal system on each lot shall be connected to the sanitary sewer systems servicing the city.

(Ord. 4, Series 2003, passed 4-21-2003) Penalty, see ‘ 92.99

‘ **92.04 BASKETBALL GOALS, CLOTHESLINES, VEGETABLE GARDENS AND THE LIKE.**

No basketball goal or clothesline shall be erected on the front or side yards of any neither residential lot, not closer to the front property line than the rear line of the main dwelling unless approved by the Mayor or City Commission. No vegetable gardens shall be maintained in the front yard of any lot. Fuel tanks must be buried below the surface, except bottle gas tanks may remain above the surface, if properly screened from the view of neighboring houses.

(Ord. 4, Series 2003, passed 4-21-2003) Penalty, see ‘ 92.99

‘ **92.05 CONSTRUCTION, LAWN EQUIPMENT AND THE LIKE.**

It shall be unlawful for any person to store any type of construction and/or lawn equipment, mowers, tillers, wheel barrels, trailers and the like in the front or side yards, nor closer to the front property line than the rear of the main dwelling. Construction and/or lawn equipment must be contained in an appropriate storage building, garage or outbuilding and/or properly screened.

(Ord. 4, Series 2003, passed 4-21-2003) Penalty, see ‘ 92.99

‘ **92.06 SEMITRAILERS.**

It shall be unlawful for any person to park or store a semitrailer in the city. A *SEMITRAILER* is defined as any vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, intended for the carrying of freight or merchandise and having a load capacity of over 1,000 pounds.

(Ord. 4, Series 2003, passed 4-21-2003) Penalty, see ‘ 92.99

‘ **92.99 PENALTY.**

Any person who violates this chapter shall be fined no more than \$50 for each violation. Each day a person is in violation of this chapter shall be deemed a separate violation. In addition to the fines provided herein, the city shall have a lien upon the property owned by the person found to be in violation of this chapter for the amount of the fine, plus interest. In addition to the fines and lien provided for herein, the city shall be entitled to enjoin continued violation of this chapter by application for injunction to a court of appropriate jurisdiction.

(Ord. 4, Series 2003, passed 4-21-2003)



## TITLE XI: BUSINESS REGULATIONS

### Chapter

#### 110. INSURANCE COMPANIES

#### CHAPTER 110: INSURANCE COMPANIES

### Section

#### 110.01 License fee

##### ▪ 110.01 LICENSE FEE.

(A) 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 1992 and, thereafter, on a calendar-year basis.

(B) 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 10% of the first year=s premiums actually collected within each calendar quarter by reason of the issuance of the policies.

(C) The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 10% of the premiums actually collected within each calendar quarter by reason of the issuance of the policies on risks located within the corporate limits of the city on those classes of policy holders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, of death caused thereby, under the provisions of the Workers= Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2), or any other form of health insurance coverage.

(D) All license fees imposed by this section 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).

(E) Every insurance company subject to the license fees imposed by this section 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:

- (1) Casualty;
- (2) Automobile;
- (3) Inland marine;

- (4) Fire and allied perils; and
- (5) Life.

(F) The City Clerk/Treasurer is hereby directed to transmit a copy of this section, and any amendment thereto, to the state=s Commissioner of Insurance.  
(Ord. 5, Series 2007, passed 12-20-2007)

## **TITLE XIII: GENERAL OFFENSES**

### Chapter

#### **130. FIREARMS; WEAPONS**

#### **CHAPTER 130: FIREARMS; WEAPONS**

### Section

#### 130.01 Discharge; prohibited activities

#### **' 130.01 DISCHARGE; PROHIBITED ACTIVITIES.**

(A) It shall be unlawful for any person to use or discharge any firearm, except in defense of person or property within the city limits.

(B) Except as provided under KRS Ch. 237, it shall be unlawful for any person to carry any firearm in a cocked or loaded condition outside his or her own premises within the city limits other than a duly licensed peace official.

(C) It shall be unlawful for any parent or guardian of any child to allow the child to use, discharge or carry the aforesaid weapons within the city limits.

(Ord. 3, Series 1993, passed 5-17-1993) Penalty, see ' 10.99

**TITLE XV: LAND USAGE**

Chapter

**150. GENERAL PROVISIONS**

**151. FLOOD DAMAGE PREVENTION**

**152. LAND USAGE**

**CHAPTER 150: GENERAL PROVISIONS**

Section

*Architectural Control Committee*

- 150.01 Creation
- 150.02 Filing plans and specifications; approval
- 150.03 Condition of approval
- 150.04 Building permit; inspection; fee
- 150.05 Posting of permits
- 150.06 Completion; extensions

*Fences*

- 150.20 Prohibited fence types
- 150.21 Location

*Building Conditions*

- 150.35 Scope; definitions
- 150.36 Requirements
- 150.37 Notice of violation
  
- 150.99 Penalty

***ARCHITECTURAL CONTROL COMMITTEE***

**150.01 CREATION.**

(A) There is hereby created a Architectural Control Committee, which shall consist of three city residents nominated by a City Commissioner and approved by the City Commission. The Mayor of the city and members of the City Commission shall also be eligible to serve as members of the Architectural Control Committee.

(B) Every term shall be for a period of two years.  
(Ord. 3, Series 2003, passed 4-21-2003)

▪ **150.02 FILING PLANS AND SPECIFICATIONS; APPROVAL.**

(A) No buildings or outbuildings, driveways, gradings, slopings, elevations, walls, fences, decks or treehouses shall be erected, placed or altered on any lot until:

(1) The construction plans and specifications and a plan showing the location of the structure have been filed and approved in writing by the Architectural Control Committee as to the quality of workmanship and material, harmony of external design with existing structures and as to the location with respect to topography and finished grade elevation; and

(2) A city building permit has been obtained pursuant to ' 150.04.

(B) The Architectural Control Committee's approval or disapproval of construction plans and specifications shall be in writing. Any written disapproval shall contain a statement of the reason(s) for disapproval. In the event the Architectural Control Committee fails to approve or disapprove within 45 days after complete plans and specifications have been submitted to it or, if no suit to enjoin the construction has been commenced prior to the completion of construction, approval will not be required.

(Ord. 3, Series 2003, passed 4-21-2003) Penalty, see ' 150.99

▪ **150.03 CONDITION OF APPROVAL.**

The Architectural Control Committee may require any or all of the following as a condition for approval required under this subchapter:

(A) County building permit (available from the County Planning and Zoning Commission);

(B) Blueprints or line drawings (depending upon the structure);

(C) Plot plan showing the building layout in relationship to the lot; and

(D) Typed description of building materials.

(Ord. 3, Series 2003, passed 4-21-2003)

▪ **150.04 BUILDING PERMIT; INSPECTION; FEE.**

(A) Upon receipt of approval from the Architectural Control Committee or after 45 days after a complete set of construction plans and specifications are submitted to the Architectural Control Committee pursuant to ' 150.02 and the plan has not been disapproved, a person may obtain a city building permit for a refundable fee of \$50.

(B) The \$50 fee shall be refunded by the city upon the city=s final inspection of the building activity for which the city building permit was obtained.

(Ord. 3, Series 2003, passed 4-21-2003)

▪ **150.05 POSTING OF PERMITS.**

A county building permit and city building permit applicable to the construction that is undertaken shall be posted at the site of construction at all times during construction.

(Ord. 3, Series 2003, passed 4-21-2003) Penalty, see ' 150.99

▪ **150.06 COMPLETION; EXTENSIONS.**

New home or garage construction shall be completed within 180 days from the date of the Architectural Control Committee=s approval of construction. All other construction projects subject to this subchapter shall be completed within 90 days from the date of the Architectural Control Committee=s approval of construction. The Architectural Control Committee is authorized to grant extensions to the deadlines herein upon a showing of good cause. Any request for extension of the deadlines herein shall be submitted in writing at least 14 days in advance of the deadline for which an extension is being sought.

(Ord. 3, Series 2003, passed 4-21-2003)

***FENCES***

▪ **150.20 PROHIBITED FENCE TYPES.**

(A) For all lots within the city, improved or unimproved, no privacy fence shall be permitted that is over six feet in height and any privacy fence must be constructed with the finished side facing the public. No other types of fencing shall exceed four feet in height and also must be constructed with the finished side facing the public. There will be no welded wire or chicken wire fences or any similar type of fencing permitted within the city. Only those fences constructed of wood, chain link or such materials as are otherwise approved by the Architectural Control Committee will be permitted; provided, however, all fences constructed or erected in the city shall be approved by the Architectural Control Committee of the city.

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

***PRIVACY FENCE.*** Any fence that is designed to screen the majority or all visibility.  
(Ord. 3, Series 1999, passed 6-21-1999) Penalty, see ' 150.99

▪ **150.21 LOCATION.**

For all lots within the city on which there is a residential structure, no fence shall be permitted any closer to the front property line of a lot than the rear corner of the main residential structure on the lot. (Ord. 3, Series 1999, passed 6-21-1999) Penalty, see ' 150.99

***BUILDING CONDITIONS***

▪ **150.35 SCOPE; DEFINITIONS.**

(A) The terms of this subchapter shall apply to all residential buildings and outbuildings within the city.

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

***OUTBUILDING.*** Any other building within the city limits.

***RESIDENTIAL BUILDING.*** Any building which is used, or was constructed to be used, as a residence.

(C) The provisions of this subchapter shall govern the minimum conditions for maintenance of residences and outbuildings. The owner of any residence or outbuilding shall maintain the structures and premises in compliance with this subchapter. (Ord. 3, Series 1998, passed 6-15-1998)

▪ **150.36 REQUIREMENTS.**

(A) *General.* Every residence and outbuilding shall be maintained in good repair, structurally sound and sanitary so as not to:

(1) Pose a threat to the health, safety and welfare of the occupants of or visitors to the residence; or

(2) Adversely affect the value of other residences in the city.

(B) *Outward appearance.* Each residence and outbuilding shall be kept in a satisfactory appearance so as not to exhibit a condition of abnormal deterioration or disrepair.

(C) *Requirements.* In addition to the requirements in divisions (A) and (B) above, each residence and outbuilding shall also meet the following requirements.

(1) *Structures.* All supporting structural members of a residence and outbuilding shall be kept structurally sound and shall be maintained so as to be capable of safely bearing the loads imposed on them.

(2) *Exterior.* Every exterior wall shall be kept free of holes, breaks, loose or rotting wood and any other conditions which might admit rain to the interior portions of the building. All exposed surfaces of metal or wood shall be protected against decay or rust by use of weather coating materials such as paint or other exterior surface treatment.

(3) *Roofs and gutters.* The roof of each residence and outbuilding shall be structurally sound and not have defects which might admit rain or allow rainwater to cause deterioration of the interior walls. All gutters and downspouts shall be properly installed or connected to the residence and kept free of rust and the accumulation of material that would obstruct the normal flow of water therein.

(4) *Stairs and porches.* Every stair, porch and similar appurtenances attached thereto shall be maintained so as to be capable of supporting anticipated loads.  
(Ord. 3, Series 1998, passed 6-15-1998) Penalty, see ' 150.99

**' 150.37 NOTICE OF VIOLATION.**

The city shall notify the owner of any residence that appears to be in violation of any of the standards contained in ' 150.36. The notice shall be in writing, shall describe the violation and shall demand correction of the violation within 20 days of the residence owner=s receipt of the notice.  
(Ord. 3, Series 1998, passed 6-15-1998)

**' 150.99 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 undertakes construction within the city before obtaining approval of the Architectural Control Committee as provided for in ' ' 150.01 through 150.06 shall be fined no more than \$50 for each violation. Any construction governed by the provisions of ' ' 150.01 through 150.06 that is not completed within the time specified herein or not completed within the period of an extension for completion granted by ' ' 150.01 through 150.06 shall be subject to a fine of \$100 per day for each day until the construction is completed. Each day a person is in violation of ' ' 150.01 through 150.06 shall be deemed a separate violation. In addition to the fines provided for herein, the city shall have a lien upon the property owned by the person found to be in violation of ' ' 150.01 through 150.06 for the amount of the fine, plus interest. In addition to the fines and lien provided for herein, the city shall be entitled to enjoin continued violation of ' ' 150.01 through 150.06 by application for injunction to a court of appropriate jurisdiction.



(C) Any person who violates ' ' 150.20 and 150.21 shall be fined not less than \$10, nor more than \$100. Each day that the person is in violation shall constitute a separate and distinct offense.

(D) Any person violating ' ' 150.35 through 150.37 shall be fined up to \$25 per day for each day the violation continues to exist after the owner of the residence receives notice pursuant to ' 150.37; provided, however, that, the fine shall be suspended if the owner of the residence corrects the condition that is the subject of the notice within 20 days of receipt of the notice.

(Ord. 3, Series 1998, passed 6-15-1998; Ord. 3, Series 1999, passed 6-21-1999; Ord. 3, Series 2003, passed 4-21-2003)

## **CHAPTER 151: FLOOD DAMAGE PREVENTION**

### Section

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### **GENERAL PROVISIONS**

#### **151.01 STATUTORY AUTHORIZATION.**

The Legislature of the commonwealth 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 Commission of city hereby adopts the following floodplain management ordinance, as follows.

(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.02 FINDINGS OF FACT.**

(A) The flood hazard areas of the city are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise protected from flood damage.

(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.03 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private loss due to flooding by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels and natural protective barriers which accommodate or channel flood waters;

(D) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other areas.

(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.04 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. 1, Series 2007, passed 1-22-2007)

▪ **151.05 DEFINITIONS.**

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

**100-YEAR FLOOD.** (See **BASE FLOOD**.) The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to 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.

**500-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.

**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**, flood waters 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.

**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).** A structure located on the same parcel of property as the principal 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.

**AI-30 and AE ZONES.** Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

**AN 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/A1BA30, AR/AE, AR/AH, AR/AO and AR/A ZONES.** Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

**A99 ZONE.** 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.

**AREA OF SHALLOW FLOODING.** A designated AO or A1-I 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. The flooding is characterized by ponding or sheet flow.

**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, 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 aboveground, including a manufactured home, gas or liquid storage tank or other human-made facility or infrastructure. See definition for **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 flood waters 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.

**D ZONE.** An area in which the flood hazard is undetermined.

**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 permanent storage of materials or equipment.

**ELEVATED STRUCTURE.** A nonbasement 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 non-residential 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 1-1-1975 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).

***FLOOD, FLOODING or FLOOD WATER.***

(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 (i.e. mudflows). See ***MUDSLIDES***.

(2) The condition resulting from flood-related erosion. See ***FLOOD-RELATED EROSION***.

***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 HAZARD BOUNDARY MAP (FHBM).** A map on which the boundaries of the flood, mudslide (i.e. mudflow) and flood-related erosion areas having special hazards have been designated as Zones A, M and/or E by the Federal Emergency Management Agency (FEMA) 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 or FLOOD-PRONE AREA.** Any land area susceptible to being inundated by flood waters from any source.

**FLOODPLAIN ADMINISTRATOR.** The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management ordinances and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS.** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD-PROOFING.** Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

**FLOOD-PROOFING 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 non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the **REGULATORY FLOODWAY**.



**FLOODWAY FRINGE.** 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 ' 151.14, the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city 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 a flood level 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 to the elevation of the lowest floor or flood-proofing 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, flood-proof, demolish or remove the building.

(2) ***ICC COVERAGE*** is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries and municipal buildings) insured under the NFIP.

***KRS 151.250.*** Plans for dams, levees and the like to be approved and permit issued by cabinet (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 the work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and the 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 a 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 the 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 the work have been submitted to and approved by the cabinet and a permit issued as required in division (1) above.

(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 the 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).** Is 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 B 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 SHFA.

**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. The 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 placed 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, the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term **MANUFACTURED HOME** does not include a Recreational vehicle@ (see **RECREATIONAL VEHICLE**).

**MANUFACTURED HOME PARK or SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MAP.** The flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**MAP PANEL NUMBER.** The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter AA@ is not used by FEMA, the letter AB@ 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** (i.e. **MUDFLOW**). Describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A **MUDSLIDE** (i.e. **MUDFLOW**) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the approximate cause of damage that occurs.

**MUDSLIDE** (i.e. **MUDFLOW**) **AREA MANAGEMENT.** The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works and floodplain management regulations.

**MUDSLIDE** (i.e. **MUDFLOW**) **PRONE AREA.** An area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

**NATIONAL FLOOD INSURANCE PROGRAM (NFIP).** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD).** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older 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 the 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 city=s adopted floodplain management ordinances.

**NON-RESIDENTIAL.** 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 six months duration.

**NORTH AMERICAN VERTICAL DATUM (NAVD).** As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer 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.

**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.

**POST-FIRM CONSTRUCTION.** Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after 12-31-1974, whichever is later.

**PRE-FIRM CONSTRUCTION.** Construction or substantial improvement, which started on or before 12-31-1974, or before the effective date of the initial FIRM of the community, 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 the 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, 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 the ordinance or otherwise deterring future similar violations or reducing state or federal financing exposure with regard to the structure or other development.

**REPAIR.** The reconstruction or renewal of any part of an existing structure.

**REPETITIVE LOSS.** Flood-related damages sustained by a structure on two 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, 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 B 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, Arepair@ 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 Ahistoric structure@; provided that, the alteration will not preclude the structure=s continued designation as a Ahistoric structure@.



***SUBSTANTIAL IMPROVEMENT.***

(1) Any combination of reconstruction, alteration or improvement to a building, taking place during a five-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 structure's 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.

***WATER SURFACE ELEVATION.*** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERSHED.** All the area within a geographic boundary from which water, sediments, dissolved materials and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake or underlying aquifer.

**X 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 exceedance 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. 1, Series 2007, passed 1-22-2007)

▸ **151.06 LANDS TO WHICH CHAPTER APPLIES.**

This chapter shall apply to all special flood hazard areas (SFHA) and, as determined by the Floodplain Administrator or other delegated, designated or qualified community official as determined by the City Commission from available technical studies, historical information and other available and reliable sources, areas within the jurisdiction of the City Commission 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. 1, Series 2007, passed 1-22-2007)

▸ **151.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) for the county, dated 9-20-2006, with the accompanying flood insurance rate maps (FIRMS), other supporting data and any subsequent amendments thereto, are here by 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 Commission by the Floodplain Administrator and are enacted by the Commission 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's office at 13400 US 42, Prospect, Kentucky.  
(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.08 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

(A) A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA).

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

▪ **151.09 COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Commission from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

▪ **151.10 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.11 INTERPRETATION.**

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.12 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does

not imply that land outside the areas of special flood hazard or uses permitted within the areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City Commission, any officer or employee, the commonwealth, the Federal Insurance Administration or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.  
(Ord. 1, Series 2007, passed 1-22-2007)

▪ **151.13 ENFORCEMENT, VIOLATION NOTICE AND PENALTIES.**

(A) *Civil offense.* If, at any time, development occurs which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, the development shall constitute a civil offense.

(B) *Notice of violation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain 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. See below.

(C) *Notice of citation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter including obtaining or complying with the terms and conditions of a floodplain 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.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

▪ **151.14 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 an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

(2) It is the duty of the Commission to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B) *Designation of Variance and Appeals Board.* The City Commission shall establish an Variance and Appeals Board consisting of the County Board of Adjustments.

(C) *Duties of Variance and Appeals Board.*

(1) The Variance and Appeals 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 Variance and Appeals Board or any taxpayer may appeal the decision to the Oldham County Circuit Court, as provided in Kentucky Revised Statutes.

(D) *Appeals/variance procedures.* In passing upon the applications, the Variance and Appeals Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:

- (1) Danger that the 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 the damage on the existing individual owner and future owners of the property;
- (4) Importance to the community of those 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 flood waters 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 Variance and Appeals 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 *A*minimum necessary<sup>@</sup> to afford relief considering the flood hazard. *A*Minimum necessary<sup>@</sup> 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 Commission 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 Commission 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 *A*minimum necessary<sup>@</sup> 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 ' 151.05), cause fraud on victimization of the public (as defined in ' 151.05) 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 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 hereof are satisfied and that the structure or other development is protected by met rods 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 tip to amounts as high as \$25 for \$100 of insurance coverage;

(2) The 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 County Clerk/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 of their issuance and report the variances issued in the community=s biennial report submission to the Federal Emergency Management Agency.

(G) *Historic structure.* Variances may be issued for the repair or rehabilitation of Ahistoric structures@ (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure=s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(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 blood discharge would result. (Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**ADMINISTRATION****151.30 LOCAL ADMINISTRATOR.**

(A) The City Commission hereby appoints the County Floodplain Administrator 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) (1) 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.

(2) The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following.

(a) *Permit review.* Review all development permits to ensure that:

1. Permit requirements of this chapter have been satisfied;
2. All other required state and federal permits have been obtained: Advise the permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of the permits be provided and maintained on file with the development permit;
3. Flood damages will be reduced in the best possible manner; and
4. The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this chapter, *adversely affects* means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(b) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance herewith, 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 ' ' 151.45 through 151.51. Any such information shall be submitted to the Commission for adoption.

(c) *Notification of other agencies.*

1. Notify adjacent communities, the state=s 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;
2. Submit evidence of the notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and



3. Assure that the flood-carrying capacity within the altered or relocated portion of the watercourse is maintained.

(d) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

1. Certification required hereby (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 herewith;

2. Certification required hereby (elevation or flood-proofing of non-residential structures) as shown on a completed and certified flood-proofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance herewith;

3. Certification required hereby (elevated structures);

4. Certification of elevation required hereby (subdivision standards);

5. Certification required hereby (floodway encroachments);

6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

7. Review certified plans and specifications for compliance; and

8. Remedial action. Take action to remedy violations of this chapter as specified herein.

(e) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

1. 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 herein.

2. When base flood elevation data or floodway data have not been provided in accordance herewith, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer ' ' 151.45 through 151.51.

3. When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance herewith a flood-proofing certificate.

4. 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.

(f) *Right of entry.*

1. 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 the building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter the building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this chapter.

2. If the structure or premises are occupied, he or she shall first present proper credentials and request entry. If the building, structure or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the request entry.

3. If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.

4. 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.

(g) *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. The notice shall be in writing and shall be given to the owner of the property, his or her agent or to the person doing the work, and shall state the conditions under which work may be resumed.

(h) *Revocation of permits.*

1. 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.

2. 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.

(i) *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 the 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.

(j) *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. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

### ' 151.31 DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in ' 151.07. Application for a development permit shall be made on forms furnished by the 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 local Administrator is required before a state floodplain construction permit can be processed.

(B) 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 non-residential structure will be flood-proofed;

(c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in ' 151.46; 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 flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to

the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. In AE, A1-30, A1-1 and A zones where the community has adopted a regulatory base flood elevation, the certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(b) When flood-proofing is utilized for a particular structure, the certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. Deficiencies detected by the review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby, shall be cause to issue a stop-work order for the project.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

***FLOOD HAZARD REDUCTION***

**' 151.45 GENERAL CONSTRUCTION STANDARDS.**

In all special flood hazard areas, the following provisions are required.

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse 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 fame 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 conditioning 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.

(F) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(G) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(H) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(I) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(J) Any alteration, repair, reconstruction or improvements to a structure, which is not in compliance with the provisions of this chapter, shall meet the requirements of Anew construction@ as contained in this chapter.

(K) Any alteration, repair, reconstruction or improvements to a structure, which is not in compliance with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.46 SPECIFIC STANDARDS.**

In all special flood hazard areas where base flood elevation data have been provided, as set forth herein, 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 two feet 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 two feet 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 judgement in the event no data can be produced. 401 KAR 4:060 ' 5(6)(a), states, as a part of the technical requirements for a state floodplain permit, the applicant shall provide cross sections for determining floodway boundaries (and thereby base flood elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths foot. Cross sections elevations shall be

taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the Cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(3) In all other Zones, elevated two feet 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. The certification and verification shall be provided to the Floodplain Administrator.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with division (A) above or together with attendant utility and sanitary facilities:

- (1) Be flood-proofed below an elevation two feet 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 two feet above the level of the base flood elevation;
- (4) A registered professional engineer or architect shall certify that the standards of this division are satisfied. The certification shall be provided to the official as set forth in ' 151.31;
- (5) Manufactured homes shall meet the standards in division (D) below; or
- (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 two feet above the base flood elevation and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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 floodwater.

(C) *Elevated structures.* New construction or substantial improvements of elevated structures on columns, posts or pilings (e.g.) 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 the enclosed areas shall not be partitioned or finished into separate rooms.

(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 AE on the community's flood insurance rate map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. 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; and

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.

(b) All manufactured homes must be:

1. Elevated on a permanent foundation;
2. Have its lowest floor elevated no lower than two feet 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:

1. The lowest floor of the manufactured home is elevated no lower than 2 feet above the level of the base flood elevation; or
2. 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 Amanufactured homes@.

(b) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state's 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.*

(1) Located within areas of special flood hazard established in ' 151.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply: 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 the provisions of this division (E) is satisfied, all new construction, substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of this subchapter.

(F) *Standards for utilities.*

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

- (a) Infiltration of flood waters into the systems; and
- (b) Discharge from the systems into flood waters.

(2) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.47 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS.**

Located within the special flood hazard areas established in ' 151.07, 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 flood-proofed to elevations established in accordance with ' 151.07.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.48 STANDARDS FOR SHALLOW FLOODING ZONES.**

(A) Located within the special flood hazard areas established in ' 151.07 are areas designated as shallow flooding areas.

(B) 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.

(1) 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.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) 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

(b) Together with attendant utility and sanitary facilities be completely flood-proofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in ' 151.46.

(Ord. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.49 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. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.50 STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER AA@.**

For all accessory structures in special flood hazard areas designated AA@, the following provisions shall apply:

(A) Structure must be nonhabitable;

(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 two 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. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.51 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. Flood-proofing 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. 1, Series 2007, passed 1-22-2007) Penalty, see ' 151.99

**' 151.99 PENALTY.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$500 or imprisoned for not more than 60 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. 1, Series 2007, passed 1-22-2007)



## CHAPTER 152: LAND USAGE

### Section

#### *General Provisions*

152.01 County Zoning Ordinance adopted

#### *Additional Regulations*

152.15 Lots generally

152.16 Living space

152.17 Construction

152.18 Driveways

152.19 Lot lines

152.99 Penalty

#### ▸ **152.01 COUNTY ZONING ORDINANCE ADOPTED.**

The Oldham County Zoning Ordinance, as amended from time to time, is hereby adopted by the city and incorporated by reference as if set out in full, pursuant to the provisions of KRS 83A.060. (Ord. 2, Series 2006, passed 4-22-2006; Ord. 5, Series 2006, passed 11-20-2006)

#### *ADDITIONAL REGULATIONS*

#### ▸ **152.15 LOTS GENERALLY.**

Except as provided herein, all lots in the city shall be used exclusively for single-family, private residences and no more than one such dwelling shall be erected and placed on any lot, and no part of any single-family residence shall be used for any business purpose unless approved by the Oldham County Planning Commission. No house trailers, mobile homes, motor campers, camper trailers, basements, tents, garages, outbuildings or temporary structures shall be used as a residence on any lot. Detached garages are permitted if they are constructed of the same or of similar material as the main residence as long as it conforms to ' 152.17.

(Ord. 5, Series 2003, passed 4-21-2003; Ord. 7, Series 2006, passed 12-18-2006) Penalty, see ' 152.99

#### ▸ **152.16 LIVING SPACE.**

All single-family residences erected on the lots within the city shall contain the following minimum square feet of living space:

(A) A one-story residence shall have a minimum of 1,450 square feet of living space, not including garage, breezeway and/or open porch.

(B) Any residences of more than one-story, including bi-level, split-level, tri-level, Cape Cod and two-story must contain a minimum of 1,850 square feet of living space, not including garage, breezeway and/or open porch.

(Ord. 5, Series 2003, passed 4-21-2003; Ord. 7, Series 2006, passed 12-18-2006) Penalty, see ' 152.99

**' 152.17 CONSTRUCTION.**

All single-family residences and/or garages erected on any lots subject to this section shall have exterior walls of either brick, brick veneer, stone, stone veneer or vinyl siding. Newly constructed homes and/or garages must have the front exposure of the home or garage covered with a combination of brick, brick veneer, stone, stone veneer or vinyl and vinyl not to exceed 75% of its total exterior covering. No residence shall be constructed whose exterior is concrete block. The Architectural Control Committee and the City Commission shall first approve another material not enumerated herein, which is sought to be placed on the exterior of any single-family residence. No metal outbuilding of any type shall be approved or erected within the city. Plastic vinyl outbuildings shall not be erected within the city without the approval of the Architectural Control Committee and the city. Approval for plastic or vinyl outbuildings shall be granted according to the merits of the design presented, the quality of the material proposed to be used and compatibility with other structures on the same lot.

(Ord. 5, Series 2003, passed 4-21-2003; Ord. 7, Series 2006, passed 12-18-2006) Penalty, see ' 152.99

**152.18 DRIVEWAYS.**

As of September 1, 2005, all driveways must consist entirely of either concrete or asphalt. No other material will be permitted unless first approved by the Architectural Control Committee Agent and the City Commission.

(Ord. 5, Series 2003, passed 4-21-2003; Ord. 7, Series 2006, passed 12-18-2006) Penalty, see ' 152.99

**152.19 LOT LINES.**

On single-family residential lots, no building shall be located nearer to the front lot line than the minimum front building line restriction as shown on the recorded plat. No residence or other buildings shall be located nearer to any side lot line, nor closer to a structure on an adjoining lot, than the distance permitted by Oldham County Comprehensive Planning and Zoning Regulations.

(Ord. 5, Series 2003, passed 4-21-2003; Ord. 7, Series 2006, passed 12-18-2006) Penalty, see ' 152.99

**152.99 PENALTY.**

Any person who violates ' ' 152.15 through 152.19 shall be fined no more than \$50 for each violation. Each day a person is in violation of ' ' 152.15 through 152.19 shall be deemed a separate violation. In addition to the fines provided for herein, the city shall have a lien upon the property owned by the person found to be in violation of ' ' 152.15 through 152.19 for the amount of the fine plus interest. In addition to the fines and lien provided for herein, the city shall be entitled to enjoin continued violation of ' ' 152.15 through 152.19 by application for injunction to a court of appropriate jurisdiction.

(Ord. 5, Series 2003, passed 4-21-2003; Ord. 7, Series 2006, passed 12-18-2006)



**TABLE OF SPECIAL ORDINANCES**

Table

- I. BONDS**
- II. AGREEMENTS**
- III. ACCEPTANCES AND DEDICATIONS**

**TABLE I: BONDS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
7, Series 1996	1-27-1997	Authorizing the issuance of Education Revenue Bonds, Series 1996

**TABLE II: AGREEMENTS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	--	Agreement between the city and the state=s Transportation Cabinet, Department of Governmental Relations, for the bituminous resurfacing of various streets
-	2-6-2007	Adopting and approving the execution of a Municipal Road Aid Bond Fund Agreement
-	2-6-2007	Agreement between the city and the county that County Planning and Zoning Administrator may act as City Floodplain Administrator
-	10-29-2007	Adopting and approving the execution of a Municipal Road Aid Bond Fund Agreement
-	11-8-2007	Supplemental agreement between the city and KYTC for the bituminous resurfacing of various streets
-	3-7-2008	Interlocal cooperation agreement between the city and the county

**TABLE III: ACCEPTANCES AND DEDICATIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3, Series 1990	6-18-1990	Accepting and dedicating the following as public ways: Club Drive, Crestview Way, Forest Lane, Harmony Landing Road, Harmony Lane, Hillside Drive, Hollendale Way, Meadowridge Trail, Rollingwood Lane, Springmeadow Drive, Valley Drive and Wayside Lane

## PARALLEL REFERENCES

References to Kentucky Revised Statutes  
References to Resolutions  
References to Ordinances

### REFERENCES TO KENTUCKY REVISED STATUTES

<i>KRS Cites</i>	<i>Code Section</i>
18A.225(2)	110.01
39A.230(2)	31.01
39B.030(3)	31.02
39B.060(2)	31.02
39C.050(3)	31.02
45A.345 B 45 A.460	33.01
45A.385	33.02
61.810	32.53
82.082	151.01
83A.010(3)	10.02
83A.010(6)	10.02
83A.010(8)	10.02
83A.060	32.04 152.01
83A.065	10.99
83A.080	32.02
83A.085	30.20
91A.010(8)	10.02
131.010(6)	110.01
Ch. 151	151.05
151.250	151.05
189.010(19)(b)	70.01, 70.20
227.550(12)	70.20
Ch. 237	130.01
Ch. 350	151.05
446.010(1)	10.02
446.010(2)	10.02
446.010(6)	10.02
446.010(7)	10.02
446.010(8)	10.02
446.010(9)	10.02
446.010(10)	10.02
446.010(11)	10.02
446.010(12)	10.02

<i>KRS Cites</i>	<i>Code Section</i>
446.010(13)	10.02
446.010(14)	10.02
446.010(18)	10.02
446.010(20)	10.02
446.010(21)	10.02
446.010(22)	10.02
446.010(24)	10.02
446.010(25)	10.02
446.010(27)	10.02
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446.010(33)	10.02
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446.020(1)	10.03
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446.080(1)	10.03
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446.080(4)	10.03
446.090	10.07
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446.110	10.09
446.140	10.01
534.040(2)(c)	10.99

***REFERENCES TO RESOLUTIONS***

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	--	91.01

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-		- -	TSO Table II
2	1990	6-18-1990	30.20
3	1990	6-18-1990	TSO Table III
6	1990	6-18-1990	70.01
8	1990	11-19-1990	91.01c91.08, 91.99
9	1990	12-17-1990	91.20c91.23, 91.99
3	1993	5-17-1993	130.01
3	1994	11-22-1994	32.01c32.04, 32.20c32.22, 32.35c32.37, 32.50c32.55, 32.99
2	1996	3-18-1996	91.23
3	1996	3-18-1996	91.09
7	1996	1-27-1997	TSO Table I
3	1998	6-15-1998	150.35c150.37, 150.99
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3	2003	4-21-2003	150.01c150.06, 150.99
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7	2006	12-18-2006	152.15 - 152.19, 152.99
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-		2-6-2007	TSO Table II
-		10-29-2007	TSO Table II
-		11-8-2007	TSO Table II
5	2007	12-20-2007	110.01
-		3-7-2008	TSO Table II
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**Non Codified**

**CITY OF GOSHEN ORDINANCE NUMBER 01, SERIES 2010**

**AN ORDINANCE AMENDING THE EXISTING ORDINANCE  
RELATING TO NUISANCES ON PRIVATE PROPERTY AND  
REQUIRING WINDOW TREATMENT TO BE IN GOOD REPAIR**

BE IT ORDAINED BY THE CITY OF GOSHEN:

SECTION ONE: The Sections of City of Goshen Ordinance No 8, Series 1990 referenced below are hereby amended to read as follows:

SECTION 8: All window treatments that are visible from the exterior of any structure in the City of Goshen shall be maintained in good repair so that broken, bent, torn, or damaged window treatments are not visible from the exterior of the structure. For purposes of this Ordinance, the term “window treatments” shall include curtains, draperies, blinds, shades, shutters, or fabric. Further, the following items may not be used as window treatments by hanging them or draping them in windows that are visible from the exterior of the structure: bedsheets, towels, or any other material not designed for use as a window treatment.

SECTION 8 ~~9~~: It shall be the duty of the Mayor or such other person as the City Commission designates to the Environmental Enforcement Officer to serve or cause to be served a written notice upon the owner, authorized agent, occupant, or person responsible, of any premises on which there exists a nuisance in violation of this ordinance. Such notice shall describe the nuisance so maintained and shall demand abatement of the nuisance within five (5) days of the notice, unless the nuisance constitutes and immediate danger to the health, safety, and well being of the community, in which case notice shall demand abatement within twenty-four (24) hours of notice. For any nuisance described in Sections 2, 3, 4 or 5 herein, if the owner or occupant so served does not abate the nuisance within the prescribed time, the City may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense, including an administrative cost fee, shall be charged to and be paid by the owner or agent, occupant, or responsible person. After the cutting, destroying, or removal of such weeds, grass, unhealthful plant growth, or other noxious matter, by the City, the City Treasurer shall cause to be prepared a demand for payment showing the cost and expense incurred for the work and the date and the place or property on which the work was done. The City Treasurer shall bill the property owner or occupant of the premises at least once following abatement, and no notice of lien shall be filed against the property until two weeks have elapsed from the time the bill is sent.

SECTION 9 ~~10~~: The City shall have a lien against the property for the reasonable value of labor and incurred in such nuisance abatement. This lien shall be evidenced by a notice or lien claim filed with the Clerk of the Oldham County Court. This notice shall include an affidavit from the Mayor or Environmental Enforcement Officer setting forth the address or description of the property in question, the amount of the City's cost of abatement, and the date of abatement and stating that the notice provisions of the section are complied with before abatement.

SECTION ~~10~~ ~~11~~: The property subject to a lien for unpaid nuisance abatement charges shall be sold for non-payment of the same and proceeds of the sale shall be applied to pay the charges after deducting costs, as in the case in foreclosure of statutory liens.

SECTION ~~11~~ ~~12~~: The Mayor is authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matter against any property for which such bill has remained unpaid forty-five (45) days after it has been rendered.

SECTION ~~12~~ ~~13~~: Penalties. Any person who violated this ordinance shall be fined \$10.00 for each day such nuisance continues to exist after receiving such notice pursuant to Section 8 ~~9~~ of this Ordinance; provided, however, that such fine shall be suspended if the person to whom the notice is sent abates or causes the abatement of the nuisance within ten (10) days of receipt of the notice.

This Ordinance may be published in summary.

Given first reading at a meeting of the City Commission of Goshen on February 22, 2010

Given second reading at a meeting of the City Commission of Goshen on March 15, 2010